

Contents

Burning forests for electricity	1
EEG chit-chat	2
VicForests in court again. FFGA - a dud. Quolls get no guarantee.	3
Valley of the Giants old growth walk - a danger! Push for a wood-burning power station in EG	4
Logging planned in Potoroo forest. Myth-busters on-line. House banners. Vic party leaders quizzed.	5
Fire research and news.	6
Green Building Council bullied. illegal logging overseas, climate.	7
Brown Mountain court case to date.	8, 9
Gully logging goes unchecked. Paper consumers demand green products.	10
Shorts	11
Population	12
Sneaky ALP deals on logging protected forests and duck shooting in new parks.	13
Mallacoota boat ramp case. Melb's water catchments.	14
Fed env laws reviewed. A new logging strategy. VicForests financial audit.	15
Snowy River in court	16
Vote 1 Greens	

The

Potoroo

Review

\$1.30

No. 199

Environment East Gippsland

Burning forests for power

The most serious threat since woodchipping was given free-reign in the 70s is the new push for burning forest 'waste' to generate electricity. With the Asian woodchip markets in a serious slump, this is the latest bright idea to turn the planet's best carbon stores and cloud makers into pollution. The government has already shown enthusiasm for paving the way.

Changes to the federal government's MRET (Mandatory Renewable Energy Target) legislation in 2009 mean that companies can now gather Renewable Energy Certificates by burning native forest wood as power.

The first application for a 5MW wood-fired power plant at Eden is now before the NSW government. The export woodchip company, South East Forest Exports (nee Diashowa woodchip mill), wants approval to burn forest 'waste' to gain Renewable Energy Certificates. SEFE currently gets about half of its logs and woodchips from East Gippsland's forests.

The proposed Eden power plant is a test case for similar proposals around the country. There are already a number of plans in Tasmania and one in Orbost. As many as 20 plants are on the drawing board. A 5MW power station is just a foot in the door for bigger more sinister furnaces.

Our very own promoters of a wood-furnace for Orbost are Liberal MP Philip Davis and



Image—Paul Kimbell

long time woodchip champion, Garry Squires. They have recently been spruiking the benefits of burning our forests for power (see article page 4).

A strong and early boycott campaign targeting electricity retailers is cranking up and could very likely knock this threat on the head. If they buy this power, companies will not like their image dirtied by being linked with butchered landscapes and dead wildlife. Where does your power company sit? Contact them and ask if they have a policy on where their renewable energy comes from. Their phone number and other contact details are on your bill.

Jill

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).

Contact details: EEG -
Locked Bag 3, ORBOST Vic
3888 . ph/fax 5154 0145

eeg@eastgippsland.net.au

www.eastgippsland.net.au

Coordinator - Jill Redwood

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 fungi, so digs a lot of dirt, and like us, is often threatened by loggers.

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

Printed on Recycled Supreme 100% - made from 100% post consumer waste, de-inked and bleached with a chlorine free process.



Brown Mt case

As I write this, the judgment for the Brown Mountain Supreme Court case is still with the judge. We all have our fingers crossed for a good outcome. If you'd like to be told when the decision is about to be handed down, please join our e-bulletin list or send your mobile number to us for an instant SMS alert. We'd like to have as many people at the Melbourne court on the day as possible.

To join our e-bulletin go to: http://www.eastgippsland.net.au/mailman/listinfo/eeg-e-bulletin_eastgippsland.net.au This list will also give you weekly/fortnightly updates on other news as well.

Memberships and renewals

When the bright coloured slip falls out of the newsletter, **please** stick it somewhere very obvious and remember to renew—preferably *on time*. You can use direct debit (email me for details) or via the website/ PayPal or via cheque. Having to do follow-up reminders takes valuable time. If you don't want to receive the *Potoroo*, that's OK too, but can you let us know? Much appreciated.

Help the forests by getting sozzled

Buy either 12 or 6 bottle cases of wine from Goodwill Wines and they'll donate 50% of profits to EEG. The wine list is a selection of the best unlabelled wine from around Australia . Phone (03) 5962 9155 or order at: www.goodwillwine.com.au/charities/environment-east-gippsland-inc.

Facebook

That's right – it's the way to communicate in the 21st Century. For those into Facebook, please check our sites - Brown Mountain and EEG. Become a friend and suggest your other Facebook friends do the same.

Forest Stewardship Council

EEG has become a member of the international forest certifying body, the Forest Stewardship Council. This is supposed to be the best of the various eco-certifying groups – many of which are being run by global logging interests! Two of our reps attended their AGM in Melbourne in May. Sadly, the FSC appears to have been infiltrated and some undermining is going on. As enviro members, we are at least able to vote and formally lodge complaints etc.

Thanks to our special supporters

We are grateful to many individuals who have been extremely generous with their donations. Here are some of the businesses which have been extra generous: Earth Garden Magazine, Australian Ecosystems, Faunatech, The Greens, VNPA, Wizarts, Going Solar, Eco-shout, Adobe Mudbrick Flats and Going Green Solutions. Please support those who support us.

Jill

Potoroo caught taking forest produce!

We have a number of extraordinary five second clips of a Long-footed Potoroo gathering



nesting material *in its tail*. This is the first time the behaviour has been recorded for this species! The clips were taken by the remote cameras. Click on the green video button on the left of our website's front page and be amazed!

www.eastgippsland.net.au

VicForests in court again



Photo: John Woudstra - The Age

Less than nine months since EEG started proceedings to sue VicForests, this logging monopoly is again facing a private criminal prosecution for what is alleged to be more shameless illegal logging.

The group of volunteers that has been finding Potoroos around East

Gippsland with infrared cameras has formed the Fauna and Flora Research Collective Inc (FFRC). They have also been working around the Central Highlands recently and were involved in the discovery of what they allege is unlawful logging of State Forest in Toolangi. The Central Highlands is well-known to contain trees that pre-date 1900 and Leadbeater's Possum habitat, both of which it is unlawful to log. The Leadbeater's Possum is Victoria's faunal emblem.

The FFRC lodged a charge sheet at Ringwood Magistrates Court alleging

VicForests has breached the law on two counts. This is different to EEG's suing of VicForests - FFRC's case is a private criminal prosecution, which could see VicForests fined many, many thousands if the case is proven against them.

David Pollard from VicForests said just because trees were three metres across the base, doesn't mean they were pre-1900s. He said size means nothing - you have to count the rings (after they're cut down?). He also stated that the endangered possums weren't impacted (!?).

Jill

Guaranteed to avoid action

It's now well over 12 months since the Flora and Fauna Guarantee Act was assessed by the Victorian Auditor-General and the release of his very critical assessment of its administration. So what now?

At the time of its release on 1 April 2009, the Minister for Environment said;

I have asked the DSE Secretary to report to me again in 12 months about changes that have been made in response to the audit and the benefits that have been delivered.

Twelve months have now gone by without evidence of any action.

The report notes a failure to use the conservation and control measures in the Act; inadequate listing of threatened species; failure to develop action statements, to monitor implementation of these, or to assess their effectiveness; and that penalties for offences under the Act have not been reviewed or updated and therefore are not an effective deterrent. It also stated:

...the government's lack of baseline data or output performance measures means that it is not possible to conclude whether or not the Act has achieved its primary objectives. The available data, which is patchy, indicates that it has not.

So the government has no reliable statistical basis to make statements on wildlife numbers and health, to log or burn habitat, allow land clearing permits or to issue cull-permits!

When one of our members wrote to the DSE asking what has been done over the past 12 months, they received a long screed on how wonderful the FFGA is and that:

The Government will also introduce legislation in 2010 to streamline and strengthen the reporting and enforcement provisions in the FFG Act to improve biodiversity conservation and management.

After DSE's intent to avoid adhering to this law was questioned during the Brown Mountain legal skirmish, should we be fearful that the FFGA will be 'streamlined' into an even more ineffective regulation?

Jill/CanDoBetter/EDO/Deidre/
Kimberly Dripps- DSE 10.5.10

(see the Auditor General's Website for the full FFGA report).



No guarantee for Quolls

The endangered Spot-tailed Quoll's demise over the past 20 years has been calmly witnessed by our state government, which has done nothing despite being listed under the FFG Act.

Now that Quolls are considered functionally extinct in the Otways, and logging has been stopped in this region, DSE is now carrying out camera surveys there. For the past year, they have had 100 cameras out looking for Quolls.

Although the quolls remain elusive in this first year of monitoring in the western Otways, Saul Vermeeren from DSE's Barwon/Otway Biodiversity Group, remains positive.

DSE website

There are only three surviving populations remaining in Victoria - all are in East Gippsland where logging of habitat continues in prime forested sites like the Errinundra Plateau and Brown Mountain. Those cameras should be set out in East Gippsland and every last pocket of intact forest protected before it's too late for these populations as well.

Jill /DSE website 2.6.10

NEW FANDANGED CONTRAPTION

This is EEG's bright yellow banner that was marched through Melbourne at the Walk against Warming rally.



Valley of the Giants - a danger!

If any of you plan to wander through this wonderland of tree giants, just be aware it's extremely treacherous! Or so says the DSE.

We have formally been told by DSE that our old growth walk at Brown Mountain is not 'officially sanctioned' and must **not** be promoted (download your self-guided walk booklet here www.eastgippsland.net.au/downloads/Brown_Mt_walk_lflt.pdf).

Of course the government won't 'officially sanction' the walk – it doesn't want people to see that this type of beautiful forest is steadily being clearfelled. The government even went so far as to hire an engineering consultant to write a six page report with lots of bad photographs to suggest it doesn't comply with walking track standards. In fact, it fits more than adequately

into DSE's definition of a class 6 walking track.

The report claims there are potential trip/slip hazards and that branches way above are a safety concern, not to mention the new threat of 'quickly changing weather'. A forest is a very risky place.

Tourism in old growth forests is also very dangerous and not sanctioned, as it may cause a bumped knee.

But what **is** sanctioned is clearfell **logging**. This may only cause escalating climate change, biodiversity loss, local extinctions, water reduction and general planetary collapse.

You have been warned - enjoy this magnificent forest at your own peril!

Jill/Liz

Philip Davis MP wants a forest furnace for EG

"Victorian upper house Liberal powerbroker Philip Davis has been accused of push polling to drum up public support for a controversial wood-fired power plant in the eastern Victorian town of Orbost".

This was the intro to a news item that made it to Crikey.

The question he sent to Orbost locals was loaded to the gunnels and it came with a major letter/opinion on why such a forest furnace would be so damned good for everyone and the climate. The question was:

Do you support the development of a woody biomass electricity generation plant in the Orbost district to provide electricity for the far east Gippsland region and contribute [sic] to reducing Victoria's greenhouse emissions?

To prepare the locals for this, the *Snowy River Mail* had been buttering them up with articles and letters for

weeks before with ex-industry player Garry Squires (of illegal logging of the Snowy Park fame) and opinions that appear to have been prepared in close consultation with Davis' office. With headlines such as "Time is right for a green energy push" and a front page "Biomass generator for Orbost" it would seem there is a proponent for this thing who has quite a sway with the local newspaper owner.

In January, the rewritten Victorian Timber Industry Strategy gave the thumbs up for forest 'waste' to be fed to electricity-generating furnaces. The claim is that it will take the place of nasty polluting non-renewable coal; fact is that they would both be used. The federal government recently allowed the burning of our forests to be defined as 'renewable energy' under the Mandatory Renewable Energy Target.

But even if they ignore public opinion and get the thing underway, they'll have a helluva time trying to sell the

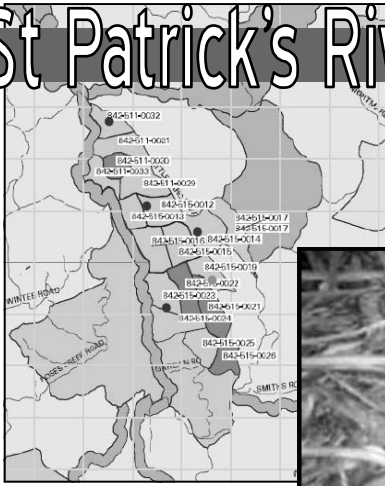
electricity into the market. So far, most electricity retailers have pledged never to buy power that has come from burning native forests (even under the tag of 'waste').

Aron Gingis, who has written articles on wood-fired power plants for the international journal *Science*, said that the plan would be an "environmental disaster". It would create serious air pollution across the region as the smoke couldn't cross the mountains, so would hang around here and cause local respiratory illnesses.

Crikey 23.4.10 / Jill



St Patrick's River planned massacre **but..**



This Timber Release Plan shows the unparalleled mapping of logging coupes covering an area of 680 hectares. The planned logging coupes are shoulder to shoulder and would annihilate an entire landscape. VicForests plotted these coupes on the map just after the Brown Mt Court case earlier this year. If we didn't know them any better, we'd say this was an act of revenge.

The area is just to the west of Goolengook, near a known Long-footed Potoroo habitat site. The

... **FOUR** more Potoroos found!



survey crew used the movement-sensing cameras to locate four different sites throughout the area where the endangered Long-footed

Potoroos were detected. See the dots on the map. DSE or VicForests never surveyed for the presence of rare wildlife before they approved the complete annihilation of this area.

VicForests is denying that they have any evidence of Long-footed Potoroos being present, despite them having the report with the footage and GPS readings. The battle of letters between them and Lawyers for Forests continues.

In East Gippsland, there is a narrow band where the Long-footed Potoroo has been detected, including Bellbird Creek, then across the forests of Goolengook, Murrungowar, Ferntree Creek, Brown Mountain and over to the Yalmy forests. Outside of this range, they are sparse to nonexistent. They favour a specific elevation, soil and vegetation type which coincides with what the logging industry also favours.

As the Brown Mountain court case showed, **no government agency has ever carried out pre-logging surveys to find what rare species live in those forests about to be clearfelled and deliberately burnt.** How much have we already lost due to this neglect of duty towards our environment? We should be demanding offsets to make up for the destruction of valuable habitat over the decades.

Jill

Myth-busters

is now on the EEG website. These shatter the outrageous claims by the government and logging industry and leave them hanging limp to laugh at.

Handy for letters and for whacking that loud tea room know-it-all with the truth. Go to the front page and click on the item at the right or - www.eastgippsland.net.au/?q=myth-busters

JOIN the HOUSE BANNER CRAZE

Send us your photos of banners or placards with a forest message.

Be in the running for a beaut prize.

Send to: info@eastgippsland.net.au



One Question Quiz

Professor Tim Flannery, in *The Age Magazine* of June 2010, asked the leaders of the state's two major parties, **When do you intend to cease old-growth logging in Victoria?**

Ted Baillieu (Liberal) pretty well avoided the question and said there was a need to give the struggling industry security into the future (ie give them more old growth to clearfell). *"Otherwise we're going to lose a timber industry altogether in this state."*

Premier John Brumby (Labor) avoided admitting they are still logging old growth and said he'd just put 45,000 hectares of East Gippsland's (mostly unwanted and knackered) forests into reserves. He said that was "good progress". We has some small wins for some old growth, but hardly 'good progress' when so much old growth is still getting chainsaw management.

Both leaders failed the quiz miserably.

Vicki/Jill

You can run but you can't hide

We've had a very generous donation from *Australian Ecosystems* of five new survey cameras, and one of our members has developed a fantastic new bait holder. All systems go for more detection of endangered species!



Carbon – better as charcoal than trees?

In a forehead-thumping example of 'political science', DSE has managed to wrangle itself almost a half a million dollar grant from the Federal Govt's Aust. Research Council to look into the potential of storing carbon in soil through ... burning forests! They claim the carbon that is currently stored in native vegetation is better stored once those plants are burnt and turned into smoke and charcoal. Can you see what's coming?

Let's bet they won't properly count what goes up into the sky from burning, or how long that CO2 might take to be recaptured by forests, they'll just count the lumps of charcoal that are left on the ground afterwards.

The DSE calls it 'black carbon' and before the studies have even begun, their media release is already claiming it will store carbon long-term. It's fairly clear what their preferred outcome is - to make 'politically scientific' pronouncements that justify more burning of forests.

In this age of serious climate change, DSE know how polluting and controversial their prescribed burns are.

Jill/DSE website 6.7.10



The 9,000 ha fire that almost took out Cann River on 16 December last summer was sparked by logging machinery in a thinning coupe (regenerating logged forest that is mechanically 'thinned' for chiplogs). Many of the fires weeks before in the Central Highlands were also caused by logging machinery. Logging coupes are incredibly flammable places for fires to start, with mountains of dried forest slash, leafy tree heads and bark lying about. DSE reckons it investigated the incident and that the logging operations on that day met all requirements. It will be 'reviewing' VicForests' and DSE's practices. Goodo. [see snippet below in response to my email to them] There needs to be extremely **stringent prescriptions** enforced on high fire danger days with the logging industry. But there isn't! What we have instead is – believe it or not - self regulation by the loggers!

What the Royal Commission found

The Victorian Bushfire Royal Commission received over 500 submissions on the topic of prescribed burns in February. This isn't surprising, considering the hype that has been generated by media, politicians and the rural lobbyists.

The Royal Commission appointed a panel of various fire experts and fire ecologists to look at the issue. Generally, they agreed that there isn't enough knowledge on appropriate levels of burning for different forests, and that our understanding of ecological impacts was very poor.

Some thought that the call for 5 -10% of public land to be burnt every year was excessive and had no scientific or ecological basis.

One fact that was agreed on was that during extreme fire danger days, prescribed burns won't reduce fire severity. Sadly, many people wrongly believe that such burns will make them safer. This just gives communities a false sense of security, making them more unsafe.

VNPA/Jill

Clearfelling = flammable regrowth

Clearfell logging could increase bushfire risk for Australia's wetter forests, creating bigger fuel loads and drier, more combustible vegetation.

New research by a team led by Professor David Lindenmayer from the Australian National University found that gaps in the forest canopy, caused by logging, allow the forest floor to dry out, increasing flammability by as much as 50%.

The team looked at the impacts of industrial logging in moist forests across the world. Professor

Lindenmayer said the findings had "huge implications" for future forest management and bushfire control in Australia. Sadly, this seemed to gain little attention in the Bushfire Royal Commission.

The debate over whether logging increases or decreases fire risk has been going on for years, so the four scientists decided to investigate the reality. They looked at moist forests because they generally have fewer fires than other forests.

The research published almost 15 years ago found clear-felling of moist forests in southern Australia led to "the development of dense stands of regrowth saplings that created more

available fuel" than if the forests were not clear-felled. Professor Lindenmayer said decades of logging had

"created a legacy of ecosystem disturbance that will be felt for centuries".

Also, the study found that logging roads increased ignition points for fires and the wide gaps dried the edges of forests. Will the government ignore this science and the risks and just blame Christine Nixon and Russell Rees?

Jill/ The Age 3.12.09

The team found logging changed moist forest microclimates, drying out understorey vegetation and leaf litter.

Political bullying over green tick timber

For 10 years, the independent Green Building Council of Australia (GBCA) has guided the design and construction professions towards improved environmental performance. But their standards were forced to be lowered by the government recently.



GBCA were promoting the more environmentally stringent Forest Stewardship Council certification of timber. Then the Forestry union – the CFMEU – pressured governments to lean on the GBCA to adopt the logging industry's own flimsy and crooked certification system. The government threatened the GBCA with 'Adopt the weaker version, or have your funding withdrawn'. It had a choice: accept it or cease to exist.

The logging industry's standard is the Australian Forestry Standard or AFS 'green tick'. It allows the clearfelling and destruction of old growth forests, threatened wildlife habitat, water catchments, and the rest. All it needs is government approval basically.

By contrast, the Forest Stewardship Council standard certifies just 5% of global timber as sustainable.

The logging union's mouthpiece, Michael O'Connor, said Australian logging needed to be able to compete with the rest of the world on a level playing field. It seems he wants us to lower our standards to that of Indonesia and Borneo.

Architecture and Design. Nov. 2009/Jill

Penny Wong - good science, poor geography

on the Sumatra Forest Carbon Partnership ...

".... this is about recognising that the amount of greenhouse gas emissions from cutting down trees is very significant. The world puts a lot of carbon into the atmosphere because it is better for people to cut trees down than to preserve them. And we know that deforestation is a significant driver of greenhouse gas emissions. And the reason people cut trees down in many countries around the world is because they need to make a living. So these projects are about looking at ways in which we can preserve these forests. It's in our national interest to find ways to do that because these forests put carbon into the atmosphere when they are cut down."

3/3/10 Doorstop interview, Perth

Deforestation and logging accounts for 20% of greenhouse gas emissions, according to the EU.

Europe acts against the illegal axe ...

In early July, the European Union barred the import and sale of illegally-logged timber in a bid to fight deforestation and climate change from the Amazon to Asia. Green member of the European Parliament, Satu Hassi, negotiated a deal with the 27 EU member states.

Illegally-logged timber represents 20 to 40% of global production of industrial wood, or 350 million to 650 million cubic metres, according to the UN.

...while Australia dithers on

The Federal Labor Government is yet to impose the ban on illegal timber imports it promised three years ago. In fact, so reluctant is it to act that Tony Burke, Fed Minister for Forestry, commissioned a report to prove it would cost Australia dearly. The European Commission exposed this as an attempt to fudge the figures on illegal timber imports to avoid taking action. It was found that Tony Burke's commissioned report neglected to add in furniture and overestimated the cost of banning illegal timber. The timber is logged from protected areas such as national parks and nature reserves in countries including Indonesia, Papua New Guinea and China. In Australia, we call destruction of National Estate heritage forests legal.

Jill/Crikey/AAP/ Sydney Morning Herald 18.1.2010

Taliban ensures illegal timber gets through to Australia

Since 1984, the US-based Environmental Investigation Agency (EIA) has been sending undercover agents to gather information on illegal logging syndicates in countries such as Indonesia. They have connected illegal logging with organised crime, corrupt government officials and, in some cases, the Taliban.

Illegal timber entered Australia through China as decking and flooring and through Vietnam and Malaysia as furniture. EIA is researching the Taliban's part in the trade. It believes the Taliban ensures safe passage for illegal timber sent by syndicates in Afghanistan.

Jill/The Age 1.6.10

Lobbyists undermine climate negotiations

There's a mob called the International Consortium of Investigative Journalists. Last year they revealed that thousands of lobbyists are pressuring governments not to impose strong national climate change laws. The big polluters who employ these lobbyists don't want to be taxed for contaminating our climate so are out to undermine any international agreement. The study covered Australia, China, the US, Canada, India, Japan, Belgium and Brazil.

9.11.09 Eco-media

Stop in the name of the law!

Our team—Vanessa, Debbie, Richard, Phoebe and Sophie



What leads a small regional conservation group to take the courageous and costly action of suing the Victorian government's logging agency in the Supreme Court? After witnessing the heartbreaking loss of old-growth forests for almost 30 years, and having used every campaign tool in the box, the only thing left to do was initiate legal proceedings.

In September 2009, Environment East Gippsland served a writ on VicForests over its plans to destroy Brown Mountain's old-growth forests and endangered wildlife. This was bold, unprecedented and risky.

The case was heard over four weeks in March at both the Sale Court and the Melbourne Supreme Court. At the time of writing, we still await Justice Osborn's decision (mid July).



Wildlife surveys

Rather than locking onto bulldozers, one of EEG's early initiatives was carrying out wildlife surveys. In over 20 years, we've found Long-footed Potoroos, endangered crayfish, and rich populations of gliders. These finds have often protected large areas of primary forest that were due to be logged.

The old 'hair-tube' method of detection has now been superseded by remote 'spy' cameras, which capture everything. This is survey work we believe the government should be obliged to do before any logging is approved. The government's conservation department stopped surveying in the early 1990s; if they don't detect any rare wildlife, they aren't obliged to protect the forest.

A legal imperative

Brown Mountain was the site of major protests against National

Estate logging in 1989, when hundreds of people were arrested. It's been a controversial old growth site for decades. When VicForests and DSE approved the clearfelling of three more stands of old-growth forests, it was our 'line in the sand'. We knew these hollow-rich primary forests were critical habitat for wildlife and must be protected.

In August 2009, Environment Minister Gavin Jennings overstepped that line and left us no other option. He stated that logging was to get the go-ahead as there were no endangered species there. We knew there were, and immediately applied for an interim injunction to stop the logging. Our legal team had the paperwork set to go the next week.

A legal first

After good evidence was presented to Justice Jack Forrest by our lawyers, we were granted the temporary injunction in September – a first in Australia's legal history. But then we had to hold our breath again, waiting for Justice Forrest to deliberate on VicForests' request for us to put up a \$163,000 'bond'.

Another precedent was set when he determined that a small conservation group should not have to put up security, as the case was in the public interest. *First round to us, social justice and the wildlife!*

The case begins on site

The EEG v VicForests case saw a cast of dozens move to Sale at the start of March: two legal teams, the Judge and associated assistants, VicForests bureaucrats and their witnesses, two EEG volunteers, and some of our eight expert witnesses – plus interested supporters, wildlife survey volunteers and EEG members. Set down for two weeks, the case ended up stretching to four.

A request for a site visit was approved. This was an excellent start, as it gave the Judge an opportunity to see the areas under dispute, the size of the trees and the lifelessness of the recently-logged adjoining coupe where the 'habitat trees' were succumbing to fire, exposure and wind.

Of the 207 'habitat' trees left standing in the landscape, only 85 were alive and intact. Our biologists' argument for protection of old-growth habitat made more sense after witnessing this scene.

Wildlife experts give evidence

Graham Gillespie explained how the endangered Large Brown Tree-frog lives and breeds away from creeks and might only move 100-200 metres in its entire life, meaning that the clearfell/burn management totally destroys its populations.

We heard that in 30 years of surveying for gliders on the east coast of Australia, Dr Andrew Smith found that Brown Mountain was one of the richest sites he had ever come across.

Quoll expert Chris Belcher spoke strongly about incremental destruction of prime habitat in East Gippsland, which supports Victoria's last three viable populations of Spot-tailed Quolls, one being on the Errinundra Plateau.

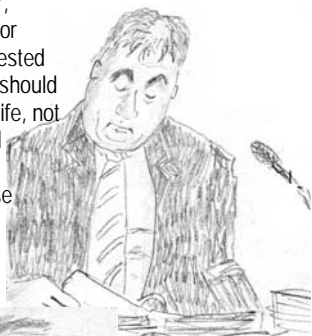


Some of our many supporters on the day the case came to Melbourne.

Our owl expert, Dr Rohan Bilney, said only 12–25% of an owl's home range is protected in DSE's 500 ha owl 'protection zones'.

Dr Charles Meredith spoke for the endangered Long-footed Potoroo, explaining how logging damages its key food – underground fungi. Rob McCormack explained that part of Brown Mountain Creek is the world's only known habitat for a newly-discovered crayfish species.

Lachlan Spencer, tactical planner for VicForests suggested it was DSE who should protect rare wildlife, not them. He agreed that VicForests aim is to minimise loss of resource.



Ian Ferguson admitted he had no expertise in ecology or biology and his economic opinions were not permitted as evidence. His time in the dock was short.



VicForests witnesses scant

VicForests' witnesses comprised a planner, the ex-VicForests Director of Strategy and Corporate Affairs, a DSE bureaucrat, and Ian Ferguson, a retired, pro-logging, forest economist. Not one ecologist or biologist. Apparently VicForests was unable to secure any for the case, despite approaching over 20.

Finger pointing

VicForests' lawyers maintained that it was DSE's responsibility to survey and protect endangered wildlife; DSE claimed it was up to VicForests to take appropriate action when threatened wildlife was found.

They also argued on the question of who was responsible for adhering to the prescriptions and laws, and whether the 'precautionary principle' should also consider the survival of the logging industry. They claimed that the (drier, steeper, more impoverished) forests to the west, recently put into a reserve, would adequately maintain the habitat

needed for these eight rare and endangered species.

Exposed

Many revelations came from the cross-examination of VicForests' witnesses. VicForests did not consult the biodiversity unit before it made decisions and it was evident that the Minister was not properly briefed on the Brown Mountain situation.

The days were fairly wearing and intense at times. Emotions ranged from 'You beauty - gotcha!' to a feeling of sickness and despair at what was being revealed of the inner workings of this logging empire. Their own meeting notes asked if they could avoid following prescriptions as it might "open the floodgates". But there were some gems of quotes. On day seven, Justice Osborn noted that regarding forest regrowth and subsequent thinning "they become a plantation forest in that sense". In the third week, Justice Osborn told VicForests' lawyers that their evidence for the drastic economic consequences of not logging Brown Mountain was somewhat lacking "and I'd go so far as to say somewhat opaque".

Courtroom comedy

There were also some humorous moments. Corrections of the previous day's court transcripts were read out daily. When 'regular tree' was corrected as 'regulatory' we had a hushed giggle. But when 'snig tracks' had been mistyped as 'sneak tracks' I erupted into masked hysterics! Those who know some of the illegitimate track building that goes on would understand!

By the end of the three weeks in Sale, I knew every piece of peeling paint in that court room. For three weeks, we sat and looked at the backs of the five barristers' black gowns and fancy horse-hair wigs. And during that time, truckload after truckload of logs passed the old court house all day, every day.

Summing up

The last three days of summing up were in the Supreme Court in Melbourne. Our Senior Counsel, Debbie Mortimer, said that there were significant political dimensions surrounding this case and that, in

every way, VicForests pushed away from its conservation duties to benefit its customers' logging profits. She also said there was *nothing more permanent than extinction*.

The outcome can't be predicted, but if the wildlife wins, let's hope the Brumby government chooses to honour the law and not alter it.

Our legal team did a fantastic job. The judgement, though, will be based on how the laws intertwine and how various plans, prescriptions and statements are worded and interpreted.

This case has cost us and our supporters dearly in time, emotion and money.

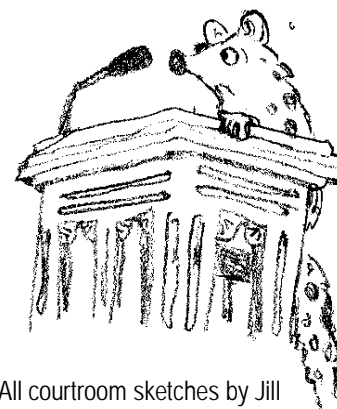
The full transcript (over 1,000 pages) of the case can be found on EEG's website www.eastgippsland.net.au under the Brown Mountain page.

Thanks to everyone who gave us their generous help, donations and moral support. If we could win this case on the weight of public support alone we'd have it in the bag.

Jill

(this article was written for the VNPA's *Parkwatch* and reprinted here for EEG members).

PS—if you'd like to be at the Supreme Court in Melb for judgement, please let us know your mobile no for an SMS alert, or get onto our email list for the details of when it will be. Contact eeg@eastgippsland.net.au



All courtroom sketches by Jill

Non-existent gullies

When EEG discovered this logged gully with no buffer strip to protect the water course, we began asking for explanations. All the way to the Minister's office and back - bureaucrats have maintained it wasn't a gully. This is despite this being mapped on their own website as requiring a buffer to exclude logging and despite clear evidence of it carrying water seasonally. Their latest reply says:

The Code of Practice for Timber Harvesting exclusion spatial data layer you identified on Forest Explorer Online 4.1 is modelled, and shows the areas from which timber harvesting is predicted to be excluded. These modelled Code exclusion areas are indicative, and to be used as a guide only. The site inspection determined that the drainage lines do not exist in the field. There is no requirement for approvals to be sought to

conduct timber harvesting operations if a modelled exclusion is found to not exist in the field.

Extract of the letter sent by DSE's Peter Appleford to cover the breach by icForests20.5.10

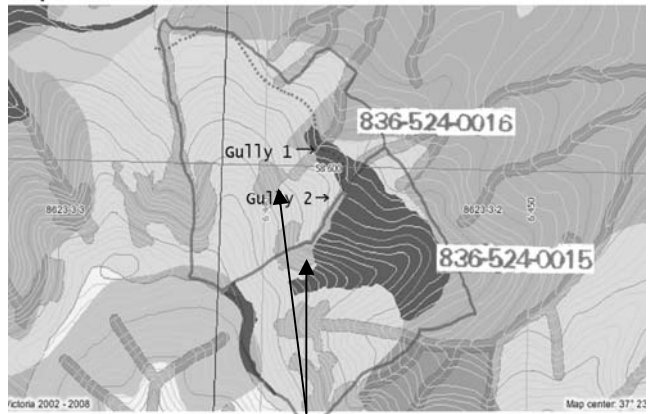
EEG is still pursuing this long saga of denial. It is just one of dozens of breaches that can be found in almost any logged forest.

Jill



The drainage line that doesn't exist in reality

Explorer Online 4.1



Code of Forest Practice exclusion buffers on their own map.

Enviro-friendly paper demand changes logging practices

In Canada

Logging and paper companies were feeling the pressure from buyers who want environmentally sound products. In May, conservation groups and industry players agreed to fully protect 29 million ha of forests out of 72 million ha. The rest will be subject to an ecosystem-based forest management plan, including protection of rare species. This will help preserve the woodland caribou. Canada's boreal forest covers an estimated 300 million hectares (in comparison, East Gippsland covers 1 million ha) and not all is protected.

In Tassie

The Japanese markets are very sluggish due to the GFC so their paper companies that buy woodchips

from Gunns in Tasmania are now looking to sell to Europe. But paper buyers there want higher enviro standards. Gunns and Forestry Tasmania are now having to provide certified woodchips. This has brought about the huge changes we're seeing down there with Gunns selling off its private native forest estate and moving into plantation only logging. The global timber certifying body, the Forest Stewardship Council thankfully rejected Gunns' bid to be given the green tick.

In Victoria

Our markets are unlike Tasmania's so the situation is different. Midways at Geelong and SEFE at Eden mostly sell to the Japanese companies which on-sell to other Asian markets that

aren't so fussy about eco-friendly product. Australian Paper (makers of Reflex) takes logs from the Central Highlands and Sth Gippsland, but only sells to Australian markets - which don't yet have the same concern as European buyers do. But they are competing with \$3 Indonesian imported paper so are wanting a green market edge.

Interestingly, VicForests recently tried and failed to gain certification for its logging. However with some dodgy dealings by AP, VicForests and a lax certifying body, they gained a 'low risk' determination! This is currently being challenged by environment groups and FSC is investigating the complaints.

Jill/ ABC News 19.5.10

Shorts



Volcanic eruption reduces total emissions

The eruption of the Iceland volcano grounded at least 65,000 flights, saving greenhouse emissions of approximately 434,000t/day of GHG emissions, while the volcano itself has spewed out up to 300,000 t/day. So with Mother Nature intervening, we've made a saving of 134,000 t/day or more.

The Age 20.4.10

Food effluence

A study from the University of Western Sydney has found that Sydneysiders throw away \$785 million of fresh food every year - more than the combined income of all the farms in the Sydney basin.

10.10.09 SMH

SANTOS TAPS INTO MERCURY WELL AT MARLO

Santos has recently found that its controversial gas plant, built on the Snowy River estuary on temporary sand dunes at a rich native fish nursery site, gives off mercury in the gas and condensate. The plant has been shut down since April while Santos decides how to deal with this new toxic threat.

Snowy River Alliance

Call for giant east coast green corridor

A NSW scientist has called for the creation of a green corridor which would stretch from just outside Melbourne to the Atherton Tablelands in North Queensland. Professor Brendan Mackey, of the ANU, says the corridor is "incredibly important from a national perspective ... (as it) contains the ecosystems which are most important in terms of providing fresh water to our major cities". If created, the corridor will contain 64 per cent of NSW's endangered plants and 59 per cent of its endangered animals.

ABC news 15.7.10

Loggers in crisis – check out YouTube

A talk by economist Dr Judith Ajani at the ANU in May explained why forestry is in crisis and shows there is a chance to resolve forest conflict once and for all. It's a must-see! And please send it on to others. The talk goes for about 50 minutes and has many easy to understand graphs. Search for Dr Judith Ajani on YouTube.

Mountain Grazing's Blazing Crazy!

One thing the ALP has done right is get cattle out of the Alps. But the State Liberals have announced they would reintroduce mountain grazing if they win the election in November. Indisputable science and decades of research have proven grazing actually encourages flammable shrubby vegetation. We need a new sticker ... "Mountain grazing's blazing crazy".

Prof David Lindenmayer says that salvage logging after the 1939 Victorian bushfires will contribute to a shortage of cavity trees for more than 40 species of vertebrates that will "take more than 200 years to rectify"

April-May issue of CSIRO's Ecos magazine.



Not news - VicForests loses money again

VicForests has again wasted and misused our taxes as it continues year after year to make a loss on its forest demolition operations. Their last financial report showed a loss of \$1.6 million. David Pollard, VicForests CEO, blamed the highly competitive nature of the global woodchip markets for the government logging agency's losses. He also had to beg \$18 million from the Treasurer, from OUR piggy bank, so that VicForests could bulldoze back to bare earth forests that were starting to recover from the bushfires.

Loggers Hall of Fame

The Australian Forest Contractors Association (AFCA) has asked for nominations for loggers and logging industry players to be recognised as 'pioneers and legends' of the logging of native forests. Nominees must have been in the destruction business for a quarter of a century. Loggers will be presented with framed Certificates and Plaques and admittance to the Hall of Fame. A national panel will decide who has made outstanding contributions and achievements to the clearfelling and woodchipping of public forests.

Know a worthy recipient? Send an email to AFCA david.d@vic.australis.com.au

Julia Gillard is still spouting the oxymoron 'sustainable population GROWTH'. Consider the lost species, habitats, desertification of once forested landscapes and other altered ecosystems, and the human animal has been outgrowing the planet's carrying capacity for centuries. Now that our species' exponential growth and consumption is altering the very atmosphere and climate of this gigantic globe, our leaders are finally starting to talk about it. Currently it's a tool to placate the xenophobic voter, but at least it's become an issue of debate.

POPULATION GROWTH

Is not sustainable

Church wants baby bonus cut

In May this year, the General Synod of the Anglican Church published a discussion paper on population which calls for the abolition of the baby bonus and a cut in the immigration intake. It bases its concern on the 8th commandment: 'Thou shalt not steal'.

It says Australia's very high per capita environmental impact involves stealing from others less fortunate than Australians, stealing from nature in our gluttony for 'stuff' and so threatening other creatures' survival, and stealing from later generations as we exploit the world. While this paper is theologically based, it reflects the same concerns as the conservation movement's.

www.candobetter.org &
www.anglican.org.au

GE foods - feeding the world by sterilizing the population

Around 75% of our processed foods contain some form of genetically modified ingredients. We all know that independent studies show eating GM food causes dozens of health problems, from stunted growth to impaired immune systems.

But recently, Russian scientists have also proven that Genetically Modified Organisms cause the third generation to be sterile. The researchers discovered that animals who eat GM foodstuffs lose their ability to reproduce. Does this then mean that GE foods could become the population control we so desperately need? The results of Russian scientists coincide with those of their colleagues from France and Austria.

www.Salem-news.com 1.5.10 /Jill

A plague of people

- The world's population is 6.8 billion.
- Australia's is now 22.4 million. This is a 75% increase over the past 40 years. Our population increase of 2.1% is double that of the world and higher than that of India, Malaysia and the Philippines.
- Our population increase is made up of half immigration and half births.
- Voters want a stable population. Businesses want a growing population.

Sustainable Population Australia
www.population.org.au

Two new population parties

Check out
www.stoppopulationgrowthnow.com
and
www.populationparty.com



Tough measures

"In order to stabilize world populations, we must eliminate 350,000 people per day. It is a horrible thing to say, but it's just as bad not to say it."

—Jacques Cousteau, Recipient in 1977 of the United Nations International Environmental Prize

"Clearly population stabilisation and then reduction has to be part of a suite of measures that ensure the cuts in emissions that the Government has promised."

—Sandra Kanck, President of Sustainable Population Australia.

"Isn't the only hope for the planet that the industrialised civilisations collapse? Isn't it our responsibility to bring that about?"

—Maurice Strong, Secretary-General of the UN Earth Summit, June 1992.

"In the event that I am reincarnated, I would like to return as a deadly virus, in order to contribute something to solve overpopulation."

—Bertrand Russell, *The Impact of Science on Society*, 1951

"We need to radically and intelligently reduce human populations to fewer than one billion."

—Paul Watson, co-founder of Greenpeace

"A cancer is an uncontrolled multiplication of cells; the population explosion is an uncontrolled multiplication of people. ... We must shift our efforts from the treatment of the symptoms to the cutting out of the cancer. The operation will demand many apparently brutal and heartless decisions."

(thanks to Peter K)



Sneaky western Vic. deal -

What lies under the lies?

In July, yet another dirty back room deal was done by the Brumby Government which opens up logging in previously protected remnant forests west of the Hume Hwy.

With 4-5 marginal seats in central and western Victoria, just what is going on? Is this just another example of the barge-through, reckless influence the loggers have within the Minister's office?

Just what forest is left over there to log anyway? The Otways was promised to be protected as of 2008. The remnants at Mt Cole? The long-suffering Wombat Forests were also promised to be protected in 2006 by the ALP.

These forests were also well off any logging plans in the newly revised Timber Industry Strategy. There would be almost zilch sawlogs but loads of 30 year old regenerating forests that would make perfect woodchips - and by coincidence, handy to Midways export dock at Geelong!

The Brumby government madly tried to quash the story, saying that there were no plans to log any of these forests. Trouble is, they released an information sheet that said they will. DSE had signed the Allocation order for VicForests to have access to these areas for the next 15 years!

Environment Minister Gavin Jennings said it is due to the lack of woodchip logs after recent bushfires in the state. Huh? Hasn't

VicForests been having an absolute non-stop orgy on so-called 'fire affected' ash forests for the woodchip trade (burnt or not) ever since 2003? Plus VicForests is not legal obligation to provide woodchips to anyone. It's a waste product we're told.

There was NO consultation with environment groups at all, yet Minister Jennings stated publicly that they must have just all forgotten about the meetings!



This is a classic example of logging demands taking priority over remnant and recovering environments. This Labor government must take the cake for the most ruthless enviro vandals and shameless liars that we have seen for a looonng time. This would also take the cake for the stupidest decision so close to an election. Mr Brumby could take his chances and lose some marginal seats at the November state election, or he could instead lose some of his maniacal, red-necked, eco-cidal advisors inside his office.

Jill/Ballarat Courier 9.7.10

NUTHIN' SNEAKY 'BOUT IT— WE JUST DIDN'T SAY NUTHIN' TO YOUS LOT



Sneaky duck shooting deal

As well as being good ol' back-slapping buddies with the logging industry, the Brumby Government is also drinking mates with the shooting lobby. It did another 'sneaky' deal with shooters in the back room when the newly-created Murray River Red Gum National and Regional Parks were declared last year. It only became known because of an FOI request.

In March 2009, the government made a very clear written commitment to ban duck shooting from the new regional parks. In March 2010, Environment Minister Gavin Jennings told shooting groups - four months after legislation passed Parliament - that they could now shoot water birds along hundreds of kilometres of the Red Gum Parks. He confirmed there were chats between the two shooters groups and his office staff that gave the nod. Rather than the government explaining itself, the CEO of Field and Game Australia, a shooters

mouthpiece, claimed bureaucrats had just made a 'drafting error' in not allowing for it in the maps and legislation.

The Murray River Park is a 1000-kilometre string of protected riverside land, winding from Wodonga to just past Mildura. It includes four new national parks, expanded existing national parks, seven regional parks and a string of lesser parks, such as conservation areas and wildlife reserves.

Jill/Sunday Age 27.6.10

Mallacoota boat ramp decision - not a loss



Background of the dispute –

For years, several small interest groups have been hounding authorities to bung a major industrial boat ramp, break water and car park slap down in the middle of one of the most beautiful coastal sites near Mallacoota. For years, the majority of the local community has opposed it.

Supreme court challenge

It came to a head this year when the Friends of Mallacoota (FoM) took the Planning Minister's decision to the Supreme Court. The court case looked at the administrative process, not the merits of the breakwater and boat ramp. Minister Justin Madden rejected conclusions of his own expert panel's assessment and advice. FoM claimed the Minister

hadn't properly considered all evidence or followed due process. The court decided that the Minister can poo-poo and ignore expert advice from his own panel, i.e. make a political rather than a rational decision. This demonstrates how inadequate our administrative and environmental laws are, and shows the contempt towards overwhelming community concern.

Justin Madden gave an assessment. It is now up to Environment Minister Gavin Jennings to give the final approval. Let's hope it's not the big ALP rubber stamp used expressly for developers.

And further more ...

Justice Osborn said:
...the panel's reasons for its factual conclusions are far more replete... than the minister's reasons.

He also said that building the breakwater to solve safety issues between boats, swimmers and surfers was akin to "...using a sledgehammer to crack a nut", and that the Minister:

doesn't ...give very good reasons, if any for rejecting the panel's principal conclusions about safety...

The judgement confirms that the environment is not protected by Victorian laws. It shows that the Minister's discretion is so extensive that he can turn his back on his own panel's recommendations.

FoM will continue to advocate for a low impact upgrade at the present site, without breakwaters. It would be less damaging, less costly, and safer.

Jenny/FoM/Jill 27.5.10

Don't be fooled

pre-empting a forest decision

Forest campaign groups are predicting the Brumby govt will make a 'grand' forest announcement in the lead up to the state election in November - protecting Melbourne's water catchments, at the expense of the rest. This would be a good outcome for what remains of the water catchments, but will mean that everyone else's local forests are left.

The government has already allowed logging in almost every patch of available forest in catchments from Toolang to

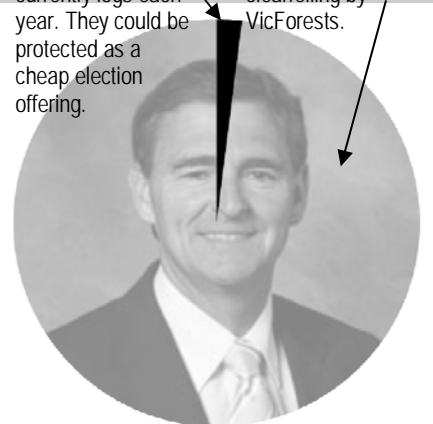
Mallacoota as well as recently opening up western Victoria for logging again.

Each year, logging in Victoria totals about 8,300 hectares. Melbourne's water catchment logging is just 170 hectares a year (Thomson, Tarago, Bunyip and Yarra Tributaries). This amounts to just 2% of the total annual area of logged forest in the eastern half of Victoria or 2.6% of the entire state's forests in logging zones.

Luke - TWS /Jill

Melbourne's water catchments are just 2% of what the government currently logs each year. They could be protected as a cheap election offering.

The other 98% could be left out of any promise and be available for clearfelling by VicForests.



Australia, cooking the books - and the planet

Australia is facing accusations of cheating at the latest round of UN climate talks in Bonn in June.

Government representatives were pushing to change greenhouse gas reduction rules so we can count planting trees but not count emissions from land clearing or logging.

The Climate Network claims that pushing for "dishonest" forestry accounting would be a massive

loophole and could account for nearly 400 million tonnes of carbon dioxide, or nearly 5 per cent of the global total. Forest protection is seen by environmentalists as crucial to the climate talks as it could be the biggest source of carbon credits and potential mitigation.

Jill/ The Age 10.6.10

VicForests' mess still being hidden

VicForests has avoided being audited since it began operations in 2004 - which is also when it started losing money. Instead of the Auditor General carrying out an independent review, as was done on the EPA, Treasury and Finance (who owns VicForests) decided it would do a cheap and quick review by employing industry consultancy group URS. This is the same mob that was employed to look at the environmental effects of a wood burning power generator at the Eden woodchip mill and also did a questionable job looking into WA's logging.



They didn't make this review widely known, of course, and only two environment groups were invited to comment. All other comments and submissions from concerned groups or individuals were ignored, as the Treasury Dept only allowed a very narrow 'stakeholder base' to comment. The terms of reference were also ridiculously narrow.

Jill

Govt turns rec's into wrecks

The recommendations from the first 10-year review of the Commonwealth's environmental law, the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was released on 21 December 2009 - just before Christmas.

The report made 71 recommendations, and one of the most important which related to forests was *rejected* by the Federal Govt. It recommended proper independent auditing and monitoring of the Regional Forest Agreements as well as sanctions for non-compliance. The RFAs cover most controversial forested regions in Australia, including East Gippsland. Effectively they lock in woodchipping while ignoring conservation obligations.

The review also suggested the introduction of an 'interim greenhouse trigger'. This would require a development producing more than a certain tonnage of CO2 emissions to be assessed under the Act. This was also *rejected*.

EDO Bulletin 7.1.10

A NEW GLOSSY = BROKEN ALREADY!

The Victorian Timber Industry Strategy (TIS) was first born in 1986. It never worked, wasn't adhered to and didn't meet its commitments. One major and dishonoured commitment was that logging public forests for private profit, must also make a financial return for the government (ie you and me).

A spanking new TIS was released just days before Christmas on a Friday arvo - governments' strategic time for making an announcement that they want to go unnoticed.

It was tailored to meet new plans for the logging industry's demand for 'security'. It will perpetuate an historically 'welfare-dependent' industry and in so doing, make sure native forest logging lives up to its past record of being uneconomic, unviable and thus insecure.

Basically the new modernised logging strategy plans to:

- Not increase any National park or reserve areas
- Allow logging interests 20 year plans to keep clearfelling public forests.
- Approve 'waste' logs from native forests to be burnt for "renewable energy" to gain renewable energy certificates!
- Weaken laws that protect forests on private land.
- Force bodies like the Green Building Council to accept bad logging practices, such as logging old growth forests and threatened wildlife habitat, as eco-friendly (or they'll lose their govt funding! - see story on page 7).

The TIS tells all that the industry is worth \$3 billion a year and employs a gazillion people. But they make no mention that about 90% of all our timber needs are met by the plantation sector now, which provides most of the jobs they cite.

The TIS is simply a strategy without any legislation (law) to back it up, so it's just another feel-good glossy document in the decades-long line of similar propaganda. They flap them around and put them on websites, knowing no one will ever read them or hold them to their undertakings.

This bright shiny new toy has been broken already. The TIS stated up front that forests on the western side of Victoria would remain protected from logging. Months later the Brumby Government announced it would open up all of these forests for logging.

This government has as much integrity as it has shame.



Jill

STOP PRESS!

**another
court
case!**

snowyriveralliance.com.au

This time for the survival of a river

The Snowy River Alliance is taking the NSW government's Water Minister to the Supreme Court over NSW's inaction to adhere to the law.

On the 23rd July, a summons was filed by NSW Environment Defenders Office on behalf of the community group.

In 2000, the NSW, Victorian and Commonwealth Governments signed an agreement to restore flows to the river, from the 1% flow it was getting, to 15% by

2009 and 21% by 2010. It is still only receiving 4% of its natural flow despite legislation having been enacted to ensure the Snowy got its drink of water.

When the Snowy Hydro was corporatized, it was given a 75 year licence to do whatever it pleased with the water - capture, impound, divert etc. That's the water from 12 major rivers! This licence was only able to be reviewed and altered after the first five years or never again. The NSW govt conveniently ignored the river's health (or lack of) in this review.

The Alliance is asking the NSW Supreme Court to declare their Government's review of the Snowy water licence invalid because it did not comply with the relevant act.

Jill



Written & authorized by Per Jordan. 65 Koola Dr, Jerrabomberra, ACT 2600



What will it take to change your vote this year?

myenvironment.net.au

myenvironment

If undelivered please return to:
EEG, Locked Bag 3,
ORBOST VIC 3888
Australia

**SURFACE
MAIL**



Greater Glider

PP 341163/3