

REPRESENTATIONS ON NOTICE OF AN APPLICATION FOR PROTECTION OF MUMBULLA, MURRAH, AND BODALLA STATE FORESTS

Pursuant to the *Aboriginal and Torres Strait Islander Protection Act 1984*.

Dr Christos Mantziaris
6th Floor, St James Hall
169 Phillip Street
SYDNEY NSW 2000

Dear Dr Mantziaris,

Thank you for your notice inviting representations in connection with your report to the Minister on the application for protection of Mumbulla and Murrah State Forests, and a portion of Bodalla State Forest, under section 10 of the Act. In the interest of expediency and convenience these representations are in response to both notices. I fully support the application to protect the specified areas.

THE MUMBULLA AND MURRAH STATE FORESTS SPECIFIED AREA

In my support of the protection of this specified area I submit that there should be recommended extensions to the specified area to include the Tanja and Bermagui State Forests. These additions to the area would fulfil local Aboriginal community wishes for comprehensive protection of this culturally significant zone.

The threat to these areas is immediate. Logging is currently underway in Bermagui compartment 2001. The Forests NSW Plan of Operations FY2011-12 lists the following relevant compartments:

Bermagui - 2001, 2002, 2003, 2006, 2007, 2008, 2069

Tanja - 2101, 2102, 2103, 2104, 2108, 2115

Mumbulla - 2125, 2163, 2168, 2169, 2170, 2171, 2173, 2174, 2175, 2176, 2178, 2179, 2183, 2185

Murrah - 2032, 2035, 2045, 2048, 2049, 2051, 2052, 2056, 2058, 2059, 2060, 2061.

The fact that last year, Forests NSW illegally logged sections of Mumbulla compartment 2135, part of the gazetted Aboriginal Place, is ample evidence that Forests NSW are not able to be trusted to care for cultural heritage.

THE BODALLA STATE FOREST SPECIFIED AREA

The 21 Bodalla compartments 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3062, 3063, and 3097 that fall wholly or partly within the specified area will not be safe from desecration until protection is granted by the Minister.

Information from the Forests NSW Plan Of Operations FY2011-12 shows that six of the compartments listed are planned for native forest logging this financial year, though past experience shows that compartments need not be on the Plan Of Operations to become active. Compartment 3043 has been active since 14 January 2011 and has been severely damaged by the logging operation which has not been conducted in accordance with the Regional Forest Agreement.

I know of many reasons why Forests NSW cannot be trusted, the most relevant example concerns the logging of Bodalla compartment 3004 five years ago. This compartment is situated adjacent to the northern shoreline of Lake Brou and is a significant Aboriginal place, and was recognised as such by Forests NSW in their harvest planning in two ways. Firstly a 50-100 metre exclusion zone was placed around the shoreline, and any other identified sites within the harvest area were given 10 metre radius exclusion zones. Secondly, in light of the significance of the area, Forests NSW planned that no woodchip logs would be taken from the compartment in deference to the local custodians. The Aboriginal community were given this assurance by Forests NSW. But when I followed this up in 2010, it was discovered that actually thirty seven percent of the trees taken from the compartment went directly to the woodchip mill. Pasted below is the image of the actual product report I obtained from Mr K. Petty of Forests NSW.

11/3/2010.

Sum of NETT VOLUME		
COMPARTMENT NUMBER	PRODUCT DESCRIPTION	Total
3004	Pole Grade 1	9%
	Girder	1%
	Veneer Grade 1	1%
	Large Sawlog	38%
	Small Sawlog	6%
	Salvage Grade 1	8%
	Pulp Grade 1	27%
	Pulp Grade 2	10%
3004 Total		100%
Grand Total		100%

63% Sawlog.
37% PULP.

Ref.

← This is the signature of Kevin Kelly of Batemans Bay FNSW.

Further indication of the significance of this compartment was recently made public by Eurobodalla Shire Council, whereby a motion was passed to support the nomination of the Brou Lake foreshore area to be listed as an Aboriginal Place.

MINUTES OF THE POLICY AND STRATEGY COMMITTEE MEETING
HELD ON TUESDAY 7 JUNE 2011

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The Mayor advised the following recommendation was declared carried in Closed Session.

MINUTE NO PSM11/42

PS11/24 LAKE **BROU** ABORIGINAL PLACE LISTING

00.4599

PSM11/42 MOTION Councillor Chris Kowal/Councillor Alan Morton

THAT:

1. Council write to the Office of Environment and Heritage to support the nomination of a section of the foreshore of Lake Brou as an Aboriginal Place, and in doing so acknowledge its importance to the local Aboriginal community.
2. It be noted the Local Government Area, County and Parish on the map are incorrect and the Office of Environment and Heritage be advised to correct the information.

(The Motion on being put was declared **CARRIED**).

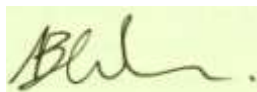
Also in 2006, Forests NSW conducted native forest logging in Bodalla compartment 3046. This was against the wishes of many in the local Aboriginal community. Some Traditional Owners felt so strongly about protecting Gulaga Mountain they joined the protest/blockade for extended periods of time trying to get the logging to cease.

One morning, the Traditional Owners handed an Eviction Notice to the Forests NSW officer on-site, the notice was duly ignored and thrown crumpled on the ground. This manifest disrespect was deeply concerning, along with the fact that the cultural tours that were regularly given by the Umburra Cultural Centre of Wallaga Lake had to be cancelled whilst logging was underway. The tours usually followed the 'Dreaming Track' which went through the compartment and on up Gulaga Mountain. Forests NSW implemented some 'visual protection' either side of the track, but still the logging damage was blatant and disturbing.

I feel that this logging event really disrupted the tours viability. The Umburra Cultural Centre no longer operates as a going concern, though without knowing the exact reasons why they closed, I would not assert that the logging of 3046 and the consequential disruptions to the tour programme were the main drivers of the centre's demise. But I would contend that this was a contributing factor.

In conclusion, protection in perpetuity under section 10 of the Act of these Mumbulla Murrah Tanja Bermagui and Bodalla compartments would be a great fillip for the local Traditional Owners and Aboriginal community. It may assist in reinvigorating the Umburra Cultural Centre and its tour programme, and be instrumental in the creation of further opportunities for cultural tourism. I am sure that more social and economic benefits would ensue from protection than from logging of the specified area. I reiterate my full support for these applications.

Yours sincerely

A handwritten signature in black ink on a light green rectangular background. The signature is cursive and appears to read 'Anthony B Whan'.

5/8/11

Anthony B Whan

PO BOX 899 MORUYA NSW 2537