

WIELANGTA FOREST LANDMARK TRIAL

SENATOR BOB BROWN  FORESTRY TASMANIA

30 May 2005 – 23 May 2008



**The High Court won't rescue Wielangta...
but our campaign will.**

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The Wielangta Forest case

ON 30 MAY 2005, after two years' preparation, Senator Bob Brown applied to the Federal Court of Australia for an injunction to stop Forestry Tasmania from logging Wielangta Forest on Tasmania's east coast. Wielangta is home to numerous federally listed endangered species, including the Tasmanian Wedge-tailed Eagle, the migratory Swift Parrot and the Wielangta Stag Beetle.

The injunction was refused, the then federal and state ministers labelled the action a stunt, but the battle waged through the courts in the following three years has profound implications for Australia's wildlife, forests and ecosystems.

In a nutshell, the courts found: logging in Wielangta forest is driving endangered species towards extinction. However, this is legal under a Regional Forest Agreement because the RFA gives logging and other forestry operations immunity under federal environment law.

Paradoxically, federal environmental standards for industries other than forestry and logging have been strengthened.

The High Court has never examined the EPBC Act and decided 2 to 1 against granting special leave to appeal in this case. As a result the key question remains untested: do intergovernmental agreements such as RFAs, interpreted in the light of the Act's clear aim of ensuring the conservation of biodiversity, have to actually protect endangered species or do they merely need to have a plan? Until the High Court rules otherwise, plans will suffice.





Dear friends,

WIELANGTA FOREST is about to be logged to make paper in Japan. If, in this lucky, wealthy, democratic country, we can't do better than that, what hope is there for the forests of Brazil, Indonesia or the Congo?

I took this case, along with its huge financial risks, on behalf of wild Australia – for its unique plants and animals, its beauty and its fragile future. We have exposed the gaping hole in Australia's environmental law which leaves forests under Regional Forest Agreements unprotected. Logging in Wielangta has been halted for three years. And the latest science is demonstrating that protecting natural forests is critical to the very survival of the planet by keeping the massive amounts of carbon, released through logging, from polluting the atmosphere.

The Prime Minister and Premier who signed the Tasmanian RFA are gone but our campaign continues with renewed energy. Australia can start afresh, leading the world in valuing forests and their wildlife.

The Wielangta Forest case was only possible with the generous support of donors, the compelling evidence of our expert witnesses, and the dedication of our legal team. My enormous thanks to you all.

Bob Brown



Legal implications

REGIONAL FOREST AGREEMENTS create their own lesser environmental standards. They ignore the objectives of the federal EPBC Act and Australia's obligations under international agreements such as the Convention on the Protection of Biodiversity.

There is no requirement for an RFA to deliver real protection for endangered species. It just needs to state that a system exists. In the Wielangta case, after the Federal Court judge banned logging because it threatened endangered species, Prime Minister Howard and Premier Lennon simply altered the RFA to say that it protected threatened species (even though it doesn't). This alteration over-rode the judgment and confirmed that RFAs can be changed at will by agreement between the Prime Minister and the relevant Premier. Parliament has no oversight.

Regional Forest Agreements can only be enforced by the Commonwealth through the provisions of the RFA itself. No third party (like the public which owns the state forest) can intervene.

For industries other than logging and forestry, because of the Wielangta judgment, the law has been tightened. The Minister must assess *cumulative* impact when considering if an action is likely to have a significant impact on a threatened species. As well, the test of significant impact has to take into account international conventions which promote species recovery, not just survival.

EPBC Act: Federal Environment Protection and Biodiversity Conservation Act

RFA: Regional Forest Agreement



What next?

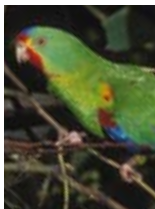
FORESTRY TASMANIA can log Wielangta when it chooses and does not have to change its plans, despite the court finding that the logging will send the eagle, beetle and parrot closer to extinction.

The new Prime Minister and the new Tasmanian Premier can save Wielangta Forest. They can reverse the changes made to the RFA by Howard-Lennon in February 2007 to circumvent the Wielangta judgement.

Alternatively, Prime Minister Rudd can give notice under clause 102 of the Tasmanian RFA that it will be terminated.

More information: www.on-trial.info





Swift Parrot

A small, fast-flying green parrot that nests in old hollow trees in coastal south-eastern Tasmania, migrating to the mainland in winter.



Tasmanian Wedge-tailed Eagle

The largest Australian eagle with a wing-span of over 2 m – and more than 90% probability of extinction within 200 years if logging continues under current rules.



Wielangta Stag Beetle

A flightless ancient beetle, thought to have evolved with dinosaurs over 200 million years ago. Restricted to the area around Wielangta and dependent on old growth forests.

Please help

SUPPORT THE WIELANGTA FOREST CAMPAIGN

by donating to help cover the costs of this epic case.

By credit card: www.on-trial.info

By cheque: RJ Brown Forest Account,
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Photos: Rob Blakers, Bob Brown, Luisa Romeo, Dave Watts

More information

www.on-trial.info

www.bobbrown.org.au

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