

PROSECUTION OF FORESTRY CORP. SEFR. 05.10.2017

Forestry Corporation has been successfully prosecuted for Glenbog State Forest Logging. Thanks to the hard work of South East Forest Rescue.

Judgment was handed down yesterday (5 October 2017) in an unprecedented court case where the Environment Protection Agency ('EPA') took action against the government sanctioned Forestry Corporation NSW for breaches committed by Wilton Logging in the NSW Land and Environment Court.

The Forestry Corporation were charged after the discovery by conservation group South East Forest Rescue of a spate of breaches in Glenbog State Forest at the top of the Brown Mountain, on the south coast of NSW. Breaches include the logging of rock outcrops, debris around habitat trees, no marking up and poor selection of habitat trees, and destroying the habitat of threatened and endangered native animals.

Breach reports were submitted in 2013, however it took the EPA two years to investigate and launch a prosecution with only a day to spare before the 2 year limitation period ran out. The court case began this year on 21 August. The Forestry Corporation pleaded guilty. It was found that the Forestry Corporation 'undermined the protective regulatory scheme' contained in the National Parks and Wildlife Act. It was also found that the Corporation is a repeat offender. Even so, the Forestry Corporation were only fined \$8,000, however they were also ordered to pay the EPA's legal costs of \$65,000.

This case is important in that it is the first time that the EPA has taken action in a NSW court against the illegal logging of rock outcrops. Rock outcrops are considered to have structural complexity and usually higher levels of biodiversity, and are considered to be a 'key habitat resource' and a 'biodiversity asset'. Within NSW's coastal forests, rock outcrops contain significant numbers of rare and endemic species. At a global level, rock outcrops are recognized for their contribution to conservation biodiversity. Species found in rock outcrops form part of a unique group that is not found anywhere else. Rock outcrops have been referred to as 'biological hotspots', and are the subject of the Draft Recovery Plan for Threatened Flora of Rock Outcrops in South Eastern New South Wales.

Glenbog State Forest provides a home for many threatened and endangered animals and plants such as Owls, Yellow-bellied Gliders and Montane Peatland, which is an endangered ecological community, and other animals such as wombats.

“Past audits have exposed illegal logging of endangered ecological communities, old-growth and rock outcrops,” said Mr Daines, spokesperson for South East Forest Rescue. “We have proven systemic re-occurring breaches on the south coast that show a pattern of non-compliance and the fines and penalties are too low, and not effective. If a private citizen were to commit these breaches they would be fined hundreds of thousands of dollars.”

In Court, the Forestry Corporation erroneously submitted that the penalty should be lower because it was not as bad as 'the smoky mouse incident', and there is 'little chance of this offence re-occurring'. However, SEFR have been submitting breach reports to the EPA since 2004 on illegal logging of rock outcrops, and continue to find evidence of this offence. Further, the Forestry Corporation are also in court for other separate illegal logging of rock outcrops in Glenbog, and in Badja State Forests, and the EPA is still investigating numerous breaches of logging rocky outcrops that SEFR found in Tanatawangalo State Forest at the beginning of this year.

“This is too little too late” said Mr Daines. “The propping up by the State Government of this unlawful industry just makes no sense given that the Forestry Corporation’s native forest logging has proven to be unsustainable.”

“Of serious concern is that it has taken four years for this to be finalised. In the meantime, Forestry Corporation is still out there logging rock outcrops” said Mr Daines.

“The Regional Forest Agreements are a failed experiment. It is clear that the woodchip and logging companies are treating the law with contempt. Given what we know about the link between loss of biodiversity, land degradation, deforestation and climate change, the time has come to follow New Zealand’s lead, honour Australia’s international obligations, end the RFA’s, and end native forest logging altogether,” said Mr Daines. “The protection of our native forests is of urgent national and international importance in these times of global climate crisis. It’s time to prove that political will is not extinct and put an end to native forest logging, for us and our children's future.”

The Forestry Corporation have been charged for another offence

of illegally logging rock outcrops, which is subject to a prosecution that is still before the Land and Environment Court. The Forestry Corporation have pleaded not guilty.

