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Logging laws defective says lawyers group

The legislation which governs logging operations in Victoria is seriously flawed according to a group of lawyers.

In an independent review of the Code of Forest Practices for Timber Production ("the Code"), Lawyers For Forests has expressed the view that defects in the Victorian forest management system include the following:

- logging activities are not properly supervised by the government department;
- inadequate penalties for breach of the Code by loggers;
- imprecise definitions of key terms in the Code allowing for conflict over the application of the Code;
- the Code provides generally for "goals" and "guidelines" which fail to sufficiently prescribe obligations as to conduct of logging operations and so encourages disputes in the forest;
- audits of the application of the Code have not been carried out despite a legislative requirement to do so;
- the Code includes bureaucratic prescriptions contrary to the best scientific opinion available, e.g. how rainforest ought be protected;
- the Department of Natural Resources & Energy ("DNRE") overriding the rules in the Code without parliamentary authority;

- there is an overly complicated and inadequate system of control mechanisms which involves the application and interpretation of the following:
 - Regional Forest Agreements;
 - Wood Utilization Plans;
 - Forest Management Plans;
 - Forest Coupe Plans;
 - Code of Forest Practices;
 - Action Statements;
 - Special Protection Zones;
 - Special Management Zones;
 - General Management Zones.
- internal conflict within the (now defunct) Department of Natural Resources and Environment (DNRE), due to its responsibility for ensuring that revenue is generated from logging operations, while at the same time ensuring that those licensed to log trees do so in compliance with legislation and instruments that protect endangered species;
- the objectives of woodchipping and other timber harvesting overshadow the task of DNRE to protect forest;
- penalties for breaches of the Code are inadequate;
- the Code is poorly enforced; and
- the demerit points system applied by the department to the loggers for breaches of the code is inconsistently policed.

However the greatest failing in the past at least, according to Lawyers For Forests, is the apparent lack of political will to fully implement the Code.

Lawyers For Forests President Lucy Turner welcomed the recent announcement by the state government to axe the Department of Natural

Resources & Energy, saying, “The decision to axe the department allows the government to make a fresh start on the unresolved issues relating to logging operations. The logging operations are of course prescribed by legislation and rules made pursuant to such legislation.”

“It is often the department which must implement, supervise and enforce the legislation relating to forestry activities and so its performance of those duties is constantly subject to intense scrutiny by both the loggers, the conservation movement and the public at large.”

“The legislative and departmental supports for the content of the Code need reinforcement.”

“For example in relation to rainforest the Code provides for the protection of all rainforest however the department has created its own definition of rainforest, in conflict with the Code, such that only rainforest stands of greater than 0.5 Ha are protected.”

In addition the Code contains a definition of rainforest which is selective in that it does not include immature rainforest which is consequently logged.

The consequences of the defects in the implementation of the Code include:

- excessive risk of extinction of endangered species of animals, trees and plants;
- concern in the community about the threat to endangered species of animals trees and plants;
- confusion in the community about its rights and duties in relation to threatened species;

- unnecessary confrontation between loggers and conservationists with the risk of associated personal injuries;
- unnecessary expense to the government in policing confrontations between loggers and forest protestors. For example \$1.7 million was spent on policing at the recent rainforest protests in East Gippsland.

Lawyers For Forests President Lucy Turner said, “The defects in the legislation are causing us to take unnecessary risks with threatened species and this leads to unnecessary confrontation and cost.”

“It is interesting that the focus of community concern and confrontation over conservation issues includes forests and it is the particular job of the Code to protect forests and their inhabitants. Our analysis is that the Code requires significant overhaul.”

“It appears the State Government is currently looking for ways to engage with the community over conservation issues.”

Ends

Media conference: if requested of LFF

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