

Response to Mark Poynter on behalf of MyEnvironment

My name is Steve Meacher and I am Vice-president of MyEnvironment. I am also President of Friends of Leadbeater's Possum Inc., Chairman of Healesville Environment Watch Inc. and I chair the Murrindindi Shire Council's Environment Advisory Committee.

On behalf of MyEnvironment, I thank the Inquiry for bringing to our attention the fact that our organisation had been mentioned in submission 360 from Mr Mark Poynter and for offering us an opportunity to respond.

I begin with some historical perspective.

"... the forestry authorities ... persist in putting forward the idea that Leadbeater's possum benefits from pulpwood harvesting."

"The example has been used repeatedly throughout the Senate Inquiry and was stressed by Dr Moulds in his submission for the F.C.V. [Forestry Commission of Victoria].

"Mr. Hanson, Acting Director General of the Forestry and Timber Bureau stated to this inquiry:

"You will find that if you never log the forest where the Leadbeater Possum is, the Leadbeater Possum will disappear."

These paragraphs are extracted from "Woodchipping in Victoria", a paper presented by P A Rawlinson to the Senate Standing Committee on Science and the Environment: Woodchip Inquiry, August 1976. They provide some insight into the mindset of the forestry industry at the time Mr Poynter obtained his diploma, almost 40 years ago.

Rawlinson continues –

"This statement is completely untrue and not based on any factual documentation. It deserves to be condemned in the strongest possible terms."

"The case put forward is completely false – there is no documented case of a Leadbeater's possum population recolonizing a clearcut and regenerating pulpwood site."

"However, the F.C.V. have prepared a utilization plan for the Central Highlands ash forests under which they will be harvested by clearfelling and put onto 60 year rotations. There is no doubt that this utilization plan if followed will exterminate Leadbeater's possum."

It is clear that since the rediscovery of Leadbeater's possum in the ash forests of the Australian Paper Mill's concession zone in 1961, the logging of habitat forests has always been contentious and the industry has always been aggressive in defending its interests and quick to respond to criticism.

In this tradition, Mr Poynter is familiar to us in his 'media commentary role', for his relentless attacks on any public criticism or even discussion of the native forest logging industry. Indeed, his comments are so frequent, automatic and unfounded that he is often considered vexatious and little serious attention is paid to his views by anybody other than his supporters. He routinely ignores or denigrates researchers with whom he disagrees and their peer-reviewed publications, preferring instead to rely selectively on 'authorities' that

support his personal world view. Often he continues to propagate long-discredited claims and to misrepresent the facts in his defense of the industry. A recent example is to be found on the ABC Environment website (10 September) where he attacked Minister Hunt's decision to uplist Leadbeater's possum to Critically endangered, the Threatened Species Scientific Committee, who advised the uplisting and Professor David Lindenmayer, the world's leading authority on the species and co-author with Dr Dan Harley of the application to uplist. When Professor Lindenmayer responded to defend the minister's decision (17 September), Poynter immediately lodged 3 further comments.

I therefore welcome this opportunity to respond, as vice-president of MyEnvironment, to allegations made against our organization in Mr Poynter's submission and to set straight the public record.

Poynter refers to Victorian forest-based group, **My Environment**, as an example of "less blatant misrepresentation"... "achieved by selective use of information, emotive language, and strategic avoidance of critically important context to create impressions that often paint a completely unreal picture of the level of environmental threat."

He cites, "a plea on its website home page to '*Please help to save the Leadbeater's Possum from logging*' alongside a picture of the cute possum. "

He then picks out a number of statements that he considers contentious, which he then repeats, followed by a short explanation of his version of reality (abridged here to save time):

MyEnvironment statement: "The My Environment team are continuing our work to draw attention to the logging of the Ash forests for the Japanese conglomerate Nippon and their Reflex paper product"

Poynter's reality: The Ash forests are in fact harvested for both sawn timber (the best logs) and pulpwood (the logs that are too small, defective, or bendy for sawing).

The facts: Pulpwood makes up the vast majority (range: 85% - 92%) of VicForests' product by volume. It is misleading to suggest that clearfell logging is conducted to obtain only a small percentage of logs suitable for sawing and that only logs unsuitable for sawing are used for pulp. It is abhorrent that entire coupes in publicly-owned forests are clearfelled largely for low value pulp logs, especially when it is known that more than half the biomass present before logging is left on site as "slash" and is later incinerated in a regeneration burn.

Sources

VicForests' Sustainability Reports over several years (2006 – 2013), show that 67.3% of production is "Residual log". Of the appx. 32% sawlog, another 60% becomes waste during processing (LPAG), giving a total of at least 85% in sawdust, residue and waste.

Leadbeater's Possum Advisory Group (LPAG - Technical Report p 64), shows that 68.5% of Ash timber flows are "residual" with a further "Processing volume loss" of 18.9%, giving a total of 87.4% going to Maryvale pulp and paper mill.

In a report prepared for the Victorian government, Dr Jacki Schirmer reports production of woodchips, pulp and paper, and sawdust in 2012 as 91.7%. Sawn timber represented only 7.5%.

MyEnvironment statement: “There is only 1% of old growth ash forest left living in the Central Highlands after 100 years of intensive logging and fire, time is running out to change the policy”

Poynter’s reality: ...harvesting occurs in regrowth forests mostly of 1939 fire–origin.

The facts: The 1% claim is based on figures provided by Lee Miezis, Director Management and Operations, Forests and Parks Division, DSE (April 2011) which show that only 2,000 hectares of “Unburnt & Unlogged Mountain Ash”, of an original total of 170,400 hectares. This is 1.17%.

Most of this tiny unburnt and unlogged forest is in protected areas not subject to logging. However, in the forests regrowing after the 1939 “Black Friday” fires, there are stands and individual trees that survived that fire but do not occupy sufficient area to be counted as “old growth”. There are also large old trees that were killed in the fires but remained standing, over time decaying to become hollow bearing stags. It is these areas and trees contained within the regrowth forests that currently contain the elements that define optimum habitat for Leadbeater’s possum. Even when they are not themselves logged, they are frequently destroyed or exposed to destruction during clearfelling of the surrounding regrowth forest.

MyEnvironment statement: “The policy of logging these forests can legally send our most endangered animals to extinction, like that of the Leadbeater’s Possum”

Poynter’s reality: In fact timber harvesting only occurs in a net 31% portion of the ash-type forests being referred to. Leadbeater’s Possum rarely occurs in these regrowth forests, and where it does, its habitat is reserved and excluded from the net harvested coupe area.

The facts: On the contrary, Leadbeater’s possum specifically occurs in 1926 and 1939 regrowth Ash forests, provided there are sufficient big old hollow-bearing trees available to provide denning sites. These are the same forests that are currently targeted by the logging industry, partly because, after decades of intensive logging, they are almost all that is left.

In its advice to Minister Hunt in April the Threatened Species Scientific Committee clearly stated that, “All populations of Leadbeater’s possum are important.” When dealing with the conservation of a listed Critically endangered species it is in no way valid to argue that logging only occurs in 31% of habitat forests.

MyEnvironment statement: “..... sending Leadbeater’s Possum to extinction is NOT sustainable..... and he needs to work to exit all native forest logging from the Great Forest National Park boundary area immediately”

Poynter’s reality: As above, the net area of timber harvesting is limited to fire regrowth forests where Leadbeater’s Possum doesn’t even live.

The facts: This assertion is outright nonsense. In recent surveying by the Arthur Rylah Institute more than half the Leadbeater’s possum colonies located have been in coupes on the Timber Release Plan, scheduled for logging in the near future.

To paraphrase Mr Poynter – Ecologically sustainable logging does not exist – after several decades of inadequate implementation and enforcement it remains a self-serving proposal put forward and supported by the logging industry and vested interests, for whom it has provided a useful smoke screen.

MyEnvironment statement: Poynter’s reality: ... there is no such thing as the Great Forest National Park – at this stage it is simply a proposal put forward ...

The facts: True, but it is a proposal based in science and strongly supported by a majority of Victorians. It is being taken very seriously by the Victorian government, which is currently establishing an industry taskforce to consider, amongst other things, the establishment of the new park.

During its deliberations the Leadbeater’s Possum Advisory Group, which was comprised of government agencies, Zoos Victoria and industry found that, "the Lindenmayer et al. prescriptions option (which includes establishment of a Great Forest National Park), offers the best chance of recovery for the species."

Zoos Victoria reiterated this in their submission to VicForests (January 2015) – “The modelling undertaken by the Arthur Rylah Institute assessing the benefits of the Great Forest National Park in relation to other interventions clearly shows this to be the most important conservation action for Leadbeater’s Possum. This is without considering the additional benefits for carbon storage, water production and the creation of jobs from tourism that could generate further value from our ecosystem services;

MyEnvironment statement: “The pulp needs of Japan’s Nippon Paper can be met by our enormous plantation resource in Victoria, the only thing stopping it is political cronyism”

Poynter’s reality: Pulp is required by Australian Paper – a local company making paper for the domestic Australian market.

My Environment’s public pronouncements exemplify how easy it is for ENGOs to mislead the vast majority of people who are uninformed about forestry topics. This is just one example of what occurs almost without exception when some ENGO’s speak or write about forestry issues.

It is precisely for these reasons that such groups should never be seriously regarded as playing a public education role which implies full and fair disclosure of all information surrounding a topic.

The facts: It is difficult for private plantation owners to compete commercially with a government corporation like VicForests that is given free access to publicly owned forest products for which it is not required to pay. In 7 out of 10 years of operation, VicForests’ has paid no dividend to its sole shareholder, the State Treasury.

Again, to paraphrase Mr Poynter - It is entirely understandable that the forestry lobby group with vested interests and a particular agenda would be selective in what it says and would avoid disclosing important context (such as how much high conservation value forest has already been clearfelled in recent decades). Their chances of maintaining their own jobs and profits are reliant on portraying a false scenario of sustainability that deters governments from taking remedial action. When their motives and actions are publicly examined they

respond by attacking their critics, including ENGOs and scientists, in order to generate outrage in the industry community, which they seek to harness to influence political outcomes.

As my references to Rawlinson's 1976 submission show, for decades the forestry industry has misled the majority of people, including politicians, who are uninformed about forest ecology. Groups like MyEnvironment have worked hard to redress this imbalance and this is precisely the public education role that government policy should support.

Poynter's reality: My Environment - Has launched several legal cases against the government commercial forestry agency VicForests that have cost the Victorian taxpayer millions to defend.

The facts: MyEnvironment has launched only one case against Vicforests, not several. The case was MyEnvironment –v- VicForests and began in August 2011 as the culmination of a community led campaign to prevent the logging of a coupe in Toolangi called Gun Barrel, which we believed to contain Leadbeater's possum habitat and active colonies. After the loss of two-thirds of Toolangi State Forest in the bushfires of February 2009, the loss of 35% of Leadbeater's habitat and the loss of 43% of its reserve system, the local community felt that remaining habitat forest should be protected, not clear felled. We had made submissions during VicForests TRP process, had meetings with VicForests representatives and had community meetings they had attended. We were shocked and dismayed when logging nevertheless commenced in July 2011 and embarked on a series of protests and blockades which ended only when MyEnvironment was first granted an injunction to stop the logging on 25 August.

The case was not entered into lightly but only after all other means to protect important remnant habitat had failed. It was clearly taken very seriously by VicForests, the state government and the Courts.

Although the case ultimately failed, Justice Osborn, in his summary stated,

“the evidence called by MyEnvironment demonstrates a strong case for the overall review of the adequacy of the reserve system intended to protect LBP habitat within the Central Highlands Forest Management Area. The 2009 bushfires have materially changed the circumstances in which the existing system was planned and implemented and there is, on the evidence, an urgent need to review it.”

In giving his decision on costs (March 2012), he made several illuminating comments –

[8] ... the present proceedings were brought in good faith ... They are fairly characterised as having been pursued in the public interest.

[15] ... the present case both raises issues of public importance and questions [of the construction of the subsidiary legislation intended to protect the LBP,] which apply not only to the three coupes in question but to the timber harvesting of regrowth montane ash forests within the Central Highlands generally.

[23] The present proceeding ... was motivated by the desire to preserve the habitat of an endangered species; was brought by a plaintiff which has no motive of private gain; was concerned with questions of public interest; raised arguable questions as to the interpretation of the relevant controls and resolved significant issues as to the

interpretation and future administration of statutory provisions relating to the protection of endangered fauna.

[24] The interpretation of the provisions in issue in the present case has particular practical significance, and is of general public importance, because of the destruction and damage to large parts of the montane ash forest in the Central Highlands by the 2009 Black Saturday fires.”

In hearing MyEnvironment’s application to appeal, Justice Nettle accepted that the case would be the first opportunity to rule on the complex legislation and commented, "These are the sorts of issues on which reasonable and informed minds might differ".

None of these comments supports Mr Poynter’s attempted mis-characterisation of MyEnvironment as engaging in legal actions without good reason. Indeed when Agriculture Minister Pater Walsh made similar defamatory allegations in 2012, he was forced to apologise and retract.

Subsequent to the hearing of the case, photographs of an active Leadbeater’s possum colony in the vicinity of Gun Barrel were finally obtained. The animals were nesting in a tree 70 metres from the edge of the logged area and would clearly have been foraging within the coupe prior to logging, vindicating our concerns and disproving Mr Poynter’s assertion that, “the net area of timber harvesting is limited to fire regrowth forests where Leadbeater’s Possum doesn’t even live.”

More recently, film has been successfully obtained of another colony in Freddo, another court-case coupe, adjoining Gun Barrel to the west. Under the revised Action Statement (July 2014) 200 metre buffer zones have been established to protect both colonies, excluding logging from large parts of Freddo and Gun Barrel. Without the court case it is likely that the logging of both coupes would have been completed and the possum colonies within them obliterated. Remember the advice of the Threatened Species Scientific Committee that, “All populations of Leadbeater’s possum are important.” That was also our view in 2011.

Thus it may now be strongly argued that, in protecting a listed threatened species and its habitat, the case taken by MyEnvironment was both necessary and successful.

In respect of the cost of defending the case, this was entirely the choice of VicForests. It was always open to them to agree not to log the three subject coupes and the case would have evaporated. Indeed, at one stage they offered to do so, subject to MyEnvironment paying them \$3.4m within 5 business days – clearly not a serious proposal! Having made the decision to defend the case, VicForests chose to engage an enormous and expensive legal team. Accordingly, their costs were more than four times ours.

Whatever the legal costs amounted to, they were not, as Mr Poynter alleges, taxpayer money. VicForests is an independent, though government-owned, corporation. As such it met its own legal costs. It may be argued that this will have reduced its profits and thus its dividends payable to Treasury and its tax. But its legal expenses are unlikely to have made any difference to taxpayers. VicForests, like some of the big multi-nationals, appears to arrange its affairs so that it shows little or no profit and thus incurs minimal tax liability. It has paid no dividend to the State Treasury in 7 out of 10 years of operation and its tax payments are less than 1% of total revenue! Conversely, more than \$24 million dollars of taxpayers’ money has been given to VicForests to support its logging operations – a fact you won’t hear from Mr Poynter.

In 1976 Rawlinson told the Senate Inquiry –

“... over the last few years several Leadbeater’s possum sites have been harvested for pulpwood and the populations in those areas have been destroyed,”

In the intervening decades this has continued to be the case, resulting, in part, in the uplisting of the species to Critically endangered, the last step before Extinction, in April this year. Groups like MyEnvironment have played an important role in the protection of Australia’s rich and unique biodiversity, providing services that would otherwise fall to government departments at much greater cost to the public purse. Their endeavours deserve to be supported.

I understand that, in his presentation yesterday, Mr Poynter, added the additional furphy of “thousands of jobs”. This often repeated and always exaggerated claim derives from work done for the state government by Dr Jacki Schirmer in 2010, updated in 2013. The numbers often quoted by the loggers and their supporters apply to the Victorian timber industry as a whole and include timber sourced from plantations and secondary processing of timber from outside Victoria. A pre-assessment report provided by VicForests last year in preparation for another attempt at FSC certification (currently postponed) revealed less than 500 jobs in native forest logging.

Mr Poynter is entitled to his opinions – but that is all they are. His arguments are generally not supported by, and often are at odds with, the facts. They do not form a credible basis for this committee’s decisions.

I thank you for your time and am happy to answer questions, if you have any.