

Spring
Summer
2009

The

Potoroo

Review

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No. 198

Environment East Gippsland

EEG VS VICFORESTS

In August this year, Environment East Gippsland took the bold legal action of suing the government's logging monopoly, VicForests. This case is a first for Victoria.

EEG successfully had the Supreme Court place a temporary injunction (stop) on VicForests' plans to clearfell Brown Mountain's remaining unprotected old growth until the trial. The trial will be heard in March 2010. We believe we have very strong arguments and, if successful, the outcome could possibly alter the way all public forests are managed.

Here's what pushed us to that point.

Victorian law requires that the endangered species in Brown Mountain's National Estate forests, be protected. Sadly, large chunks of its habitat and wildlife have been destroyed since 1989. The government won't look for the species unless volunteers identify them first. Last January and again in August, various rare and endangered wildlife were found by volunteers. This should mean instant protection. But it hasn't. VicForests and the DSE appear to be ignoring the legislation. We had no option left but to take the government to the Supreme Court.

Protecting existing reserves

Instead of saving the threatened species' habitat, Minister Jennings declared that he would protect 400 ha of the summit of Brown Mountain. This is the same 400 ha that was protected seven years ago when we found the first Long-footed Potoroo. He is "saving" an area already protected! Talk about the spin doctor double dipping!

Govt. survey released

On 21 August, the Minister declared there were no other endangered species in the controversial old growth of Brown Mountain. He also released a government conformation survey which DSE refused to release to us, even under Freedom of Information. Their survey showed Greater Gliders and Yellow-bellied Gliders in very high densities (these animals aren't endangered by the government's definition but prescriptions exist for safeguarding them). This must trigger immediate protection of 100 ha of the best habitat i.e. old growth trees with big hollows. But it didn't.



Rich and rare wildlife get a crayfish strip

The Potoroo's protection is written in law under the Flora and Fauna Guarantee Act (FFGA). And the Gliders' protection is written in the Forest Management Plan. VicForests must comply with the Plan as a condition of both the Allocation Order and the Timber Release Plan which come under the *Sustainable Forests (Timber) Act* 2004. It's all convoluted legal stuff but to us it proves VicForests has broken the law.

The DSE wildlife survey carried out by their biologists showed they couldn't find the endangered Spiny Crayfish (because the traps were only in the creek for three hours but ours were in for three days) and their 4-5 cameras couldn't detect a Potoroo over several weeks. Our 8-9 cameras were out for 3-4 months before we found 'Justin'. These small hoppers are very rare and shy. If you do dodgy surveys, you get dodgy results. A mecca for threatened species can remain conveniently off the radar and free from conflict with logging plans.

Despite there being no confirmed rare Crayfish found, VicForests 'allowed' the DSE to put 100 metre buffers on the creek. They then assumed this lineal strip would protect the Cray and any Potoroo, Owl or Gliders, while they could raze the rest of the forest way from the creek!

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The Potoroo Review

This is the newsletter of Environment East Gippsland, Australia's longest running forest campaign group. We bring you the facts about forests and the environment that rarely make it to the mainstream media. We never worry about biting the bureaucracy's hand as it never feeds us. That means we rely totally on membership and donations to keep nipping at the heels of the planet-rapers.



Membership - \$20 or \$15 conc. (includes newsletter).

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Tax deductible
donations
can be sent to us at the
above address made out
to EEG. Receipts will be
issued promptly.

The Potoroo is an endangered 'mini kangaroo' which survives in East Gippsland's forests. It eats fungus, so digs a lot of dirt, and like us, is often threatened by the logging industry.

Articles which appear in the *Potoroo* are the opinions of the authors' and not necessarily those of EEG.

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consumer waste, de-inked and
bleached (chlorine free process).

As you can imagine, this court case and its preparation has taken a huge slice of time, and must be the priority. Apologise for not getting news to you sooner. Even this issue is a rush job.

Our landmark legal case could cost us up to \$200,000. We urgently need funds to keep the wheels rolling. The initial hearings have given us hope and our legal team believes we have good prospects. As this is a serious legal case, I'm a little stymied and can't say everything I'd like to, but we are just a little excited.

Please see the coloured inserts. One is asking for generous tax-deductible donations. If you'd like more copies, please let me know or you can download it from our new website (www.eastgippsland.net.au). Donations can be made via PayPal, credit card, cheques or postal orders.

The other insert is for our beautiful new greeting cards, also tax deductible. These cards are similar to the Oxfam™ style of card. They allow you to buy a meaningful gift for friends and family, instead of more 'stuff'. Please, on this occasion, donate as generously as you can. They also make great Thankyou or



Birthday cards. All proceeds will go towards the court case.

To keep up with the legal proceedings and other news, to donate or to order greeting cards, please go to our brand spanking new website - it's a ripper. Thanks to Sarah Day of Webellion for the design and set-up. For those not on the internet, you might have to wait for your news to arrive via the *Potoroo* - when there's a breather for the Coordinator.

www.eastgippsland.net.

This is a very exciting time for EEG, so thanks for supporting our efforts over the years and giving us the funds to kick-start this case.

Wishing you all a fire-free festive season.

Jill

ALP old growth forests announcement

On the 10th November, the Brumby government announced they'd save a load of East Gippsland's forests. But let's look at the good and bad of this.

Good: areas were included like Dingo Creek and Goolengook - though both have been terribly gutted while battling for their protection. The Yalmy forests were a fantastic addition (but were probably too steep to log anyway).

Bad: Many areas that were already protected were double counted. Since the '06 election promise, 5,000 ha disappeared off the original protection map. Intact stands of old growth at Ferntree Creek and Big River are back in the logging zone. To make the figures add up they 'saved' an even larger area of already protected

reserves. But the ancient trees at Brown Mt. are still planned for logging. The dry stunted burnt forest around Buchan has been left in as 'significant stands of old growth'.

The ALP clearly promised to protect "the last significant stands of old growth currently available for logging" - not cow paddocks - not burnt regrowth - not previously logged areas - not protect areas already protected. The ALP just keeps applying polish to the turd.

Mr Brumby could have easily honoured this promise - and saved the declining logging industry in East Gippsland. How? By helping to transition skilled workers to the plantations in the rest of the state that are screaming out for hundreds of workers and are having to import their employees from overseas. The story just becomes more insane.

Jill

Can you ever believe VicForests?

I was told by the local VicForests manager that they had no plans to log this area in the near future. The Melbourne groups were told by the Minister's office that most of the logging crews were salvage logging so it was unlikely that Brown Mountain would be logged soon. We weren't convinced - and we were right.

EEG vs VICFORESTS

Just days afterwards, our lawyers lodged a writ in the Victorian Supreme Court to sue VicForests for planning to log in breach of endangered wildlife laws. They admitted that they planned to start logging these 600-800 year old trees the *next week*. As the writ could take months to be heard, we had no option left but to take legal action for an immediate halt to logging until the trial - an 'interlocutory injunction' to use legal yabba.

There's been open slather woodchipping in East Gippsland for 40 years. Brown Mountain is where we draw the line.

Our brilliant legal team sprang into action - documents and affidavits were gathered in record time. A three hour hearing was set down. But it

ended up taking a day and a half, as our team presented arguments to the Judge - by the name of *Jack Forrest*.

VicForests promised not to log until the Judge had digested all the arguments. On Monday 14th September, Judge Forrest agreed to grant EEG the injunction that would stop logging until the other case was heard. It will be an expensive exercise but someone has to challenge the shameless disregard for our endangered wildlife.

VicForests says jump, DSE asks how high

The DSE claimed it couldn't convince VicForests to let them protect the area. Huh? We always thought DSE was the land manager and VicForests merely the lessee and logging overseer. Not so. Seems VicForests is calling the shots.

The rare wildlife have always been on Brown Mountain but the government has not wanted to do surveys before they trash. Why have laws to protect endangered species if the government chooses not to look for them? It shouldn't be left to the public



to do this expensive and time consuming work.

If these ancient forests are protected, it's not just the Potoroo, but also the Powerful and Sooty Owls, the Gliders and Possums, Bandicoots, Spot-tailed Quoll, Black Cockatoos, Square-tailed Kite and other rare animals that will survive on Brown Mountain.

You can help us win. We have greeting cards, tax-deductible donations and a wish-list all on the web. Otherwise, check the inserts in this newsletter.

Jill

The injunction will be extremely costly but someone's got to do it. We can't put a price on forests that are seven times older than Federation.

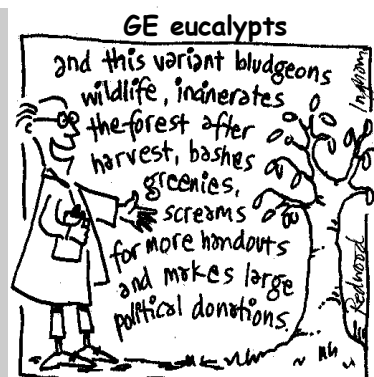
Stories we couldn't fit in -

- Forests and Wood Products Australia investigated by ACCC over misleading claims
- Japan trumps Europe in a bid to cut emissions 25% by 2020.
- 'State of our Forests' report 2009, thick with spin, inconsistencies and short on data.

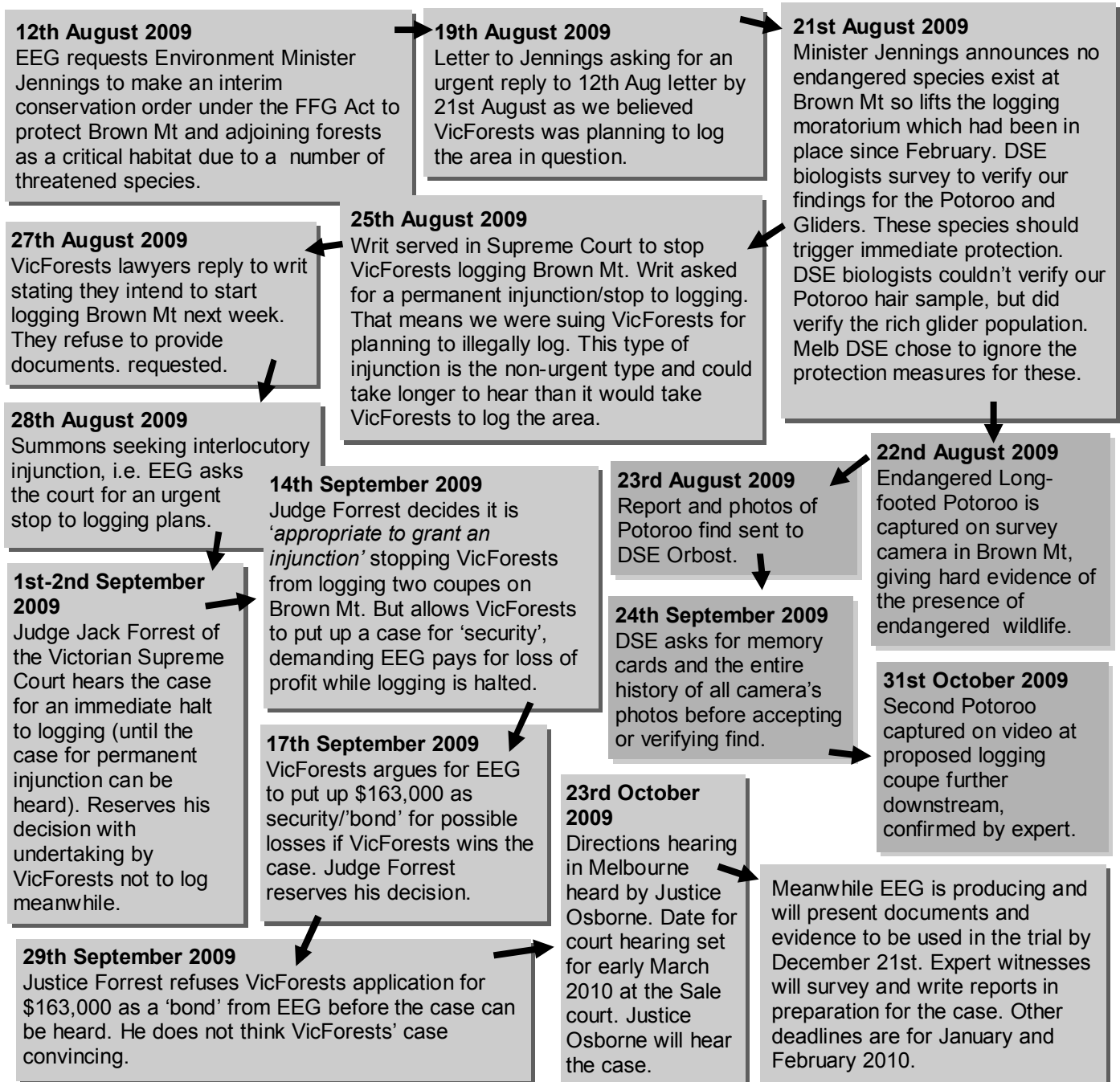
- VicForests failed the test on getting environmental tick from global timber group, FSC.
- Gunns buys ITC plantations in Victoria - plans to build export facility at Geelong to increase capacity four fold.
- Ozzie attitudes to environment show ignorance and apathy, but 90% worried about water.
- Galaxy Poll shows 77% Australians don't want native forests logged.
- Victorian *Timber Industry Strategy* gets a revamp - hands the lot to industry.



- Two new Australian species found each week but three become endangered
- Duck shooters guilty of thieving water from Latrobe River.
- River Red Gum Parks created - 100,000 ha now protected.
- Fire prone GE eucalypts invade the US.
- CSIRO fully coal-captured.
- Dragonflies found to migrate thousands of kms.
- Windfall profits for polluters under new CPRS laws
- Economics of logging - still on welfare
- Forests to supply oil and electricity?
- Bio char
- Forests and Climate - latest research
- Victorian forests most carbon dense on Earth.
- ... and more



Time line: Brown Mt vs VicForests



Do you want to:

- ☆ Give something priceless that will last for generations this Christmas?
- ☆ Claim gifts on your tax?
- ☆ Avoid the stress and consumption of Christmas?

Forget the socks and chocs. Give friends and family an old growth forest instead. These stunning cards feature the beautiful



plants and animals of Brown Mountain. Each purchase - from \$5 to \$100 - will help EEG's landmark court case. It will help protect the giant carbon stores, water makers, air purifiers and the rich wildlife ark that Brown Mountain is. *What a great gift!*

See insert for order details or go to www.eastgippsland.net.au and order online. Then all you have to worry about is Christmas dinner.