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Subject: Remake of the Coastal Integrated Forestry Operations Approvals
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Attachments: [Remake_IFOA_Submission_Jimmy_Malecki.pdf](#)

Please accept these comments as my submission for comment on the proposed changes to the IFOA per the IFOA discussion paper.

I have been researching logging activities in NSW for the past 4 ½ years. I have met with representatives of Forestry Corporation of NSW in Doubleduke State forest and various conservation groups.

During my research I have discovered that there seems to be a lack of compliance of regulations meant to protect threatened species. I am deeply concerned these proposed changes are meant to take away protections for threatened species and will cause localised extinctions of populations of animals like the federally listed vulnerable Koala. I support only changes that will strengthen OEH's and the EPA's ability to enforce strict compliance regulations. The only problem with the current IFOA is that it is vague in it's ability to enforce compliance of regulation.

I researched logging activities there and met with Bill Hermann, President of the Evergreen Partnership to discuss concerns I had about seeing logging in areas that were against regulation such as adjacent to streams. He confirmed there were 'cowboy loggers' that didn't care about the regulations and that there wasn't a strong conviction within the regulatory body to address issues of non-compliance. He said that there was about a 10 year supply of wood left and then the a large section of the timber industry would have to be retooled and workers re-trained for other jobs. Seven years later, government gave payouts to retrain loggers in different industries. Regulations in Washington State are written in the Timber, Fish and Wildlife Agreement which I have read.

I lived near National Forests there like I live near State Forests in NSW now. My experience with logging in our National Forests in Washington State is that there is systemic issues with compliance in leaving stream buffers causing heavy siltation of streams. This resulted in several wild river salmon runs to become extinct affecting commercial and recreational fisheries.

Supporting documentation (<http://www.nwcouncil.org/history/Extinction>, <http://www.epa.gov/wed/pages/staff/lackey/pubs/illusion.htm>) (<http://www.wildsalmonfirst.org/threats/logging>).

The saddest result was the extinction of the unique genetics to the wild salmon using those rivers for spawning which is lost to us forever. I also became concerned when Supreme Court Judge Dwyer put a moratorium on logging old growth forest due to the listing of the Spotted Owl and Marbled Murrelet as endangered. I noticed logging near my house in Old Growth and went to talk with the Rangers responsible for enforcing compliance in that particular forest. The Ranger told me that there was a contract with road contractors that needed to be met on a certain deadline or they would be taken to court.

I wrote letters to government but never heard back about my concerns that there was clearing in Old Growth to build roads. The National Forests are run by the Department of Agriculture and there was escalated road building while the government decided what to do about the need to keep the old growth habitat for the survival of endangered species reliant on old growth systems. Through research I discovered that a deal was in the works to protect remaining old growth in roadless areas. This is why National Forests escalated road building in old growth areas going against the federal court injunction so they would not be designated as off limits when the deal was finalised.

This behaviour that impacted on the protection of native species really affected me. I lived adjacent to Old Growth and there was a Spotted Owl that would sit on my hammock while would read books. At the same time, it was reported that loggers were hunting the endangered Spotted Owl, killing them and impaling them on poles for the public to see that they did not want old growth to be protected so they could keep their jobs. The research I did then told me that the logging industry did not comply with the Timber, Fish and Wildlife Agreement and the government body responsible for making sure there was compliance to these regulations failed and it seemed

they supported non-compliance of regulations.

The reason I mention this is to give you background to my experience with logging practices in the USA and now NSW Australia.

What does that have to do with NSW? It's like deja vu for me. The proposed logging on steep slopes will cause heavy siltation and severely damage ecosystems. This destruction of our native forests will not benefit the residents of NSW and only a few loggers and multinational companies will benefit from this proposed destructive activity.

This will significantly impact jobs in tourism and other industries such as fishing. The loggers and trickle down jobs can be kept in plantations already established and stated in the ANU study. Here is an excerpt from the ANU study which can be found here: <http://press.anu.edu.au/agenda/015/03/pdf/15-3-AN-2.pdf>

Australia's current forest policy issues

To summarise: today, plantations supply 80 per cent of the Australian wood-processing industry's raw material (Table 2). With full uptake of Australia's plantation resources, processors can meet virtually all our wood needs without relying on native forests or imports. 'Virtually' is a key word used to cover at least 95 per cent of Australia's wood needs; namely, all paper grades, wood-based panels and most sawn timber.

I feel that if we can supply our wood needs from plantations than gutting the IFOA so the timber industry can go willy nilly is just plain greedy and will benefit a few at the expense of all Australians. We do not need to cause species extinctions for a few jobs that can be accommodated elsewhere anyway.

My introduction to logging practices in NSW was by meeting with David Wilson and Flavio Bugno from Forests NSW in Doubleduke State Forest to show me their logging practices in NSW. They showed me their mapping and harvest plans and the strict prescriptions they need to adhere to including basal area determinations.

After meeting with David Wilson I felt relieved there is strong regulations in NSW and that selective logging is the practice here excluding high conservation value and endangered ecological communities. I have read the Integrated Forest Operations Agreement (IFOA's) and numerous harvest plans and maps. I had remembered reading an article in a regional paper reporting, 'illegal logging in Yaabra State Forest.' I googled it online and came up with the story that included interviews with John Edwards of the Clarence Environment Centre and Dailan Pugh. I tried to contact both to discuss logging happening in the forests around me. I reached John Edwards and he informed me that the Environment Centre was concerned about compliance of regulations.

He was unaware of the logging in Doubleduke and we met in the forest. He showed me what he thought were several breaches including not leaving enough habitat trees. There was an audit organised with an organisation I was introduced to called Northeast Forest Alliance (NEFA) and the North Coast Environment Centre (NCEC).

I am a filmmaker/photographer and asked if I could film the audit which they agreed to. The CEC brought filmmakers as well and as a result we published a short documentary of the process. Forest NSW wasn't able to get me permission to film them when we met in the forest. During the audit of Doubleduke State Forest and Supplementary Audit, several severe breaches were reported.

1. Logging of an Endangered Ecological Community (EEC).
2. No pre-logging assessment for the endangered Oxlean Pygmy Perch.
3. Inadquate protection in building bridges and protecting streams from siltation.
4. Removal of too many food trees for the squirrel glider.
5. Removal of too many trees near a Barking Owl nest.

After the illegal logging of the endangered ecological community was reported to the Department of Environment and Climate Change (DECCW now EPA) by NEFA my neighbour told me that she heard logging in that area continue for two more weeks before it was stopped.

The illegal logging and daily unsafe driving by the logging contractors upset most of the neighbours on the road so we decided to hold a public meeting and invite our local representatives to hear and see our concerns about the reported illegal logging in the Endangered Ecological Community in Doubleduke State Forest. Over 40 community members showed up along with Cate Faerhmann MLC, Grafton Mayor Richie Williamson and local Nationals Member Steve Cansdell, MP.

The day before the meeting I went out into the forest to make sure the road was clear of trees. In the EEC that was logged I ran into a DECCW officer. We had a chat and he told me he was doing soil samples for the investigation into illegal logging. He admitted that when he was told to investigate the soil in an endangered ecological community he had never even heard of one. He said that he had told DECCW supervisors that he was unaware what an EEC was and he said they told him to look it up on DECCW's website. This rang alarm bells from my experiences in the USA and felt that by DECCW sending in someone unqualified to execute the soil investigation of the EEC that this would be the way out of prosecution of Forests NSW for the reported illegal logging of an EEC. In the end it was the soil investigation that caused the EPA to drop charges against Forests NSW logging of the EEC in Doubleduke State Forest.

Since then I have worked with other filmmakers from around New South Wales documenting audits of reported breaches in compliance of logging prescriptions as part of the IFOAs. The resultant videos document reported systemic breaches in compliance of logging prescriptions affecting high conservation areas including, mapped old growth, sub-tropical rainforest and other endangered ecological communities.

Below are the areas we visited with links to short documentary videos of the audits of reported illegal logging activities. In all areas and compartments there were breaches of inappropriate marking of habitat and recruitment trees, not clearing as required around trees to prevent tree damage from hazard reduction burns, missed identification and marking of high conservation areas.

Supporting documentaries

Our Forests Part 1

This discusses the importance of our forests for our air and water quality and our health and well being. The history of the IFOA and the lack of compliance of regulations in different forests.

Illegal logging of streams in Girard State Forest and trees logged meant to protect threatened species. Breaches in over logging basal areas.

<http://www.youtube.com/watch?v=-7Gtrshs6g>

Our Forests Part 2

Part two discusses illegal logging in Wedding Bells State Forest where federally listed as critically endangered sub-tropical rainforests was logged and Blackbutt seedlings planted. There were also breaches of fisheries licence requirements.

<http://www.youtube.com/watch?v=tBRJaja--mg>

Our Forests Part 3

Part three discusses the reported illegal logging of an endangered ecological community in Doubleduke State Forest and the inability of Forestry Corporation of NSW and the OEH in determining of the EEC. It also shows an incredible amount of reported illegal logging in the local and national media. It also shows a protest in Grafton of people upset about the ongoing lack of compliance of regulations meant to protect threatened species and loss of faith in the ability of agencies ability to protect threatened species.

<http://www.youtube.com/watch?v=hz0QdqEcnq>

Our Forests Part 4

Part 4 discusses the logging of core koala habitat in Boambee State Forest and the delivery of the list of demands to the EPA at Grafton.

<http://www.youtube.com/watch?v=xdYXSk3RqqY>

ABC Interview

<http://www.youtube.com/watch?v=fgulgwQDzts>

Sustainable Forest Management

This video shows logging of streams and old growth in Girard State Forest. It also shows logging of sub-tropical rainforest in Grange State forest and a list of non compliance of regulations including buffers around trees, retention of habitat trees, logging of streams and endangered ecological communities.

<http://www.youtube.com/watch?v=40qvF8cs3XU>

Logging Extinction Crisis as seen in Echonet Daily

<http://www.echonetdaily.net.au/?iid=76597#folio=7>

'Consultation' Forests NSW style

<http://www.youtube.com/watch?v=y0eltzDv-IA&list=UUNofjJlrPEXTrrYEhksLtrQ>

[ABC.net.au](http://www.abc.net.au)

<http://www.abc.net.au/local/stories/2012/07/02/3537160.htm>

Clarence Environment Centre Youtube Channel has numerous videos relating to audits and reported illegal logging activities.

http://www.youtube.com/watch?v=fdn4gGk_4zo&list=UU211W32iO7hCtt7nZxZaLmw&index=43

<http://www.youtube.com/watch?v=s9tS4HtKMdQ&list=UU211W32iO7hCtt7nZxZaLmw&index=49>

http://www.youtube.com/watch?v=3QphJCV_CvU&list=UU211W32iO7hCtt7nZxZaLmw&index=48

<http://www.youtube.com/watch?v=gLsMLCIt1SU&list=UU211W32iO7hCtt7nZxZaLmw&index=47>

Doubleduke – Logging of a swamp forest EEC, drainage breaches, Oxlean Pygmy Perch requirements not considered, over logging of feed trees for gliders, Barking Owl nest area was reported as logged. Inappropriate marking of habitat and recruitment trees and felling of habitat trees and left on the ground. One compartment it was reported there was no marking of habitat or recruitment trees before logging commenced.

Supporting documentaries

Forests NSW Logs Endangered Ecological Community

<http://www.youtube.com/watch?v=T0zGBLPQBzI>

Cansdell Pugh Doubleduke

<http://www.youtube.com/watch?v=TMfuKFE0frQ>

Twilight is Upon Our Native Forests

<http://www.youtube.com/watch?v=H67avqWpc3A>

Girard State Forest – Mapped Old Growth was reported as logged and logging in unmapped streams.

Sustainable Forest Management

<http://www.youtube.com/watch?v=40qvF8cs3XU>

Wedding Bells – Audit claims illegal logging of nationally listed as critically endangered sub-tropical rainforest with replanting of Blackbutt seedlings. There are also reports of logging more than the 40 percent of basal area with a response from Forests NSW stating that would be offset in other compartments. Conservation groups are concerned that the offsets promised will be logged anyway.

Supporting documentary

<http://www.youtube.com/watch?v=tBRJaja--mg>

Boambee State Forest – Audit claims illegal logging of core Koala Habitat. The Koala is federally listed in NSW as endangered.

Supporting documentary

<http://www.youtube.com/watch?v=TSw5v9YtBQw>

Kendall – Audit claims that the 40 percent basal area compliance requirement was breached. Forests NSW response is that it is heavy single tree selection.

Supporting documentary

<http://www.youtube.com/watch?v=6eLOElrjaO8>

Royal Camp - Audit claims illegal logging of high use Koala habitat. The Koala is federally listed in NSW as endangered. Koala high use trees were logged and trees with hardly and signs of Koala use were kept and marked as Koala trees. I personally counted Koala scats on this audit and several trees that were logged had more scat than trees marked with K for Koala. We did not find any trees that had signs the people doing the mark up moved the bladey grass around the tree to count the scats before designating which trees to leave. It was as if they walked through the compartment and randomly marked trees that may or may not be right for the designation.

Below is a Hansard from the NSW State Government with the Hon. Luke Foley addressing Forests NSW, now Forestry Corporation NSW non-compliance of regulations meant to protect high conservation value areas and threatened species.

http://www.parliament.nsw.gov.au/prod/parlment/hanstrans.nsf/V3ByKey/LC20120614?Open&refNavID=HA8_1

**NATIONAL PARKS AND WILDLIFE AMENDMENT (ILLEGAL FORESTRY
OPERATIONS) BILL 2012**

Bill introduced, read a first time and ordered to be printed on motion by the Hon. Luke Foley.

Second Reading

The Hon. LUKE FOLEY (Leader of the Opposition) [12.36 p.m.]: I move:

That this bill be now read a second time.

I am proud to introduce the National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012, which amends the National Parks and Wildlife Act 1974 to substantially increase the penalties for illegal forestry operations. Australia's forests, and the animals that live in them, have always been a source of pride and inspiration to Australians. When Europeans first came to our shores they were beguiled by and sometimes

frightened of the bush. Eucalypts, cycads, wattles and waratahs greeted the new settlers and became the backdrop to their lives. The colonial wonder and amazement were palpable. In 1791 the colony sent two kangaroos as exotic gifts to the King and a dingo to the Under Secretary of State.

The art of John Lewin—an exhibition of which closed just this week at the Mitchell Library—further illuminated the colonial fascination with our forests. In the first years of the 1800s Lewin painted Gynea lilies and waratahs, tawny frogmouths and eastern rosellas. In 1803 Governor King despatched him to record the first koala sighted by white people. His stilted efforts at capturing the koala and the distinctive eucalypt reveal how foreign the forest and its animals seemed to European eyes. Struggling against and subduing this wild landscape became the task of white settlement. By the late nineteenth century a nationalist pride in our forest heritage was awakening.

In the lead-up to Melbourne's international expo in 1888 a competition was held to measure the tallest tree, with Australia hoping to find a *Eucalyptus regnans* taller than the tallest redwoods of the United States. Although the contest to claim ownership of the world's tallest tree was never settled—Australia's tallest eucalypts were cut down before they were properly measured—the nationalist pride that was piqued by the competition with the Americas opened the minds of Australians to the majesty of their forest heritage. By the turn of the century some visionaries were starting to worry about the rate of forest destruction occurring in the new federation. Arthur Streeton was one of those visionaries.

The famous Heidelberg painter, who played such a role in helping us see and embrace the Australian landscape, as well as celebrating the work of pioneers in carving out an economic future on this challenging land of ours, was a strident activist rallying against the destruction of our forests. While clearly proud of all that the settlers had done, he wanted some balance. He deplored Australia's failure to develop what he called a forest conscience, and he painted images bluntly named, such as *The Vanishing Forest*. In 1940 Streeton exhibited his most openly critical painting, *Sylvan Dam and Donna Buang, AD 2000*, which, as art critic Tim Bonyhady wrote, "conveys Streeton's nightmare vision of a wasted Australia, bleached, eroded and lifeless, as a result of the clearing of the forests."

The importance of our forests and their animals in the nation's culture is elegantly seen in our favourite children's books May Gibbs's *Gumnut Babies*, first published in 1916, and Dorothy Wall's *Blinky Bill*, published in 1939. Both remain staples in the childhood of so many Australians. This history puts forests at the centre of Australia's identity—our sense of place, our sense of wonder at living on this most marvellous of continents. And it was from this history that the modern forest campaigns were born, with New South Wales leading the nascent movement. In 1979 locals of Terania Creek, on the State's North Coast, held protests to protect rainforest gullies slated for logging and forced a radical rethink of the open slather policies of forest use. In 1982 Labor Premier Neville Wran protected 90,000 hectares of the rainforests of New South Wales. This was a brave and historic new approach and reflected the changing attitudes in the community towards preservation of the State's most impressive forests.

But still the community concern grew. In 1989 and 1990 the forest protests on the New South Wales South Coast dwarfed even the Franklin River blockade, continuing over 18 months with 1,300 arrests. In 1995 Bob Carr became Premier of New South Wales, aided by community sentiment for forest protection and Labor's promise to deliver a world-class national parks system and strong forest management—which is exactly what he did. Labor reformed the timber industry in New South Wales. Labor showed that it is not a crude choice between jobs and the environment but that a progressive society can create growing prosperity while protecting working people and the environment. Labor provided generous transition arrangements; and where the industry continued it was given certainty and resource security.

Labor created the best-forested national parks system in Australia, protecting for perpetuity the most ecologically important forests. Over 16 years Labor added three million hectares to the State's terrestrial reserve system, much of this on former State forest land. Iconic places such as Chaelundi and Jilliby in the north and Deua in the South East Forest National Park are now protected forever. But this was only half the equation. For the State forests left open to logging Labor designed a comprehensive set of laws and prescriptions designed to ensure that logging did not decimate the ecological fabric of the forests; instead, leaving the building blocks of forest diversity and recovery, ensuring waterways were kept clean and animals were not robbed of their homes entirely. The integrated forest operations approvals [IFOAs] are the detailed documents which outline forest prescriptions and the licences granted to forestry operations. Perhaps most significant are those relating to threatened species.

One of the challenges with the logging of native forests is that animals require a mix of different-aged trees. A clear-fell destroys the forest as a home for animals as the trees that grow back are all the same age, creating a biological desert. Many animals specifically require big, old trees. It is only after a tree is mature that it starts to drop branches and create the hollows that many animals rely on. Gliders, birds and bats require these cosy hideouts to survive. Hollows have been called the apartment blocks of the forest, and many species of fauna in Australia are hollow dependent. Labor's rules require a set number of old trees, called habitat trees, to remain in a logged area. This is one example of the many sensible prescriptions which govern logging in State forests in New South Wales.

Furthermore, under integrated forest operation approvals, pre-logging fauna surveys are to be undertaken by fully qualified experts and particular prescriptions have to be followed if threatened species are found to be present. Specific numbers of hollow-bearing and recruitment habitat trees must be clearly marked, protected and retained. Feed trees, nests, roosts and den sites are identified, marked and protected. Buffer zones must be established and clearly delineated. And dedicated staff must be on hand to ensure there are no animals in harm's way.

In reality, though, things are very different today. Audits of logging operations that have been undertaken by environmentalists on the north and south coasts over the past two to three years allege the systematic breaching of virtually every threatened species prescription. In March this year I visited the Styx River State Forest, east of Armidale. The area is prime habitat for the rufous scrub-bird, a small, secretive, understorey bird that lives in the highland wet forests of north-east New South Wales. It is a living fossil, with a lineage dating back over 65 million years, to the age of the dinosaurs.

It is now listed as vulnerable to extinction on the New South Wales schedule of threatened species. Burning and logging are recognised as primary threats to its survival. Locals became concerned when they visited the Styx River State Forest and found it had been burned and was being logged. The area is modelled as rufous scrub-bird habitat in the integrated forestry operations approval. Further, in 2007 a Forests NSW ecologist saw rufous scrub-birds at seven locations in compartment 502 of Styx River State Forest. Forests NSW identified these records as extremely reliable, and they were included in the New South Wales wildlife atlas.

When locals complained about the logging occurring in the habitat of the rufous scrub-bird Forests NSW explained it had deleted the records from the New South Wales wildlife atlas without consultation with the Office of Environment and Heritage. Our threatened species need better care than this, both from Forests NSW and from the Office of Environment and Heritage. Our threatened species deserve that there be consequences for reckless mistakes such as this one. Last year I was first alerted to the seriousness of the problem. The then

Department of Environment, Climate Change and Water had prosecuted Forests NSW for contravening its threatened species licence by undertaking a bushfire hazard reduction burn in a smoky mouse exclusion zone in Nullica State Forest, in southern New South Wales.

The smoky mouse is a furry little rodent that is in deep trouble. The International Union for the Conservation of Nature has it on its international red list for endangered species and notes that fewer than 2,500 are left in the wild: the population of the smoky mouse, which was once common across eastern Australia, continues to decline. We are in real danger of losing this creature. Forests NSW was found guilty in the case I referred to earlier, but the penalty was a fine of merely \$5,600. However, it was the judge's comments that struck me. Justice Pepper wrote in her judgement in June 2011 with respect to Forests NSW:

[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.

Her Honour also wrote:

Given the number of offences the Forestry Commission has been convicted of and in light of the additional enforcement notices issued against it, I find that the Forestry Commission's conduct does manifest a reckless attitude towards compliance with its environmental obligations.

The penalty is exceedingly low compared to penalties for other environmental offences, particularly given the seriousness with which the community has come to view environmental offences. However, any increase in the penalty is a matter for Parliament.

That is what this bill is about. In New South Wales if a corporation pollutes a waterway it is liable to a \$1 million fine and \$120,000 for each day the offence continues. If an individual illegally clears bush on their own property they are liable to a \$1 million fine. If you contravene the Environmental Planning and Assessment Act you are liable to a \$1.1 million fine and \$110,000 for each day the offence continues. If you hurt a threatened species in any context—apart from Forestry—the maximum fine is \$220,000 and/or two years imprisonment. However, if you take the life of a smoky mouse or a long-footed potoroo by contravening the threatened species licence under an integrated forestry operations approval the maximum penalty is a paltry \$22,000.

This inequity in the respective penalties for breaches of environmental laws is ludicrous. Forests NSW is failing the people of New South Wales in its obligation to manage the forests. The lack of any real incentive to stick to the rules is one important part of this problem. That is why this bill increases the penalties for breaching the provisions of an integrated forestry operations approval tenfold. The bill amends the National Parks and Wildlife Act 1974 to create a new offence that involves contravening a provision of that Act or the regulations in the course of carrying out forestry operations. The new offence under the Act will attract a maximum penalty of 2,000 penalty units—that is \$220,000—or imprisonment for two years, or both, which is in most cases substantially higher than the existing penalties for contravening a provision of the National Parks and Wildlife Act 1974 or the regulations.

The bill also increases the penalties applying to the offence under the National Parks and Wildlife Act 1974 of contravening any condition or restriction attached to a licence or certificate issued under part 6, licensing, of the Threatened Species Conservation Act 1995. The maximum penalties applying to the offence will be increased in the case of an individual from 100 penalty units—that is \$11,000—and 10 penalty units for each day the offence continues to 1,000 penalty units and 100 penalty units respectively, and in the case of a corporation from 200 penalty units and 20 penalty units for each day the offence continues to 2,000 penalty units and 200 penalty units respectively.

Section 8A of the Forestry Act 1916 defines the objects of the Forestry Commission. In essence, it is charged with three key objects: to deliver timber, to provide for recreation and to care for the resource it manages. This third object specifically requires the Forestry Commission to "conserve birds and animals" in our State forests. It is time for Forests NSW to fulfil its legal obligations. It is time for the Office of Environment and Heritage to fulfil its obligation to ensure that the rules are obeyed and to prosecute when they are not. It is time for the Parliament to step up and call a halt to illegal forestry without real consequences.

Earlier this year I visited Boambee State Forest, just outside Coffs Harbour. Boambee is home to one of the last koala populations on the coast. I was shown a litany of prescription breaches including, perhaps most startlingly, the intensity of logging. There are prescriptions which govern the volume of the forests that can be logged, called the basal area. Logging is meant to be limited to 30 to 40 per cent of the basal area of the forest. I can attest that the volumes logged were much greater than that. Further, trees that were meant to be retained as habitat and feed trees for koalas were logged. Our koalas deserve better than this. It was in reference to the logging of Boambee State Forest that environment Minister Robyn Parker said last year in budget estimates that "logging protects koalas".

The koala is becoming an emblem of what is at stake here. Quite a bit of attention has been directed towards the koala of late. When those first white folk landed in Sydney Cove an estimated 10 million koalas lived in Australia. The current New South Wales koala population is estimated to be around only 10,000. That is a tragedy. The current scale of illegal logging is one of the key threats to this Australian icon. The bill addresses this problem by creating appropriate penalties for environmental crimes in our forests. I commend the bill to the House.

Debate adjourned on motion by the Hon. Dr Peter Phelps and set down as an order of the day for a future day.

[Deputy-President (The Hon. Natasha Maclaren-Jones) left the chair at 1.00 p.m. The House resumed at 2.30 p.m.]

I suggest the FSC type in google search engine, illegal logging NSW. There are 108,000 results, that alone should raise alarm bells and red flags that needs thorough in depth research. I recommend attending an audit of a logging site of Forest NSW with independent biologists and meet people who live near reported breaches and have raised the alarm bells regarding compliance.

The NSW State Government's EPA site shows an increase in non compliance of logging prescriptions.

<http://www.environment.nsw.gov.au/forestagreements/recentactivity.htm>

Compliance update

Proactive audits are a systematic and independent way for the EPA to assess Forestry Corporation of NSW compliance in key targeted areas. Responsive investigations enable the EPA to respond to public concerns about native forest operations. Public concerns about native forest operations can be [reported online](#).

The EPA records compliant operations and non-compliant operations. In the financial year 2011–12, the EPA commenced 39 audits of Forestry Corporation of NSW pre-operational planning and operations in [forest regions covered by an IFOA](#). This includes coastal and western forests.

The audits identified a total of 414 non-compliances with EPLs and 188 non-compliances with TSLs. Audit

results for 2011–12 are summarised below along with those from the previous year for comparison.

| | 2011–12 | 2010–11 |
|---------------------------|-----------|-----------|
| Audits | 39 | 28 |
| Responsive investigations | 11 | 14 |
| Proactive audits | 28 | 14 |
| EPL non compliances | 414 | 245 |
| TSL non compliances | 188 | 385 |
| POEO Act non compliances | 27 | 14 |
| NPW Act non compliances | 5 | 0 |

Non-compliances can vary from being technical in nature, such as administrative omissions that are not connected to an environmental impact, to those that may result in significant environmental harm. Multiple non-compliances may be identified in one individual incident.

In my opinion it is dangerous to relax regulations and take away pre logging surveys in light of a well researched and documented history of non compliance. Australia's arable zones are limited. I learned this in junior high school overseas back in the early 70's. After living in Australia for 12 years and visiting many of the forest systems I am really concerned that most Australian's now do not know what Australian conservation groups are trying to hold on to and are discouraged over what what high conservation areas they have seen illegally destroyed.

There is a shift in Australia to purchase sustainable products. We need strong regulations in the IFOA to ensure that Australian's know they are purchasing wood products that are logged using best sustainable practices and run the risk of not being able to sell the products to consumers because of unsustainable practices. The Forestry Corporation of NSW the PNF department have been reported to be breaching regulations as outlined above and regulations and compliance measures should be strengthened, not weakened as proposed in the proposed remake of the Coastal Integrated Forestry Operations Approvals discussion paper February 2014.

Regarding the discussion paper:

the overall licence concept

The species specific should remain. The koala and yellow bellied glider need these protections as well as endangered ecological communities should be off limits period. Pre logging surveys are important to determine what threatened species will be impacted and measures taking to protect them.

the minimum retained basal area for determining the intensity of an operation

I feel that the retained basal area needs to be increased. The Forestry Corporation of NSW has been using heavy tree selection methods with adjacent compartment offsets that is basically resulting in clear felling of our forests so this needs addressed.

the minimum habitat protection threshold

There has been delisting of endangered ecological communities and mapping of candidate old growth seems to be disappearing from records as noted for Girard State Forest and more recently at Whian Whian.

the maximum disturbance thresholds

Maximum disturbance thresholds needs to be reduced and compliance regulations strengthened as there has been lack of compliance in this area.

the size and spacing of wildlife habitat clumps

The size and spacing of wildlife habitat clumps needs to be increased to offset the over logging and reported non compliance over the past decade. With the recent ICUN report on climate change we need more habitat and mature forests to cope with our changing climate and protect native species.

measures to ensure clumps are not aggregated

habitat trees need to be throughout the landscape and not aggregated to protect threatened species.

The maximum size of local landscape scale

The maximum size of local landscape logged needs to be reduced due to over logging the past decade.

appropriate outcomes monitoring

This should be done and by independent botanists and zoologists to ensure transparency.

the enforceability and effectiveness of the proposed conditions.

This needs to be strengthened and not vague so that there are loopholes or hard to prosecute for non-compliance. Penalties and gaol sentences should be increased to deter non compliance of regulations. The EPA and OEH should be able to ensure compliance of regulations. The laws should apply to all involved in the illegal activities including contractors.

I have read and agree to the Nature Conservation Council's key bullet points regarding this review and wholeheartedly agree:

I am alarmed by the changes proposed in the NSW Government discussion paper on the remake of the Coastal Integrated Forestry Operation Approvals.

1. Taken together, the proposed changes represent a substantial reduction in environmental protection and a serious threat to our native forests, wildlife and water courses.
2. The government's stated commitment to maintaining timber supply from our public native forests at current levels is incompatible with the long term protection of their environmental values. Current timber supply commitments are known to be unsustainable – failure to address this issue will result in severe impacts on biological diversity and forest health.
3. Removing the requirement to conduct pre-logging surveys for threatened species and habitat features will place those species at risk. Surveys for threatened plants and animals, and the identification of required exclusion areas, need to be undertaken independently of the Forestry Corporation.

5. The prohibition on logging on steeply sloping land (above 30 degrees) has been in place for decades. Removing this important environmental protection will increase soil erosion and water pollution, promote weed invasion and threaten landscape scale wildlife corridors.
6. I am appalled by the NSW Government's decision to seek advice on forestry regulation from the Tasmanian Forest Practices Authority. The logging industry in Tasmania has a deplorable track record on forest management and their practices should not be allowed in our state.
7. The proposal to remove conditions limiting logging intensity and extent opens the way for an intensification of logging and widespread clearfelling of our native forests. Clearfelling should not be allowed in our native forests.
8. The discussion paper does not adequately address important factors in maintaining forest health over time, including management of invasive weeds and forest dieback. Logging is promoting weeds and tree dieback and these must be controlled.
9. I am strongly opposed to the proposed changes, and call on the NSW Government to abandon this ill-considered plan to weaken protection for our native forests and wildlife.

I appreciate your consideration to my submission.

Regards,

Jimmy Malecki



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