

To:
The Secretary
The Senate Standing Committee on Environment, Communication
and the Arts.
P.O. Box 6100
Parliament House
Canberra ACT. 2600.

Re: The Australian Senate Inquiry into the Operation
and Effectiveness of the Environmental Protection and
Biodiversity Conservation [EPBC] Act 1999.



Courtesy of the Wilderness Society.

A SUBMISSION.

Dr Chris James

Without Prejudice

Submission

Re:

The Australian Senate Inquiry Into the Operation and Effectiveness of the Environmental Protection and Biodiversity Conservation [EPBC] Act 1999 - and the ‘effectiveness of Regional Forest Agreements [RFA’s] in protecting forest species and forest habitats where the EPBC Act does not apply’.

Submission Abstract:

The EPBC Act is ineffective for protecting old growth forests and water catchments and it has been further hampered from carrying out its aims and objectives due to the alleged unethical and damaging behaviour of major corporate stakeholders in the forest industry and alleged collusion with public representatives, which [allegedly] lead to the dissemination of misinformation and the deliberate undermining of environment groups in the 1990s [Neighbour 2006.] This submission argues that the time frame [...] and extent to which this alleged deception took place created a significant and damaging cultural inertia towards acting to protect the forests on behalf of governments and industry, and disarmed the environment groups; this in turn has rendered the logging in water catchments permissible and hitherto beyond impeachment. This situation has subsequently posed a threat not only to the future of forests, but to the safety and well being of local residents; as well as a serious threat to the quality and quantity of Melbourne’s water supply. Section 38 of the EPBC Act specifically exempts Regional Forest Agreements [RFA’s] from the requirements of the Environment Protection Legislation. However, the RFA’s are still expected to protect endangered flora and fauna as well as to uphold the *duty of care* principle with respect to the public and property. With this in mind, this submission contends that both the EPBC Act and the Forest Agreements have failed to operate in the interests of conservation of the forests and its protected species. It has not protected water reserves or the public interest but the reason for this extends beyond the legislation to those who are charged with upholding it.

Introduction.

It is usual for submissions to address the terms of reference and the sections of the Act[s] that are perceived as failing. Sometimes this is not sufficient to explain failure. Hence, I have chosen to focus on the social and political environment in which the EPBC was meant to take effect. My aim is to expand the conceptual view of the forestry industries in the Yarra Ranges and the complex hegemonic powers that run beneath them.

The forests and foothills of Victoria provide some of the most fertile environments in the State contributing significantly to Victoria's agricultural and tourism economy. The area has also become known for its tranquil setting, which has attracted businesses aimed at healing and promoting well being. The growth of the alternative industries over the past few years has injected considerable wealth and cultural diversity to the area. Additionally, the proximity to Melbourne of many of these industries insures producers and services providers alike of an ongoing ability to compete in the global markets. At the centre of much of this agricultural growth, tourism and health expansion is the Yarra Valley and its surrounding state forests. The Yarra Valley area has benefited from significant government assistance and has received a number of awards for its business and industry initiatives. The projections of the Shire of Yarra Ranges have reflected this in sentiments that give impetus to ongoing sustainable land use and the need to protect valuable and finite resources [Shire of Yarra Ranges 2008.]

Notwithstanding, multiple land use inevitably brings with it conflicts in human interests as well as a need for strict guidelines to protect fair and equitable dealing. In the 1990s in the Central Highlands/Yarra Ranges all efforts to mediate multiple land use and the fair distribution of government money failed. There was a battle ground raging between the forest industry and the new wave of environmentalists and/or entrepreneurs that had escaped city life for the beauty of the mountainous ranges. Both the activities of the logging industry and its heavy government subsidies came under severe criticism. These fierce debates served to divide families and communities.

Around this time I was living in Warburton and I had the privilege of standing as a Federal Candidate for the Victorian Greens. This followed a number of years involvement in the Upper Yarra Conservation Society [UYCS] both as a member and office bearer, with a particular interest in forestry and planning issues. I was also member of the wider environmentalist community having compiled research and written extensively on ecology and social movement theory.

During the 1990s I was one of many activists expressing a growing concern about the devastation of forests in the Upper Yarra and concomitant erosion to the hillsides caused by logging coups and access roads. There was concern for the loss of wildlife, its habitat and the possibility of rivers and creeks being overwhelmed by the falling debris. There was concern about the chemicals and poisons used by the relevant industries and their potential to damage health. People worried about the storage of engine fuels in the forests at a time when bushfires were becoming an ever-increasing reality. There was also a growing concern for the quality of water and the impact the clear felling of trees might have on it. UYCS was one of the first groups to raise the issue of water quality.

At this time the Warburton and Healesville areas were a hive of activity surrounding forestry issues with much of the impetus coming from

battles elsewhere. When the Victorian Greens held their first branch meeting in Healesville in 1995 there was a distinct air of hostility. Some activists were willing to speak publicly about their concerns but those who lived and worked locally did not feel secure in doing so. There was a definite climate of fear. The notion of challenging the hierarchy of what was then couched in the identity of a 'Timber Town' with its tight grip on the surrounding hills was perceived risky. I recall discussing this problem with someone who described the climate as that of 'banjo country'. The term was taken from the movie *Deliverance* where a group of city dwellers travel down river to spend a weekend in the heavily forested outback. They meet up with a group of inbred and mentally under-developed locals whose only real means of communicating with the city dwellers was through the blue grass banjo.

Without doubt, the history and culture of timber cutting in the Yarra Ranges was entrenched and its tentacles filtered through all the public and private spheres to dominate every aspect of socio-political life in the community. To this end we can say the small towns in this region engaged in communal autarky and a polity of self-protectionism. Not even the council amalgamations could break this tradition, it had to come from outside.

The Presence of Green[s] Groups.

Over the above mentioned period of years there was an ever increasing hostility towards the incoming environmentalists both from the timber industry, its employees and a number of slightly more obscure associates who could be seen feeding off the spoils of the forest's devastation; the firewood merchants and the like. There was allegedly a lot of illegal logging as well as the removal of vegetation and topsoils, all contributing to an underground economy. Hitherto, at the height of the 1990s battles there was a clear demarcation between two sectors of the community described as 'pro-logging' and 'anti-logging'. Both the major parties gave their support to the pro-logging fraternity. The Liberals allegedly served the interests of business and Labor was seemingly answerable to the union the CFMEU. The entry of the Victorian Greens acted as a catalyst to challenge this dynamic and it was probably fair to say that in the early to mid 1990s the environment movement's campaigns were beginning to make some inroads towards exposing the logging practices and its culture of alleged thuggery and harm. Environment groups in the area grew in numbers and they were given the opportunity to express opinions and negotiate policy. I personally negotiated with DSE over forestry codes. I also actively supported eco-development, originally in the proposal to build a Theravada Buddhist Temple in East Warburton. I entered the negotiations when the proposal erupted in a conflict with neighbours and some *deep green* environmentalists.

For the greens groups there were some major successes at this time in reclaiming lands for national parks and in protecting the vulnerable creeks and waterways, in revegetating vast areas of eroded land and in the constant monitoring of planning decisions, especially those going to

VCAT. Then the tide turned. The environment groups were suddenly confronted with a groundswell of fierce opposition from a well resourced 'Timber Communities' and/or pro-logging lobby, with some groups operating under the guise of conservation. The political parties were also in turmoil at this time and many will remember the accusations of branch stacking in the Labor Party and the many skirmishes that arose between the Labor Party environmentalists and the representatives of the logging industries. There were members of environmentalist groups who were also Labor Party members and who certainly would have tried to influence policy.

The Timber Industry: A History of Alleged Sabotage, Corruption and Collusion.

Suddenly, usually on a Saturday morning, there was the noticeable appearance of vehicles parked in the Warburton Main Street with the Letter 'A' stuck to the rear window. It is the kind of thing that stands out in a small community. I recall some of the locals stood on the street trying to fathom what this 'A' meant. Gradually, the answer was revealed and a more insidious side of the timber industry began to emerge. The small town was then buzzing with gossip about a secret army of spies that had come to destroy the green groups. Of course no one believed it was anything more than a fantasy. We were wrong!

The anti-environment army was known as the A-Team ['A' standing for Amcor; the giant Australian paper company.] It began appearing outside environment meetings. At this stage environmentalists and townsfolk could only offer conjecture on what was happening. It wasn't until 2006 that the ABCs Four Corner's team revealed documents which clearly indicated how the A-Team was set up to take on the green groups and shape public opinion on logging and wood chipping [Neighbour 2006.] The effectiveness of these clandestine operations [opinion shaping] has lasted for more than a decade and still serves to cloud sections of local opinion.

The A-Team began its work by systematically discrediting conservation and environment groups with tactics such as infiltrating events and spying on individuals. The team founder Derek Amos admitted to four corners that

'up until that time the greens were getting the major newspaper coverage. And they were winning the hearts and minds battle. And it was necessary to take over that ground, and that could only be done by, if you like, discrediting what was being claimed by the Greens [Amos 2006].

As the ABC's Sally Neighbour discovered in 2006, the activities of the A-Team began in 1989 after the State Government announced plans for a pipeline to pump industrial waste into the ocean off Gippsland's pristine Ninety Mile Beach. Locals set up a campaign in opposition to the government's decision. The Government were then forced to halt the work and they called for a review. The major stakeholder here was Amcor; Australia's paper-making giant and owner of the Maryvale pulp mill in the Gippsland Latrobe Valley. The mill needed some means of eliminating the waste from its Latrobe Valley facility. The local protests put Amcor's plans severely at risk so they employed Derek Amos as a political consultant. Amos was a 'former state Labor member'. He was employed by the company and by the union the CFMEU. Union cohorts in and out of the Parliament became strategically placed to offset any ongoing protests by the environmentalists as the logging in the forests increased. As it happened, despite the history of Jack Munday's 'green bans' and concomitant union commitments to protect the environment the CFMEU did nothing to intervene in these industry based clandestine arrangements or to overtly align themselves with a green politics.

In 1996 as the Greens Candidate for McEwen I came up against a lobby group calling itself 'The Forest Protection Society'. It was clearly aimed at discrediting the green's groups by appropriating the term 'protection' while simultaneously helping to expand the logging in the Central Highlands. Just two months previously over 200 forestry industry workers had attended an information evening in Marysville held by the 'The Forest Protection Society' [FPS]. Its Healesville Branch President was Warburton resident and past Councillor Gordon Buller [see picture.] At this time also the Upper Yarra Conservation Society were constantly monitoring the logging industry's practices for violations of the forestry code. We made representations to DSE, to Council and to VCAT. Feelings between the FPS and UYCS were significantly strained, particularly as the FPS linked to other volunteer groups who had control of the riparian vegetation along the Yarra River's edge. The management of this area was constantly called into question by members of UYCS.

Local Press Coverage: Timber Families Protest From The Mountain Views, December 1995.



As the 1996 Victorian Greens candidate for McEwen I made every attempt to get support on forest issues from the other major party candidates. The Victorian Greens didn't expect much support from the Liberals who were quite openly pro-logging, but we did have some hope that the Labor Party would act on what we surmised were the concerns of a number of its branch members in the Yarra Ranges. We also expected

some support since Labor would be getting Green's preferences. The support was not forthcoming so I in conjunction with my party decided to split the ticket, putting Labor preferences at risk. This was to further exacerbate the rivalry between groups. It appeared that at this time Labor was more willing to continue the alliances with the timber industry and its 'dubious' cohorts than to examine the long term consequences of the logging. Today, Melbournians are feeling the consequences of this decision.

The Maryvale mill flourished until the 1990s when the market was flooded with overseas paper imports. The A-Team lobbied on behalf of Amcor as the company pushed a recycling line [green-washing] which eventually found its way into schools to make Amcor look clean and respectable. During the 1990s the A-Team succeeded in splitting the local environment groups and isolating them from their city counterparts. In Gippsland the intimidation of greens groups was ongoing; the movement has still not recovered. The A-Team succeeded in getting the Keating Government to back away from forestry issues [Amos 2008] knowing that the logging of water catchments would likely be unpopular. They relied on their campaigns of misinformation and the knowledge that the Labor party was firmly in the grip of union power. Labor could say what they wanted to placate the concerns of the community as long as they didn't act to stop the logging. The situation has left many new generation environmentalists perplexed. Only recently I was asked by a newly formed Warburton environment group, 'why has this devastation of the forests been allowed to go on for so long?'

The A-Team was disbanded in 2001 and the records were meant to be destroyed instead they found their way into the hands of the Four Corners program to give us a precise look at the way the population at large, and the government in particular have formulated their ideas in respect of logging and woodchips. The Four Corners team, to their credit, revealed the extent of the A-Team's illegal activities and the influence they wielded. These activities including spying, sabotage, the infiltration of political parties; stacking branches as well as damage to Amcor's competitors [Amos 2006.]

It has become abundantly clear that if you want to create change you must first embed it into the culture. While the original forest industry may have grown organically to fulfil the needs of a remote community, the nature of that cultural growth was to change into a socially and artificially constructed campaign for the purposes of corporate profits not human and family interests. As yet, no one has become accountable for the activities of the A-Team or the corporate giant that sanctioned it. The public have to wonder if the culture that allowed for these clandestine activities still exists and if it does what kind of trust should politicians expect from their constituents?

The New Battleground.

The battle to save the forests has now moved to Melbourne. The Glen Eira Environment Groups have quite rightly stated , 'Not many years ago

Melbournians trusted their State Government to manage their water supply...Melbourne... is now stretching the ability of the city's dams to supply us with adequate water supply' [GEEG 2008.] Trust is an important factor here. How might we trust governments given this record of deceit?

In the context of climate change water is fast running in short supply but the most obvious remedy, which is to stop the logging of water catchments' is being ignored by the Victorian State Government. The Victorian public are forced to ask; why, when it is conclusively shown that old-growth forests have a carbon storage capacity far greater than that of the current logging rotation - the equivalent to the emissions of 2.3 million cars - does the Victorian Government choose to ignore the calls to stop the logging practices? [Wilderness Society 2008.] 15 municipal councils [to date] have voiced their opposition to logging in the water catchments [My environment 2008.] Ordinary people who have never before been involved in environmental activism are calling on governments to address environmental issues. The problem is urgent!

Conclusion.

In this submission I have attempted to focus on why this logging issue has spanned a time frame of so many years with little or no success in curtailing the devastation in the forests of the Yarra Ranges. Rather than address areas of the Act that might be failing I have chosen to explore the culture that underwrites the failure of the Legislation. We are not just dealing with improper and unethical practices but with an entrenched socialisation that permits it. In this submission I have focused on the failure of governments and business to ethically address these social issues, whereby I have shown how a deliberately constructed culture has stood in the way of good sense. I could have gone to great lengths to reiterate the statistical arguments that favour the cessation of logging in the water catchments and old growth forests but others will do this. Rather, I have chosen to focus on my own experience of the hegemonic powers within governments and the industry that prevents the accepted processes of democracy to take effect. The case of the A-Team is abominable and extreme but it stands as just one example of where governments need to put in place better checks and balances to prevent unethical dealings, especially those that endanger people, nature and the planet.

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