

**Submission
No 418**

**INQUIRY INTO MANAGEMENT OF PUBLIC LAND IN
NEW SOUTH WALES**

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Hon. Sec. John

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“A society is defined not only by what it creates, but by what it refuses to destroy” John Sawhill

**SUBMISSION: NSW LEGISLATIVE COUNCIL INQUIRY INTO PUBLIC LAND
MANAGEMENT**

Prelude: August 15, 2012.

The television program 'The Last Explorers : John Muir - saving America's soul' - has just finished. It has described the life and work of John Muir 1838 - 1914, Scottish born American environmentalist, naturalist, traveller, writer, and scientist. Muir led the campaign for the protection of Yosemite National Park, and later worked with President Roosevelt to achieve protection of 13 million acres of Sequoia forest.

His words echo through time and we quote some here that are pertinent to this inquiry, as it seems that even in the 21st century there are still those who don't seem to understand the value of unspoilt nature:

“Why should man value himself as more than a small part of the one great unit of creation?”

“Everybody needs beauty as well as bread, places to play in and pray in, where nature may heal and give strength to body and soul alike.”

“Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wildness is a necessity; and that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life.”

“Any fool can destroy trees. They cannot run away; and if they could, they would still be destroyed - chased and hunted down as long as fun or a dollar could be got out of their bark hides, branching horns, or magnificent bole backbones. Few that fell trees plant them; nor would planting avail much towards getting back anything like the noble primeval forests. It took more than three thousand years to make some of the trees in these Western woods - trees that are still standing in perfect strength and beauty, waving and singing in the mighty forests of the Sierra. Through all the wonderful, eventful centuries God has cared for these trees, saved them from drought, disease, avalanches, and a thousand straining, leveling tempests and floods; but he cannot save them from fools - only Uncle Sam can do that.”

“Few are altogether deaf to the preaching of pine trees. Their sermons on the mountains go to our hearts; and if people in general could be got into the woods, even for once, to hear the trees speak for themselves, all difficulties in the way of forest preservation would vanish.”

Introduction

The North Coast Environment Council was formed in 1976. We are the peak umbrella environment group in northern NSW. We cover the area from the Hunter to the Tweed and west to the New England Highway. We also actively support other campaigns further afield. We receive no government funding and have no paid staff or central office. Our members and office-bearers work around the region, often travelling large distances to assist others as we organise in our defence of the environment and the communities it sustains. We rely on donations and the efforts of our members and volunteers, to remain effective.

A number of environmental organisations such as the North East Forest Alliance and the National Parks Association of NSW have made detailed submissions to the Inquiry, we support their work. The submission of NEFA covers most of the key areas we think need to be presented, in particular the work on the value of ageing forests for their catchment benefits, providing increased water volumes to downstream users; maintaining important carbon storage in both soil and wood, and the increasing appreciation of these forests as places of retreat and restfulness that are valued for their undisturbed character as well as the astounding biodiversity they sustain.

The NEFA submission also discusses in detail the need for the NSW Government to follow through on its commitment to nominate NSW forest areas for World Heritage status in both the Rainforest Extensions and Eucalypt theme categories. NSW should be proud that many of our National Parks meet the criteria for World Heritage recognition. This is a key tourist drawcard and does not have any impact on the logging industry.

Finally the NEFA submission also covers in detail a number of current forest management issues that should be the subject of inquiry. These include the failure of current management to provide for ongoing hollow-bearing tree retention across the forest estate; the failure to incorporate the threat from Bell Miner Associated Dieback into logging planning and the systemic failure of FNSW and their contractors to abide by the environmental conditions of their licences resulting in significant and ongoing damage to the public forest estate. North Coast Environment Council has been involved in a number of the NEFA audits of forestry operations and have on a number of occasions commissioned expert ecologist and botanist reports in order to be able to substantiate our concerns. It is a poor state of affairs where volunteer organisations have to pay for expert reports in order to get Government agencies to do their jobs.

There is concern in the environmental community that this Inquiry has a pre-determined outcome and many folk have expressed views that it is 'a waste of time to make submissions' because the majority of the committee are 'anti-environment'. The introduction of hunting in the State's National Parks has already seen several instances of hunters massacring native wildlife. For all the hype about 'conservation hunting' there are plenty of would-be Rambos in the community who just want to go out and shoot something. The legal framework for protecting our unique flora and fauna and natural places cannot be ambiguous. It must be clear and not open to mis-interpretation as is happening with the hunting. We hope that the committee will look at all the evidence provided in

submissions and recommend the strengthening of the protected area network across NSW and a stronger regulatory system for Forests NSW.

NCEC notes that NSW will host the IUCN World Parks Congress in 2014 in Sydney. Described by Business Events Sydney as “Held only once every 10 years, the event win is a huge coup for Australia and represents an outstanding opportunity to profile the nation’s impressive conservation achievements and expertise to the world.”

The current IUCN gathering in Korea is likely to take a strong position against the regression of environmental protection happening in some countries (like Canada). It will be extremely embarrassing if Australia, which for a long time has had a proud record of environmental protection achievements, becomes known internationally as an environmental vandal. This could have serious implications for the numbers of international visitors seeking to enjoy Australia's wild places.

Proposals to log, mine and develop National Parks under some euphemistic slogan such as 'sustainable utilisation' will be seen by the international community for what they are: a none too subtle attacks on the very premise of biodiversity protection and the need for the conservation of some natural places. With the mining boom in full swing and communities everywhere calling for some areas to be 'off-limits', the NSW Government needs to make a clear commitment that areas protected for their natural values should exist in perpetuity – or for at least as long as we have a civilisation that can guarantee them.

With mining companies claiming they can restore and rehabilitate land and vegetation after they have turned it inside out, any ambiguity that National Parks and Nature Reserves will be open for mining will be read as a declaration of war on Nature. The Inquiry needs to be unambiguous in its recommendations for mining to be a no-go activity in the protected areas of NSW. It is our view that State Forests should also be no-go areas, given that they have already been counted towards conservation targets, presuming sympathetic fauna and flora management as part of the Regional Forest Agreements, and any broadscale landclearing in State Forests is clearly incompatible with biodiversity protection.

It is worth remembering the consequences of any decrease in protection measures to forest values. All the conservation reserves form part of the reserve system outlined in the Regional Forest Agreements. This is not just the formal National Parks and Nature Reserves by also State Conservation Areas and Special Management Zones and to a lesser extent any informal reserves and the rules for logging outlined in the IFOA (Integrated Forestry Operations Approval). These reserves must be maintained as agreed to in the RFA or NSW would be in default of the RFA. The consequences of this could be several. Firstly, forests would again be covered by the EPBC Act, from which they currently enjoy an exemption, (the cessation of which, in our view, would be a good thing). Secondly, specified timber products would again need export permission from the Commonwealth. Thirdly, the \$60million from the Commonwealth in structural adjustment monies might need to be repaid.

Background

The process for protecting parts of what is internationally recognised as a Global Biodiversity hotspot have been outlined in the numerous documents and reports produced as part of the Comprehensive Regional Assessment. Reports were commissioned on environmental and socio-economic considerations. Forests NSW provided data on timber volumes and proposed logging

intensity. The reports were produced by the NSW Government in collaboration with the Federal Government.

While in our view there were many gaps in the data, it did nonetheless show that the forests of northern NSW are of exceptional value both in terms of biodiversity, but also for their value to the tourism industry and for their role in catchment processes. The reports did not evaluate the carbon storage of the forests or the likely impacts of climate change.

The National Parks of northern NSW now form the backbone of what will one day hopefully be a Comprehensive Adequate and Representative Reserve System. Unfortunately there are still numerous forest ecosystems that do not meet the reserve targets outlined by the JANIS criteria (see RFA report for list) and numerous forest dwelling species that have insufficient habitat protected in reserves to maintain viable populations (Flint, Pugh and Beaver 2004). Nonetheless the situation is much improved on the state of the reserve system in 1994, prior to the election of the Carr Government which had a clear mandate to protect oldgrowth forests.

We urge the Inquiry to make constant reference to the satellite images of the forests in question. Australia, the driest vegetated continent on earth, has few areas of tall forest. The definitions of forests have been obscured by various international processes, which have decreed that areas with more than 10% canopy cover of 2 metre high vegetation is counted as forest. For the purposes of this Inquiry the tall forests of Australia are limited to the slopes of the Great Dividing Range and the coastal plains- the areas of dark green on a Google Earth image. They have been subject to extensive clearing. The Forestry Commission was itself set up in 1916 to ensure that there would be ongoing timber supplies for the people of NSW, given the very real possibility that all the forest would otherwise have been cleared for attempted agriculture.

While the Forestry Commission was meant to provide timber it also had a duty of care for flora and fauna and water catchments. Unfortunately it was subject to the same rapacious influences that lead to its formation: initially a view that there was so much forest it didn't matter how hard it was logged there would always be plenty more; unsustainable long-term contracts for 'mates' with no assessment of impacts; lack of foresight and ecological understanding of forest processes. This is best exemplified by the program of Timber Stand Improvement through the 60's and 70's which saw all the large old trees removed from areas that were subject to that 'treatment', and later the policy to 'liquidate' the oldgrowth. The lack of ecological understanding of forest processes continues today in Forests NSW where they have still been unable to recognise the importance of large, old trees, and have failed to introduce a management system which incorporate their presence in perpetuity.

The Reserve System inadequate by the agreed JANIS criteria, would not have been so disastrous if there had been the assured sympathetic land management on surrounding lands, particularly State Forests and forested private property.

In the event State Forests are now being logged at a rate much more intensively than ever previously envisaged. This has led to an increase in community concern about State Forest management practices, and investigation of the causes- which is clearly linked to the over-estimation of wood volumes. Forests NSW has done this for decades (see FNSW Management Plans and EIS from the 70s, 80s and 90s), presumably because either that is what their political masters want to hear or because of inherent optimism about forest growth rates and causes of forest mortality, that is divorced from reality.

Community interest in forest management

The community has a very strong interest in forest management in NSW. This is evident by the long history of community engagement on this issue, particularly since the 1970s. Before this it was community efforts that lead to the establishment of most of NSW' National Parks. Communities saw their value: both to biodiversity as well as tourism and the long-term sustainability of NSW – long before the politicians and decision makers caught on.

Over the last 100 years the establishment of various National Parks in a range of environments has laid the foundation for a Comprehensive Adequate and Representative Reserve System. The reserve system is by no means complete, there are numerous forest types, ecosystems and species that have not met the targets of the JANIS criteria, for inclusion in public reserves.

The reserve system has its problems. The NPWS, the land manager, like all land managers, needs to tackle weeds, feral animals, inappropriate fire, vandalism etc. But within the constraints of funding cutbacks that have been occurring for some years now, it is our view that the NPWS does a remarkable job in managing a national asset. The NPWS also includes a number of transparency and accountability provisions by way of community-based advisory committees, which again, while far from perfect are one of the few Government agencies that have built community consultation into their method of working.

Some of these National Parks were dedicated as a result of ongoing community agitation as well as Government recognition of the need to take decisive action to protect various biodiversity components that would have been irreparably damaged had management remained in the hands of the State logging agency.

In 2012, ongoing strong community interest in forest management is supported by national and international policy instruments which recognise the importance of forests to the community. These include the National Forest Policy Statement, Directions for the National Reserve System and the Intergovernmental Agreement on the Environment.

This interest has not abated and has possibly become more pronounced in recent years as the cumulative impacts of other threats on forest health, such as climate change, invasive species and dieback become more apparent. This public concern is evidenced by responses to surveys, petitions, letters to the editor, letters to parliamentarians and submissions to various inquiries etc.

The community continues to engage actively with forest issues across NSW, including:

- Making submissions to public exhibition processes such as the recent reviews of the Regional Forest Agreements, Forest Agreements and Integrated Forestry Operations Approvals
- Undertaking detailed expert and community audits of forestry operations and identifying breaches of threatened species licences and other regulatory instruments
- Organising conferences, forums and workshops on the future of forests in NSW
- Participating in committees and working groups on forest matters, such as the Bell-Miner Associated Dieback Working Group.
- Undertaking peaceful direct action against logging operations that are non-compliant with the regulatory framework.

According to a report produced by the Environment Defenders Office in 2011, environment groups across the state have reported hundreds of breaches of the Integrated Forestry Operations Approvals and the Threatened Species and Protection of the Environment licences in the last year alone.

These breaches have included: failure to mark-up exclusion zone boundaries and habitat features; failure to complete koala surveying; failure to observe rock outcrop exclusion zones; failure to retain recruitment and habitat trees; logging within stream exclusion zones; piling of debris around habitat trees; failure to identify and protect endangered ecological communities and breaches of reporting requirements under the Forestry and National Parks Estate Act 1999.

The EDO Report concluded that "*...it is clear that breaches of forestry regulations are systemic and occurring across the state to such a degree that flora and fauna species are being impacted as a result of those breaches. It is clear that native forests are not being managed in a way that complies with the principles of ESFM [ecologically sustainable forest management] and the conservation of biodiversity*".

The North Coast Environment Council is a member of the North East Forest Alliance, and some of our members have participated in a number of detailed audits of logging operations in north-east NSW. These have covered forest compartments in Yabbra, Doubleduke, Wedding Bells and Girard State Forests. In these audits, NEFA identified numerous instances of alleged breaches of environmental regulations. Some of the most serious have included logging of rainforest exclusion areas, wetland exclusion areas and endangered ecological communities.

As a result of these audits, the Office of Environment and Heritage has conducted investigations, issued numerous fines and commenced legal proceedings against Forests NSW. Community interest has thus been instrumental in exposing substantial breaches of environmental law. However the OEHL, and now the EPA have been slow to respond to complaints and have been incredibly lenient. More often than not, they have only issued warning letters.

There is no doubt that forestry operations are leading to substantial environmental degradation including the direct destruction of vegetation, the modification of habitat, the loss of hollow-bearing trees and their replacements, the introduction and spread of invasive species, increased fire risk, erosion, stream pollution, and changes in water run-off.

There are also substantial socio-economic impacts from forestry operations. Some of the major economic impacts of industrial logging and roading include declines in water quantity and quality, weed invasion, loss of carbon storage values and negative impacts on recreation, local amenity and tourism. Non-use values that are impacted by logging include ecological function value, wildlife, aesthetics, option value, existence value and bequest value.

If the Inquiry is truly interested in the management of Public Lands, the real focus should be the management of State Forests.

Sustainability of volumes committed in wood supply contracts

There is no doubt that logging of public forests is occurring in an unsustainable way. While causing the damage listed above, it has also destroyed any chance there was of a sustainable timber industry based in public native forests. Cutting trees early to meet the over-allocated wood contracts has meant that the predicted collapse of timber supply will occur in the next decade and it is unlikely to recover in our lifetime.

This is despite numerous measures taken by FNSW to augment their supply. These include purchase of timber quotas from mills, purchase of private property to add to the FNSW estate, purchase of

timber from private property to meet supply, changes to the regulatory regime to give logging operations access to riparian areas in forests, and including Forest Management Zone 8 (areas for further assessment) in the net harvest area.

The reality is, that the important public land estate under the control of Forests NSW is being mis-managed at it has for decades. From the 1960s the then Forestry Commission was aware it would run out of timber around the turn of the century, and it was for this reason that the extensive pine planting program was begun.

It has been extremely difficult to glean information about timber volumes and the likely impacts that contracts are having on forest management. There continues to be unnecessary secrecy around timber commitments. The sustainability of timber yields is a fundamental matter of interest to the public. The levels at which timber is allocated to logging companies is the major determinant of the intensity, and hence the environmental impact, of logging operations. Logging levels have supposedly been determined by timber modelling software, known as FRAMES. Like most modelling programs, the outputs change significantly depending on the many inputs and oversimplifying assumptions.

Forests NSW continues to maintain that FRAMES is accurate enough to base compensable contracts on. In 2002 they claimed that if given access to 'buffers on buffers' it would release tens of thousands of cubic metres of additional timber that was 'locked up'. While giving FNSW access to this timber, the NSW Government also created a series of new reserves and protected the larger patches of mapped oldgrowth on State Forest.

These areas were considered by the environment movement to be 'iconic' as was the oldgrowth forest. In many cases the forests in question had been the subject of long-running campaigns and all attempts at logging them were met with popular resistance (similar to the current popular resistance to CSG wells and pipelines occurring across NSW).

In 2009, the NSW Auditor General conducted a Performance Audit of Forests NSW operations in NSW. The audit examined 'whether FNSW manages the supply of hardwood to meet wood supply commitments and sustain our native forests'.

The Audit concluded that 'FNSW faces difficulties managing supply especially for large, high quality sawlogs'. The Auditor-General wrote that:

"To meet wood supply commitments, the native forest managed by Forests NSW on the north coast is being cut faster than it is growing back. This is especially the case for the blackbutt species. This does not mean that the forest will not regrow but there will be a reduction in yield in the future.

After the current agreements cease, Forests NSW plans to fill the shortfall on the north coast with plantation hardwood. However, we found it is currently sourcing significantly more from plantations than anticipated to meet its commitments, which may place this strategy at risk. Forests NSW continue to look for new sources of hardwood timber to meet existing commitments including private property and leasehold land. As timber haulage distances increase and yields decrease, the overall cost of production will rise. These additional costs will have to be borne by both Forest NSW and the industry.

Given that native forest operations ran at loss of \$14.4 million in 2007-08, this raises concerns about how much worse this financial burden may get".

Forests NSW continues to operate its native forest logging sector at a financial loss. We are all entitled to know why the public purse continues to subsidise activities which diminish our long-term water supplies, biodiversity, water quality, carbon stores and recreational and visual amenity? Particularly as it is now clear that these alternative values generate more wealth and employment than the public native forest logging industry.

The issue of timber volumes has thus always been vexed. FNSW have assured all players... including the Auditor General, that sufficient wood is available to meet contracts. But then when it suits them to say that they have insufficient resource to meet contracts they do.

The North Coast Environment Council was party to a meeting with senior executives from the biggest customer of north coast hardwoods earlier this year. When we put to them that the timber volume modelling was overestimating wood volumes and that they had been warned that it was unlikely their contracts could be met, they said they had been fully briefed by FNSW and that FRAMES had been updated considerably since the version that was available to conservationists in 1998, and they were completely confident that the wood was there.... their beef with FNSW was that wood that should have been going to them was going to another customer.

As recently as February this year, FNSW produced a report suggesting that in fact their model was under-estimating the volumes of timber available, and that actual volumes were higher than predicted. It is our view that this would be because they are logging harder than ever before.

The only way to get to a realistic picture of the true situation facing public forests and the future of the native forest logging industry is for Forests NSW to make its modelling software and all survey and harvest data available to a number of genuinely independent experts nominated by the various stakeholders with an interest in the management of public forests, and to see if they can agree on the accuracy of the model and reach a common analysis of its implications for the various multiple values for which Forests NSW has a duty to manage.

It would be most unfortunate if FNSW was 'corporatised' before this information was made public, and current wood supply issues resolved, especially in light of the substantial unfunded liabilities implied by this over-commitment. Recent annual reports include the clause: *'Forests NSW may have onerous contracts in relation to wood supply agreements for native forest timber. The quantum of this amount is not able to be determined as the wood supply agreements allow for movements in price and volume.'*

The extraordinary lengths to which FSNW has gone to both procure additional timber supplies, and to suppress the community right-to-know by denying and confounding FoI and GIPA requests suggests that the agreements may not be so flexible.

Importance of the information to the public

In the NSW Land and Environment Court, Justice RA Pepper recently stated that *"the Forestry Commission's conduct manifests a reckless attitude towards compliance with its environmental obligations"*. Justice RA Pepper, NSW Land and Environment Court, 8 June 2011 *Department of Environment, Climate Change and Water v Forestry Commission of NSW*.

In the same judgement, Justice Pepper also stated in relation to the Forestry Commission that *"[I]n my view, the number of convictions suggests either a pattern of continuing disobedience in respect*

of environmental laws generally or, at the very least, a cavalier attitude to compliance with such laws".

Native forest logging operations on State Forests in NSW are running at a loss – amounting to \$14 million in 2007/08, \$8.1 million in 2009/10 and \$14.6 million in 2010/11.

The fact that native forest logging operations are running at a loss substantially increases the public interest in access to detailed information on wood supply estimates and contracts.

The management of logging in public forests has major implications for the development and configuration of the timber industry based on private land. Competitive neutrality is considered an important goal of forest management to prevent distortions arising from public forest management, but it has not been achieved in NSW. Excessively long-term timber commitments, government subsidies and lack of competitive pricing has stifled the development of a sawlog-driven hardwood plantation sector on freehold land in NSW whilst running down the public forest resource through over-cutting.

The deep and on-going interest and direct stake that the community has in forest management in NSW, coupled with the poor environmental performance in managing those forests, the failure to set wood supply allocations at sustainable levels, the compensation risks incurred as a result of wood supply contracts, the lack of competitive neutrality and the financial losses incurred by the native forest division of Forests NSW, all combine to render the strongest possible public interest in full disclosure of forward wood supply estimates and current contracts.

URS (2008) state that "Long term contracts create inflexibility for both forest managers and the industry. This is particularly important when supplies are being reduced as a result of continual revision of sustainable yields. The public forest managers may remain committed to their contractual obligations. In practice, such long term contracts also tend to commit the agencies to supply even in the face of changes in supply, e.g. as a result of bushfires. Such sharing of risks can lead to further deterioration in the already low profitability of native forest operations if the agency has to purchase logs from elsewhere to meet long term obligations. Long term supply contracts also impair the ability of the industry to effectively respond to market changes and derive the greatest value from the resource".

The community also has an interest in assessing whether the additional risk that has been taken on by Forests NSW in undertaking harvest and haulage operations has resulted in efficiency gains and whether this has indeed resulted in a greater return to the community.

In order to understand the relationships between public and private land and the different management regimes, all the information about contracts and pricing must be made available.

The State of the Forests 2012

NCEC was actively involved throughout the 1990s in the campaign to protect the oldgrowth and high conservation value forests of the northern NSW bioregion. While we recognised the important step taken in 1998 towards this, we did not see it as the end of the story. The 1998 forest decision left tens of thousands of hectares of oldgrowth forest available for logging. Iconic areas that local communities had fought hard to have protected remained available for logging.

We continued to campaign, including being involved in protests, public education, lobbying and public forest inspection days etc. Dozens of small groups from around the region were campaigning for the iconic forest areas special to them.

These included, and this is not a comprehensive list:
(paraphrasing hansard)

Whian Whian

The Whian Whian area was the subject of the first forest protest in New South Wales. The historic Terania Creek protest in 1974 was situated in Whian Whian State Forest and much of the protest and activism at the time was related to the wider Whian Whian area and the curtailment of logging operations throughout the entire State Forest. Terania Creek was protected but logging continued in the remainder of Whian Whian State Forest. Whian Whian has exceptional biodiversity values. This was underscored when local ecologist Rob Kooyman discovered a new species of tree. Commonly known as the Nightcap Oak, the tree hails from the dinosaur era and its discovery is as significant as that of the Wollemi Pine. Whian Whian is also the water catchment for six major regional centres including Lismore, Byron Bay and Ballina. Byron Bay and Ballina in particular, are experiencing serious growth and increasing demands on their water supply.

Wollumbin

For Aboriginal people the whole mountain—which we know as Mt Warning and they know as Wollumbin—is sacred, and that includes the forest. Many ceremonial sites surround Wollumbin, they are evident of a lifestyle rich in tradition and of movements between the mountain, the forests and the coast. The Bundjalung actively supported the protection of this forest and worked with the Save Wollumbin campaign to see this forest no longer threatened from logging.

Whian Whian and Wollumbin, are recognised as two of the most exceptional and outstanding biodiversity hotspots in Australia. They are part of the Mount Warning Caldera system and they contain remnants of many ecosystems and species which have been cleared almost to extinction. Their significance to the regional nature based tourism industry is growing.

Bungawalbyn

Bungawalbyn is near Casino and is widely recognised as the centre of the most important habitat for species of the drier forest types in north-east New South Wales. It is known habitat for the nationally endangered Regent Honeyeater and nationally vulnerable Bush Stone Curlew. It contains one vulnerable ecosystem and three poorly reserved ecosystems that are a high priority for reservation.

Chaelundi

Chaelundi is near Dorrigo. The fight for the protection of Chaelundi has been truly historic: four successful court cases and two legendary blockades in 1990 and 1991. The first protest action and simultaneous legal challenge started in 1990. The legal action was successful and logging was stopped until the Forestry Commission of New South Wales produced an Environmental Impact Statement (EIS). Legal recognition that logging old growth was having an environmental impact

forced the then Liberal Government to place large areas of old growth forests throughout New South Wales in interim protection areas. The Forestry Commission came back with an inadequate EIS and began logging in three forest blocks in the area in 1991. A blockade was set in place and lasted for over three months. More than 230 people were arrested Ian Cohen among them.

The logging was forced to stop again when further successful legal action established that 22 endangered species would be taken or killed if logging continued. The logging was in breach of the National Parks and Wildlife Act 1974 and Chaelundi was described in the judgment as 'a veritable forest dependent zoo'. This caused major political turmoil and resulted in the first endangered species legislation, the Endangered Fauna (Interim Protection) Act 1991, being passed by parliament against the Greiner Government's wishes with the four Independents in the Lower House voting with the ALP. The outstanding values of Chaelundi were again recognised when it was protected as part of the Deferred Forest Areas (DFA) in 1995.

Chaelundi is part of one of the largest areas of tall old growth forest left in north-east New South Wales. It has outstanding conservation and wilderness values, and some of the highest densities of arboreal mammals, large forest owls and tiger quolls ever recorded in Australia.

Pine Creek

Pine Creek is just south of Coffs Harbour. It is not an old growth forest but it is renowned for having the highest density of koalas in any New South Wales coastal forest. The koala was once common, there was almost one for every tree and they were easy pickings for white fellas with guns looking to make a quick penny or two from the skins. Hundreds of thousands of koala skins were exported from the coastal forests of New South Wales. Today the koala in New South Wales is threatened with extinction. Most people have never seen one in the wild.

Little Wonder

Little Wonder is in the Nambucca Valley. In 1993 the forest of Little Wonder was protected from logging by a major forest blockade which lasted several months. There were two successful court cases conducted in the early 1990s to seek recognition of the high conservation values and to protect the area from logging—both were successful. One case found that SFNSW had polluted a waterway on an adjacent property and another found that logging could not proceed without an EIS. In 1994 the Nambucca Valley Conservation Association engaged several environmental consultants to conduct surveys in the area, including the Australian Koala Foundation. Extraordinarily high densities of koalas were found, along with many other threatened species and important conservation features. The area was again formally proposed for reservation as part of the Dunggir national park proposal in 1994.

Parts of the reserve proposal were protected in reserves in 1996 and 1998, although the final part of the proposal, which represented the final link in the wildlife corridor, remained available for logging. It was vetoed for protection in 1998 by DMR because of an antimony deposit. It was put on the list of areas for "further consideration" after the 1998 forest decision although it was not reserved through that process. Logging was scheduled for mid-2001 and deferred through negotiation and the threat of further blockades. . Little Wonder is recognised as a critical elevational

gradient and corridor running from the escarpment to the coastal foothill forests. It is notable for the diverse mosaic of old growth forests, rainforests, rare rainforest suballiances and threatened fauna and flora which it contains.

Queens Lake

This area was first proposed for reservation by the National Parks Association in 1976 when it was put up for reservation as part of the Three Brothers reserve proposal. It was again proposed for reservation in 1990 in a Queens Lake Nature Reserve proposal put again by the National Parks Association. The area was protected in the IDFA and in 1998 the area was identified by the Regional Assessment process as High Conservation Value but was vetoed for inclusion in the reserve system by DMR.

Queens Lake was listed in the 1998 decision as an 'area for further consideration'. Queens Lake provides a critical forested core to the reserve network in the region by forming a link between Lake Innes Nature Reserve and Queens Lake Nature Reserve. It is a diverse area which is notable for the variety of ecosystems, species and poorly reserved coastal habitats which it contains.

Black Bulga Range

The Black Bulga Range is near Dungog. It contains magnificent old growth forests in a mosaic of rainforest, tall moist eucalypt forests and dry spotted gum forests. It is an outstanding catchment area of high importance to many species including the koala and several glider species.

Jiliby

This area is in the Watagan Mountains between Sydney and Newcastle. Protected as a State Conservation Area owing to the coal deposits found in the region. Many hundreds of people were directly involved in the campaign to have this area protected from logging. Of all the forests on the lower north coast, it was the Jiliby area which stood out as the hole in the reserve system after the 1998 decision. The Government's own conservation data identified it as the principal centre of unreserved biodiversity in lower north-east New South Wales. It contains 8 poorly reserved coastal forest ecosystems and 40 threatened and significant fauna species.

As well as their conservation significance, the forests of Jiliby are an important component of the water catchment for the rapidly growing urban centres of the Central Coast. There is a direct connection between the uptake of water by a regrowth forest and that released into the river system. Young trees are thirsty. What is worse, young trees are at their most thirsty during dry times, which means that trees are directly competing with towns for water. As the forests of Jiliby are allowed to age they will release more water into the river system and this will be most notable during dry times. The mayors of Gosford and Wyong were fully behind this reserve proposal. They understood the competing interests and could see the clear advantages to all of protecting the water catchments of major population centres. If it is good enough for Sydney it is good enough for the rest of the State.

All of the 'icon' forests were the subject of blockades and other protest action. Presumably the Carr Government realised that any semblance of peace in the forest in northern NSW could only be reached if these areas were protected from logging and that while many of the areas had been identified in the NSW Forest Agreements as 'Areas for further consideration' this process had not delivered.

According to the Government agencies, the wood cost of the reservations would be around 30,000m³/ year. Forests NSW had long claimed that getting access to 'buffer on buffers' would yield more than this amount of timber. As well FNSW has purchased significant private forests as well as wood from private forests. They repurchased 15,000m³ from a mill that was closing. They transferred Forest Management Zone 8 (for further assessment) into FMZ 4 (general harvest area). And since then have opened up drainage lines for logging giving the industry access to thousands of hectares of additional timber.

No wonder the logging industry in northern NSW has been generally happy about the outcome of the various processes.

While conservationists were pleased that the forest icons were finally protected from logging, there was much concern about the measures the Government introduced in order to make the timber industry happy. Nonetheless, after more than two decades of protest, conservationists were happy to prioritise other activities in our lives.

It is only now, some 10 years later, where it is clear that the State Forestry Agency is not abiding by the logging rules, and is not managing the public estate for the public good, that the level of angst is on the rise again. If a resumption of forest conflict is to be avoided in the long-term, the public forests should be demonstrably managed for a range of public 'goods'. Why they are not would be very a good subject for this inquiry.

Susie Russell

President, on behalf of the North Coast Environment Council

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