



THE COLONG BULLETIN

Bulletin 204

THE COLONG FOUNDATION FOR WILDERNESS LTD
PROTECTING WILDERNESS AND NATIONAL PARKS

May 2004

2/362 KENT STREET SYDNEY 2000 (ABN 84 001 112 143). TELEPHONE 02 9299 7341 FAX: 02 9299 5713 ISSN 1325-3336

EMAIL: foundation@colongwilderness.org.au WEBSITE: www.colongwilderness.org.au

Tasmania is the only state that clearfells its rainforests. While the rest of Australia has either ended, or is ending logging of old-growth forests, Tasmania is the only state where the destruction of native forests is being accelerated, driven by the greed for profit that can be made from woodchips.

Richard Flanagan

Tasmania, after growing the trees for centuries, gets \$10 per tonne royalty, Gunns gets about \$100 and the Japanese papermakers get \$1200 per tonne.

Bob Brown.

from *The Bulletin* March 16th
and 24th issues

The Wilderness Resurgence Seminar

In Blackheath on Sunday 28 March, a brilliant Autumn day, a group of wilderness stalwarts calling themselves the Greater Blue Mountains Wilderness Network convened a 'Wilderness Resurgence' seminar to celebrate wilderness in the Blue Mountains.

Five papers were presented during a day of focussed attention, fun and excitement. Apart from the paper by William Lines, all papers can be downloaded from the Colong website www.colongwilderness.org.au Just follow the prompts.

The opening address by Peter Prineas

A wilderness resurgence

To speak of 'a wilderness resurgence' implies that the wilderness movement has seen better times and that we are hoping for a revival. Let's consider the situation over recent decades.

Perhaps the most important difference thirty years ago was the environment movement's strong belief in the wilderness idea. Campaigns were fought under the banner of wilderness throughout the 70s and 80s, leading in NSW to the enactment of the Wilderness Act in 1987. Some doubts were expressed during this period by naturalists and

wildlife ecologists, notably by Allen Strom in NSW, but these were, I think, directed more at influencing conservation priorities than at discrediting the wilderness concept.

The main detractors of wilderness then, as now, were mining, forestry and farming interests and, from about the mid 1970s, four-wheel-drive vehicle recreationists. Attacks on wilderness from such groups were usually sparked by some land-use dispute and, if anything, confirmed the views of wilderness supporters.

continued on page 2

In this issue...

The Wilderness Resurgence Seminar	1
Environmental Policy	
Fragmented	6
Meeting Dates	6
Climate Change Technofix – Too many risks; ignoring the law; and no public process	7
Premier is turning a paler shade of green	9
Wilderness threatened by "Stealth"	11

THE COLONG FOUNDATION FOR WILDERNESS

PATRON: The Hon. Dr. Neville K. Wran, A.C., Q.C.

DIRECTORS: Pat Thompson, L.C.P. (Chairman); Peter Prineas, B.A., LL.B. (Vice-Chairman); Alex Colley, O.A.M., B.Ec., H.D.A. (Hon. Secretary); Albert Renshaw (Hon. Treasurer); Tim Cadman B.A. (Hons), M.A. (Cantab.);

Peter Maslen, B.Sc.(Eng), B.Sc.(Botany); Jeff Rigby; John Sinclair, O.A.M.; Jim Somerville, A.M., F.C.P.A.; Henry Gold.

DIRECTOR: Keith Muir, O.A.M., B. Nat. Res. (Hons.) ASSISTANT DIRECTOR: Fiona McCrossin, B.Sc., Dip.Ed., Dip. Env. Studies

HON. PHOTOGRAPHER: Henry Gold HON. MAPPING DRAFTSMAN: George Elliott HON. PROJECT OFFICER: Don Cameron, B.Vsc

HON. AUDITOR: Ernst & Young HON. MEMBERSHIP SECRETARY: Betty Mason HON. PRINTERS: Shirley Dean, Ray Hookway

BULLETIN DESIGN & TYPESETTING: Bungoona Technologies Pty. Ltd. Ph: (02) 9526 6199

The Wilderness Resurgence Seminar

continued on page 1

The important critique of wilderness from the Aboriginal perspective came later, after 1992 when the full High Court made its decision in the Mabo case [Mabo and Others v Queensland (No. 2) (1992) 175 CLR 1 F.C. 92/014]. I will say more about this later.

Australian society during the period I am describing was different in ways that may have helped the development of the wilderness concept. For the Australian-born white majority, at least, the four decades following the Second World War were relatively good times. Working hours were moderate. Economic pressures on the young and the less affluent were not as great as they are now (housing for instance was much cheaper). People had the leisure time to explore wilderness areas, to appreciate them, and to work towards their protection.

Society offered fewer distractions. Businesses and shops were closed for all or most of the weekend. There was only one film (not eight) showing at the cinema, television was abysmal and there was no internet. Overseas travel was not an option for most people until the mid 1970s and so the vast majority spent their holidays in Australia. Demographics also played a part. The post war baby boom meant there was a lot of youthful idealism in the 60s and 70s. Some took up the banner of nature and wilderness conservation. Some took the alternative lifestyle route via Nimbin. It is interesting how their paths later crossed at Terania Creek and in the campaign for rainforest wilderness. But this is not to overlook the importance of their parents - the generation that lived in the shadow of the Great Depression - who were used to simple pleasures like bushwalking and family camps, who joined the bushwalking clubs and the conservation societies, and who influenced the generation that followed.

And what about wilderness today?

Wilderness took a beating in the 1990s. The environment movement became ambivalent about wilder-

ness, which some people saw as a relic from the past. Wilderness was an embarrassment, a bit like one of those umbrella stands made out of an elephant's foot. This change in attitude arose from the linking of wilderness areas with *terra nullius* and Aboriginal dispossession. A memorable indictment appeared in the Wilderness Society's magazine in 1995:

"The popular definition of wilderness excludes all human interaction within allegedly pristine natural areas even though they are and have been inhabited and used by indigenous people for thousands of years. Like the legal fiction of terra nullius which imagined us out of existence until the High Court decision in the Mabo case, popular culture also imagines us out of existence ... National parks can be understood as a part of the colonial repertoire when they are understood as the further delineation, naming and categorising of Terra Nullius Incognito. It is a further conquest." [LANGTON, M. 1995. "The European Construction of Wilderness." *Wilderness Society Magazine*, No. 143 Summer 95/96].

The force of this argument undermined the environment movement's consensus. The effects were not the same throughout the country and, in terms of what actually happened on the ground, they were not as significant in the southeastern states. In NSW, wilderness nominations, assessments and gazettals under the Wilderness Act continued, however the new mood may have contributed to the decision of the NPWS to close its head office wilderness unit. This did not bring the machinery of the Wilderness Act to a halt, but it may have exacerbated regional differences in the Act's administration.

Aboriginal ownership provisions were added to the NSW National Parks and Wildlife Act. These were controversial at the time, but to date they have directly affected only a small number of national parks, and one wilderness area at Mutawingee National Park in the far west of the state. Some years have elapsed since the hand-over and a few concerns have emerged. For example, the board of management for the park seems reluctant to do anything about the dams which are relics of

the land's former use as a pastoral station. These artificial water sources support kangaroos in great numbers, upsetting the ecological balance and causing damage to the park and the wilderness area.

The passage I quoted accuses wilderness proponents of being blind to the presence of indigenous people. However, the accusation is false as wilderness has never been defined as a place that "excludes all human interaction". Even the despised doctrine of *terra nullius* did not deny the presence of humans in wilderness; what it did was deny their claims to ownership of the land.

In the 1970s I spent a lot of time in wilderness areas. With others I explored them on foot and gained a strong sense of their history, including their past Aboriginal use. Unlike others at that time, conservationists acknowledged the past Aboriginal use of the lands in which they were interested. I was employed by the National Parks Association of NSW and worked with volunteers on national park proposals. If there was information available about Aboriginal use of the areas it was included in the proposals as this added to understanding of the area and to the case for reservation. I took this approach in the book *Colo Wilderness*, which I published with the photographer Henry Gold in 1977 as part of the campaign for the Wollemi National Park. The book devoted a chapter to past Aboriginal use of this wilderness area. Another book, *Wild Places: wilderness in eastern NSW* which Henry and I published in 1983, had a chapter entitled *Terra Nullius* which explored the Aboriginal relationship with wilderness before 1788. A further chapter *The Refuge* suggested that after settlement (or invasion) some wilderness areas may have provided a refuge for Aboriginal life and culture. The book's descriptions of wilderness areas included a great deal of information about their Aboriginal use and significance.

In any event, I don't accept that you can take the eighteenth century idea of wilderness, with all its imperial and colonial meanings, and

continued on page 3

The Wilderness Resurgence Seminar

continued on page 2

dump it on present-day wilderness reserves. No-one today sees wilderness in eighteenth century terms. Wilderness areas in NSW have formed parts of national parks and nature reserves since the 1970s. They are a category of public land. Why should they be blamed for the wrong of Aboriginal dispossession any more than other categories of public land such as beaches, cricket pitches, football grounds and golf courses (to say nothing of freehold lands)?

Wilderness reservations have helped to preserve Aboriginal cultural features. I can illustrate this from my own experience. In the bush not far from Sydney there is a sandstone cave or overhang that I have visited now and then over many years. Along the back wall of the cave are well preserved Aboriginal hand stencils. Above the cave there is a wide terrace where pools of water lie in hollows after rain, a pleasant spot to take in the sun on a winter's day and enjoy the view. The place is in untracked bush and in nearly three decades I have not seen any deterioration in the art or the site generally. In contrast, near Glenbrook there is a similar cave named Red Hands Cave. This cave is not in a wilderness area and a road leads to it. It is protected by a steel structure as big as a house and the Aboriginal hand stencils are viewed through a panel of hardened glass.

I hope the gap between Aboriginal interests and the interests of wilderness conservation turns out to be more a matter of rhetoric than practical difference. I think there is a better understanding on both sides than was the case some years ago, and I believe there is a willingness on the part of the environment movement to accommodate Aboriginal cultural aspirations in national parks and wilderness areas, as long as the primary aims of these reserves are met. In NSW, co-management arrangements are anticipated in some national parks. The current plan of management review for Kosciuszko National Park is notable for the way it has sought to involve

Aboriginal people. As mentioned, a few parks have been transferred to Aboriginal ownership subject to leaseback arrangements; these offer some assurance that the land will continue to be managed for its nature conservation and wilderness values. Wilderness has always had its detractors. In the past they were mainly vested interests. In the 1990s these were joined by a few intellectuals. At the first *Milo Dunphy Memorial Lecture*, prominent scientist and author Dr Tim Flannery told the audience there was no such thing as wilderness in Australia and that these 'empty' lands should be repopulated by Aboriginal people and 'managed' once more. Clearly, wilderness enthusiasts are not the only romantics in this debate. I wonder how many Aboriginal people (in NSW almost all urban dwellers) would be interested in residing in places like the Colo Gorge.

Of more concern are the writings of some post-modern theorists. Although their critiques of wilderness are shallow and rely on a faulty portrayal of the wilderness concept, theirs is the only view presented in many university courses and so they are influential.

Today's demographics are a challenge to the wilderness movement which, as a group, is aging. More young people are needed to bring enthusiasm and energy to wilderness conservation.

In the past not much attention was given to wilderness management. Wilderness areas were seen as places safely removed from the economy and commerce. Fire, pests and weeds were the main management issues. However, commercial pressures are now testing national park management principles in ways that were not contemplated thirty years ago. More attention needs to be given to the management of both national parks and wilderness areas.

Australian society in the past has supported wilderness conservation. I am confident the support will continue because Australia's wilderness areas are so much a part of the character of this country and of the people who live in it. Wilderness areas

are the 'view' that sustains the tourist industry. They produce good quality water. They provide a wide range of environmental services. Long experience has shown that there is little advantage in trying to manage them as anything other than wilderness areas. Today's society is acutely aware of the frailty of natural systems and less likely than ever to accept inroads into wilderness areas. It is widely known that the environment is under pressure from population growth; urban, industrial and agricultural development; and climate change, and that a wave of extinctions may occur in the coming decades. Scientific opinion supports the view that large nature reserves (essentially what wilderness areas are) can help to maintain biological diversity. The familiar caveat that wilderness conservation "must form part of an integrated whole-of-landscape-approach" is no more than a statement of the obvious.

Protecting what remains of Australia's wilderness is not the answer to all the environmental problems that face us, but it is certainly part of the answer.

So, what is needed for a wilderness resurgence? I suggest these things for a start: more involvement by young people; a renewed confidence in the wilderness idea; a unity of purpose; and a principled stand on wilderness management. ■

BLUE MOUNTAINS SENSITIVE AREAS PROTECTED

The Blue Mountains City Council has voted to improve the protection of creeks, swamps, heaths and other special areas... A default buffer of 60 metres wide has now been established around sensitive vegetation communities (such as Rainforests and Blue Mountains Ash Forests). In addition a default buffer of 20 metres wide has been established around watercourses.

From *Hut News* April 2004

The Wilderness Resurgence Statement

WE, THE UNDERSIGNED participants of the 'Wilderness Resurgence' seminar at Blackheath, 28th March, 2004 assert that:

Large, natural, wild areas have a right to continued existence into the future. Such areas are the remaining 'original and best of Planet Earth', the product of millions of years of evolution, and are only slightly modified by modern technological society. In many cases they have been (or are still) the lands of indigenous people, who may have influenced these areas, but did so without destroying their ecological integrity. The intrinsic, eco-centric values of these areas need to be recognised as having critical importance.

'Wilderness' is a valid term to describe such large, natural areas. The term 'wilderness' refers to the 'more-than-human' natural world, and acknowledges its independence and intrinsic value – its right to exist. The term wilderness accepts that wild nature is not just a resource for human use.

The International Union for the Conservation of Nature defines wilderness as:

'A large area of unmodified or slightly modified land, and/or sea, retaining its natural character and influence, without permanent or significant habitation, which is protected and managed so as to preserve its natural condition' (IUCN 1990). We acknowledge and support this definition.

Wilderness has disappeared in most regions of the world, and has been very substantially reduced in Australia. In NSW, the NSW Wilderness Working Group in 1986 estimated that only 4.4% of this state remained in a wilderness condition, and we note that the wilderness values of the western division of NSW are still poorly known.

The remaining wilderness areas in Australia are a tribute to (and a celebration of) the connection to the land of the Aborigines (the First Australians). The term 'wilderness' as we use it here today acknowledges the long-term history of Aboriginal involvement in the land. Compared

to the wholesale destruction and fragmentation of native vegetation in the last 215 years (under European 'management') – traditional Aboriginal land practices have only 'slightly modified' (in reference to IUCN definition of wilderness) such areas. It is thus appropriate to refer to large, natural areas of the bush in Australia as 'wilderness'.

Co-management of wilderness areas with Traditional Owners can acknowledge the rights of traditional custodians, while also protecting wilderness values (and recognising how little of it remains in NSW). We urge all groups to work towards this goal. We also support programs like the Indigenous Protected Area program that can complement a wilderness protection system, and support other indigenous efforts to conserve and protect their lands.

Greater Blue Mountains wilderness is made up of the mostly declared (and hence protected) wilderness areas of Wollemi, Kanan-gra-Boyd, Grose and Nattai, as well as the yet to be declared Yengo and Murrumbidgee wilderness areas, which need urgent declaration under the NSW Wilderness Act.

The threats to wilderness everywhere continue to increase. The processes of clearing, fragmentation, climate change, road-building, residential expansion, inappropriate tourism, mining and forestry continue to undermine the ecological integrity of many areas. The wilderness areas in the Greater Blue Mountains are especially pressured by their closeness to Australia's largest city, Sydney, while paradoxically providing its residents with a valuable opportunity to experience wilderness.

There have been a number of attempts to exploit wilderness and to attack the very concept, both overseas and in Australia. Such movements are given names such as 'access for all', 'wise use' or 'multiple use' and seek to justify mining and logging of wilderness, or inappropriate recreational use by (for example) vehicles and horses. These movements are grounded in a shallow

view that says nothing has value unless humans can directly consume or exploit it for profit. We oppose multiple use and commercial activity in wilderness (aside from activities such as photography), both from a philosophical point of view, and due to the environmental impact they cause. We support human access to wilderness provided it is low impact (e.g. walking, canoeing etc). There may need to be management of even low-impact access at certain popular locations in wilderness.

Wilderness is the wild end of a spectrum of land use that stretches from wilderness to the city. It is misleading to assert (as some Postmodernist academics do) that to speak of 'wilderness' is to create a 'dualism', which ignores other areas that are not wilderness. There is a need for nature conservation action right across the whole spectrum, and this is the aim (and practice) of the conservation movement in Australia. However, wilderness as the least modified wild end of the spectrum deserves a special focus to protect such areas before they disappear.

Criticisms of the term 'wilderness' in our view simply play into the hands of those who seek to exploit wilderness as just a resource, and threaten the continued long-term existence of large natural areas in a future of increasing threats.

In a world where extinction rates (due to human action) are up to 10,000 times the natural level, and where experts estimate that half of the world's species could be extinct by the end of the 21st century – we believe that wilderness remains of essential importance. If we are to solve the global environmental crisis and live harmoniously on Earth, then we need to identify, declare and protect our wilderness. As human pressures on the wild increase, and natural places become more and more scarce, the value and importance of wilderness grows as each year goes by.

Wilderness is both a source of hope and a teacher. It gives future

continued on page 5

generations the chance to see what the world outside the urban and agricultural landscape was like. It gives us hope that modern humans can learn to live in harmony with the wild. It teaches us perspective and humility. Wilderness in the Greater Blue Mountains and elsewhere needs our care and activism – perhaps now more than ever.

It is time for a resurgence of activism to protect wilderness, as well as to connect such areas together in a 'Wild Country' network across the landscape.

Therefore, this seminar calls on the NSW Government to:

- re-establish the Wilderness Unit in the newly formed Department of Environment and Conservation; and
- reserve the remaining unprotected wilderness areas in NSW; including Murruin; Yengo; Tabletop; Brindabella; the Deua headwaters and the central Deua Valley; the Badja extension to the Tuross wilderness; the western side of the Shoalhaven Gorge (West Ettrema addition); North Ettrema; Mummel Gulf; Tuggolo; Cataract; Stockyard Creek; Chaelundi; Timbarra; Bald Rock; Pilliga; Mt. Kaputar additions and Bebo.

The seminar calls on the State and Federal Governments to:

- adequately fund management of the Greater Blue Mountains World Heritage Area, including the voluntary acquisition of private land located within the outer boundaries of the property, especially

those within wilderness areas, through the Dunphy Wilderness Fund and other means;

- develop a Strategic Plan for the Greater Blue Mountains World Heritage Area that provides the highest possible protection for the Area by:

- effectively responding to the four categories of identified strategic threats/ problems to the outstanding universal values of the World Heritage Area

- ☐ uncontrolled or inappropriate use of fire;

- ☐ inappropriate recreation and tourism activities;

- ☐ invasion by pest species; and
- ☐ loss of biodiversity at all levels;

- including adequate protection and management of wilderness areas and catchment areas that are fundamental to protecting the World Heritage Area;

- developing a procedure to pursue the establishment of a broad buffer zone around the World Heritage Area that would protect the property. This should protect its integrity and outstanding universal value from inappropriate development proposals, such as quarries and mines. It should also ensure that adjoining lands are managed in sympathy with the World Heritage property;

- including recognition of the likely severe environmental impacts of human-induced climate change, and the development of measures to solve these.

ALPS WORLD HERITAGE STALLED

Alex Costin wrote in 1981 that a continuous Alpine National Park would qualify as World Heritage, and in 1988 Geoff Mosley reported on the area's extraordinary diversity of sclerophyll, typically Australian vegetation and other outstanding values. Although a continuous park has not been achieved, the Australian Alps Liaison Committee is framing listing of the Alps on the register of the National Estate. World Heritage listing would depend only on the natural features of the area. Present park management, however, will probably prelude listing because of the degradation it is causing. Kosciuszko's natural environment is degraded by resort development and feral horses and will be further damaged by cloud seeding. In the Victorian Alps snow grass patches are being destroyed by cattle looking for green feed. Unless management counters this environmental destruction, World Heritage listing is improbable.

Unanimous Resolutions passed by the 'Wilderness Resurgence' seminar Convened by the Greater Blue Mountains Wilderness Network at Blackheath, 28th March 2004

"That this meeting of citizens of NSW supports the restoration of the Coolangubra Wilderness."

"That this meeting of citizens of NSW supports the nomination of a Tantawangalo Wilderness under the Wilderness Act, 1987."

"That this meeting of citizens of NSW opposes the establishment of a 4WD vehicle public access circuit around Mount Yengo in the Yengo Wilderness area."

"That this meeting of citizens of NSW opposes the taking of images for the 'Stealth' film within the Grose Wilderness; we do not oppose the taking of images from outside the wilderness."

"That this meeting of citizens of NSW meeting at Blackheath expresses its view to the Premier, the Hon. Bob Carr; and the Environment Minister, the Hon. Bob Debus that management of wilderness in NSW requires the establishment of an adequately resourced and empowered Wilderness Unit within the Department of Environment and Conservation. This meeting asks the Government to establish such a Wilderness Unit immediately."

Environmental Policy Fragmented

by Alex Colley

AT THE NCC conference last year the Colong Foundation motion expressing concern for natural resource management, which threatens to marginalise the Minister for the Environment and his Department of Environment and Conservation (DEC) was adopted. Concern was also expressed about a proposed transfer of threatened species legislation from the Minister for the Environment to the Minister for Infrastructure, Planning and the Natural Resources (DIPNR). Although this concern was not realised, major revision of the *Threatened Species Conservation Act* is envisaged during the autumn Parliamentary session.

The structure of the newly formed Department of Environment and Conservation describes five divisions and 22 subdivisions (with the Botanic Gardens Trust and the Sydney Catchment Authority remaining as distinct agencies). This fragmentation of responsibility is a prime example of C. Northcote Parkinson's dictum that "officials make work for each other."

Suppose, as an example, that Colong advocates the elimination of feral horses and we write to the Minister for Environment and Conservation. The Minister, refers the Foundation's request to the Director General, who decides which Divisions are concerned and the Divisions allocate the problems to the appropriate subdivisions. The subdivisions would appear to be Conservation Programs and Planning, Biodiversity and Conservation Policy, Cultural Heritage, Environmental Policy, as well as Northern Southern and the Central Directorates and Reserve/Wildlife Conservation subdivisions of the Parks Services Division. The opportu-

nities for delegation, consultation revision, review and indecision are endless.

The NPWS, or much of it, has been absorbed into the Parks Service Division. The Parks and Wildlife Division now has a wilderness officer, Joanna Muldoon, who has the task of single handedly monitoring progress on the protection of wild rivers, wilderness education and several long delayed wilderness proposals. Various staff in the northern, southern, central and western branches of the Environment Protection and Regulation Division would undertake these wilderness programs. The Environment Protection and Regulation Division will handle proposals for new wilderness declarations, while the Parks and Wildlife Division is responsible for aspects of wilderness policy and does the actual on-ground wilderness management. The above functions of wilderness identification, policy and management, are inseparable and should be entrusted to one authority – a resurrected Wilderness Unit, which should be a subdivision of the Parks Services Division.

The division of environmental administration between two departments and the draft organisational structure of the Department of Environment and Conservation are an attempt to classify environmental problems. Classification is essential, but there is considerable overlapping in the draft structure.

The classification of environmental problems is an almost impossible task. Every human activity affects the environment and there is no definable limitation to the effect. Our thanks to Lisa Corbyn, Director of DEC, for her letter of 12th February explaining the draft structure of the Department. ■

LOGGING THE TARKINE

The Tarkine's rainforests form the largest continuous tract of rainforest in Australia. On a global scale the Tarkine contains one of the world's most significant tracts of temperate rainforest, second only in size to those in Western Canada. Temperate rainforest is the rarest and most threatened type of rainforest... Logging pure rainforest on public land has been banned on all mainland states for some time... Tasmania's Deputy Premier has recently announced plans to lift the 20 year moratorium on the Tarkine.

David Trinder, in *The Sydney Bushwalker Magazine* March 2004.

COMMONWEALTH BACKFLIP ON LAND CLEARING

In May 2003 Dr. Kemp announced a joint Commonwealth and Queensland assistance package for the termination of landclearing with \$75 million to come from each government. On 3rd March 2004 Agriculture Minister Truss told Parliament the Howard Government is no longer committed to paying the \$75 million. Despite this, Premier Beattie has announced that Queensland will bear the full cost of \$150 million. Landclearing has three strikes upon it, being the principal cause of salinity, the principal threat to endangered species of plants and animals, and a major contributor to greenhouse gas emissions. Landclearing in Queensland kills around 100 million native mammals, birds and reptiles every year.

From *NPA Qld, News* April 2004.

MEETING DATES
Meetings will be held in our Kent St. office at 2pm on June 10th and 24th, and July 8th and 22nd

.....
**Too many risks; ignoring the
 law; and no public process**

by Fiona McCrossin

IN OUTRAGEOUS DEFIANCE OF due legal process, the NSW Government, with Opposition support, has passed the Snowy Hydro Cloud Seeding Trial Bill, overriding six of the State's most fundamental environmental laws. The Greens attempted to amend the Bill. However, Ian Cohen was unable to get the Government or Opposition to budge from their relentless course.

Snowy Hydro Limited (SHL) asked for, and obtained, the special legislation that will allow a six year "trial" aimed to increase snowfall by seeding winter storms with silver iodide from ground based generators. The "target area" is 1000 square kilometres surrounding the Main Range of Kosciuszko National Park,

The NSW laws overridden:

National Parks and
Wildlife Act 1974;
Wilderness Act 1987;
Fisheries Management
Act 1994; Threatened
Species Act 1995; Local
Government Act 1993;
Protection of the
Environment
Operations Act 1997;
and Environmental
Planning and
Assessment Act 1979.

including the Western Fall
Wilderness.

A leaked briefing note from the Department of Environment and Conservation (DEC) confirms that the trial should have undergone a detailed analysis and review by meteorologists, statisticians and eco-toxicologists. The "trial" should have been subjected to the same level of analysis and review required for any development proposal under Part 5 of the EP&A Act. Environmental impact assessment, under Part 5 of the Act, allows not only for a detailed review and discussion of environmental impacts, but also provision for the elucidation of alternatives, transparent peer review and public participation.

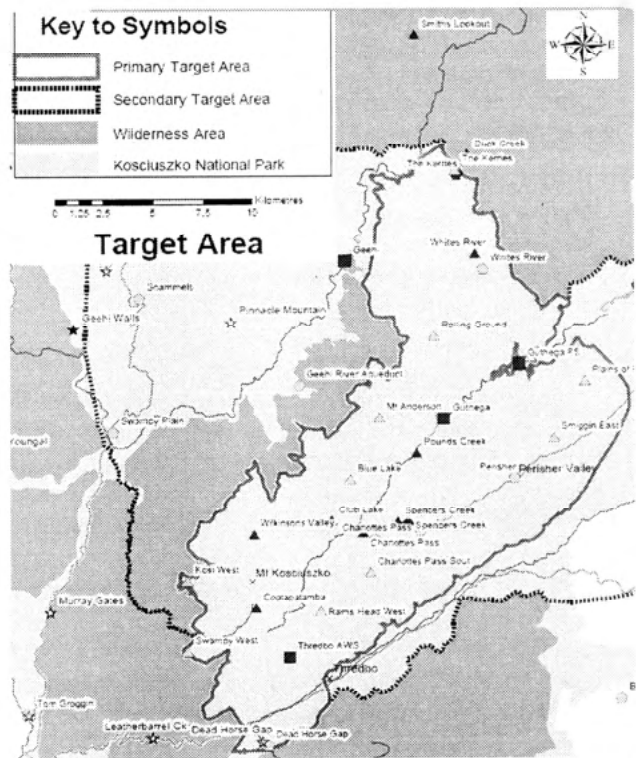
SHL had outlined its development proposal in an "Expert Panel Assessment of Snowy Precipitation Enhancement Trial". A copy obtained by the Foundation revealed there were a number of warnings related to the trial that were not mentioned in the Executive Summary of the document, including a number of references to research that needed to be carried out before the trial commenced. The document's recommendations are not as clear-cut as the government has made out.

Further, the Govern-

ment did not even ask the Independent Scientific Committee to review the document, despite its two year study of the Park for the current Plan of Management review.

Extensive data from the United States provides no convincing evidence that cloud seeding even works (National Academy of Sciences, 2003, Critical issues in Weather Modification Research). Cloud seeding is not the answer to ending a drought because the clouds have to be there to seed. There are some indications that precipitation can either increase or decrease some distance

beyond intended target areas. Indeed, in the early 1990s, Montana farmers were so worried that cloud seeding over eastern Montana was stealing their rain that the Montana Legislature passed a law requiring an environmental study and a \$10 million bond before any cloud seeding could take place. In 2003, the Colorado Water Conservation Board concluded that careful attention should be paid to cloud seeding's negative effects on mountain and aquatic environments and long-term effects on macroclimate, flooding and erosion. ■



Some questions relating to the parliamentary debate

(Colong Foundation comment in italics)

Second Reading 17 March

Ian Macdonald (Government): "The Department of Environment and Conservation has examined the expert panel assessment and found that any adverse impacts on the environment would be minimal. On the basis of this advice.... NSW Government has endorsed Snowy Hydro to undertake the project" - *This "advice" differs from that iterated in the leaked DEC document.*

Second reading debate resumed from 17 March

Duncan Gay (National Party): "this may be the only way that the environmental flow can be justified" - *The Snowy Hydro development proposal maintained that increased water could be used for environmental flows; expectation of increased environmental flows do not justify a dubious and potentially damaging experiment in a national park.*
Duncan Gay: "The proposed research project has the support of the National Parks and Wildlife Service" - *Leaked information from the Department of Environment and Conservation flags major environmental problems; the NPWS did not speak publicly on this proposal.*

Dr Arthur Chesterfield Evans (Democrats): "A basic tenet of our system of government is the

principle of the separation of power between the legislature and the judiciary" ... "We should not be making decisions supplanting the judicial system, nor should we be making decisions supplanting the scientific process in areas in which we do not have the ability to assess the data. For all the fluff about this legislation, the Minister is taking the power on himself because Snowy Hydro Ltd does not appear to have followed an alternative process."

Ian Cohen (Greens): "In the first year of the five year program, activities will involve the acquisition, installation, initial testing of the network of the scientific instruments, radio communications and the development of a Control Centre. First year efforts will also include testing the instrumental network and determining targeting effectiveness of the seeding agent. Changes can be made if necessary. So what is the rush with this legislation to exempt all environmental controls and not follow due process in rational assessment of the environmental impact of the proposal? There is no rush." - *There is no need to override environmental laws and not undertake environmental impact assessment when the Snowy Hydro website and the "Expert Panel"*

report stated that the first year would be devoted to testing rather than actually performing the experiment.

Ian Cohen: "The ISC recommends a planned management approach to climate change based on the necessity for conservation of the Park's values, not a quick fix as is proposed by the bill." - *The Bill countered the entire PoM review process; the public have all been kept busy engaged in what was put forward as the most comprehensive review of national park management ever - meanwhile the Snowy Hydro "trial" process was happening behind closed doors.*
Ian Cohen cont: "Many massive industrial fixes and impacts on the local environment have unforeseen consequences. Once again, we are attempting to modify the environment significantly."

Ian Macdonald: "The Hon David Oldfield said he found it curious that the Government would pay \$20 million for this trial. This trial is being fully funded by Snowy Hydro Ltd. The Government has no liability for the cost of the program.

Mr Ian Cohen: "The Government is the majority owner of Snowy Hydro Ltd." *This needs to be investigated further.*

Today 9 people were arrested while trying to protect the sanctity of a World Heritage wilderness area - most of them well-respected older-aged residents who had never before been involved in such a blockade. In my 14 years with the NSW National Parks and Wildlife Service (from 1984-1998) I could never have envisaged such a shameful day. Thank goodness I can now speak out (unlike many others who have been silenced).

Sue Morrison, in a letter to the Premier

HAZARD REDUCTION IN NATIONAL PARKS

For every fire that escapes from a national park into neighbouring lands another two will escape from neighbouring properties into national park. Most fires that begin within a park will be kept there... Fire is a natural part of the Australian ecosystem and bushfires will continue to occur with monotonous regularity, so much so that that it is really quite irritating to hear arm-chair critics patting them selves on the back after predictions that, "It's a tinder box out there," and "I've been telling them for years that this would happen." Of course it will, this is Australia.

Tony Fleming Director Southern, NPWS and Stuart Cohen Senior Public Affairs Officer NPWS. National Parks Journal, April 2004

Premier is turning a paler shade of green

Reprinted with permission of the author from SMH May 10, 2004

CHANGES that threaten species and favour developers diminish Bob Carr's conservation credentials, writes James Woodford.

All is not well on the great green pasture where conservationists and the Carr Government have grazed together relatively peacefully since 1995.

Bob Carr, as NSW Premier, may well be the greenest premier that the nation has seen but some serious fault lines are beginning to emerge between his Government and conservation groups.

There is a growing sense that while the Premier pontificates about climate change and population growth he is presiding over a Government that, on environmental issues, is increasingly seeming like a utopian National Party regime.

On Carr's books are a suite of changes to legislation and bureaucratic reforms that threaten to wind back decades of hard-won environmental gains. Conservation bureaucracies are being gutted of staff and funds, laws are being changed to favour developers and precious publicly-owned land is being slated for transfer to farmers.

Many in both the former NSW National Parks and Wildlife Service and the conservation movement are dismayed at recent developments. They fear that environmental management is heading into the chaotic cloud which has consumed the rail network and hospitals. People who do not seem to care about the environment are now in charge of it.

Some high-profile debacles have recently frayed relations between Carr and green groups - most recently the blockade by protesters in the Blue Mountains to prevent the filming of the film *Stealth*.

An experiment to make more rain by cloud seeding in Kosciuszko has been rammed through Parliament with an enabling bill that overrode six pieces of environmental legislation.

However, compared with some of the red pen work the Government is planning on legislation, dubious research and a film crew are just the tip of the iceberg.

Of real concern are proposed changes to the Threatened Species Conservation Act 1995, which was put in place to offer protection to endangered native creatures in the path of developers, farmers and other citizens of NSW.

According to a draft discussion paper, the Government wants to throw this legislation out and replace it with a more developer-friendly regime.

"The aim of the reforms," says the Government's draft paper, "is to deliver programs and requirements that seem reasonable to farmers, developers and the community and which make it easier for them to contribute."

Such weasel words should never form the basis of threatened species legislation. No one should be under any doubt that the state's endangered animals are already seriously second-class. Most farmers and developers have a proven track record of giving scant regard to endangered species. To make things more "reasonable" for them is code for removing their leash.

Green groups are outraged and their response to the Government in a recent submission stated: "Now that an opportunity for reform has arisen, instead of providing the desperately needed resources and willpower, the Government has presented a reform agenda pandering to the concerns of developers and farmers, potentially to the exclusion of

the community."

The imminent establishment of Catchment Management Authorities (CMAs), around the state, is a massive experiment to decentralise environmental regulation.

The last thing that should happen right now is a reduction in the number of government staff involved in biodiversity protection. Everything to do with the CMA structure, however, seems to be riddled with white ants.

Hundreds of jobs will soon be cut, along with tens of millions of dollars, from both the Department of Environment and Conservation and the Department of Infrastructure Planning and Natural Resources.

When Nick Greiner was premier the National Party backed a push to make public-owned crown lease land freehold - essentially a massive windfall for farmers. The proposed gift was rejected by the community and yet under Carr the idea is being revived.

Why on earth did the State Government recently give away virtual freehold title to water to farmers who have proven again and again that one of the things they do best is ruin rivers that supposedly belong to everyone?

These big picture changes will result in a cascade of bad local decisions. Unfortunately, there are already enough of these happening throughout the state - both big and small. Until a year ago there was a beautiful, wild patch of forest on the Congo Road just south of Moruya on the state's far South Coast.

Bulldozers moved into the forest and cleared undergrowth, thinned out gum trees, and installed roads and gutters.

The forest was being "cleaned up" in preparation for a subdivi-

continued on page 10

A Paler Shade of Green

continued on page 9

sion. In the last few weeks signs have gone up for the new estate, which has been bestowed with the cringingly British name of "The Meadows".

It is the kind of marketing pitch that has its roots in the acclimatisation societies of the 19th century, which introduced pests like rabbits

and foxes. The developers did not even give potential buyers the chance to decide to protect whatever habitat was inside the boundaries of their land. They suspected - probably correctly - that a forest is worth nothing to someone wanting to buy a block of land.

Does Carr really want people who propose such developments to feel more relaxed about the state's environmental legislation? ■

WORLD ENVIRONMENT DAY 2004

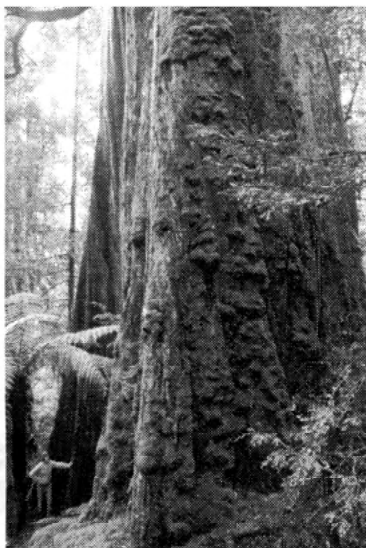
Take action for Tasmania's ancient forests

PUBLIC MEETING + CONCERT

This World Environment Day (Saturday June 5) the Wilderness Society is organising public events across the country calling for the protection of Tasmania's ancient forests. A public meeting and concert is planned for 3:30pm at Sydney's Town Hall (capacity 2,000) on this date with celebrity speakers and performers.

We would greatly appreciate any assistance distributing flyers and posters promoting this event, organising the event or helping out on the day.

If you can help, or to find out more, visit :
www.wilderness.org.au or call 92829553
and ask to speak to Aymon.



Make history
and join a
national call
to protect a
global
treasure.

Tasmania's ancient forests - a national treasure

WILDERNESS, THE FUTURE

We can all enjoy wilderness, even if only in memory or visual art. Only declared wilderness is protected from damaging use and even that is threatened by commercial and recreational interests. In addition some 2 million hectares of wilderness is undeclared in NSW. In order to maintain and expand wilderness protection for the enjoyment of future generations, constant campaigning is essential. Judging from experience, this will be left to Colong. For this reason we are seeking to ensure Colong's future through legacy bequests. There will be more information on bequests in the next Bulletin, asking those interested to contact us so that we may send them further information.

KOSCIUSZKO CITY

It is called a Village Design Plan for Perisher Valley, but the plan provides for 6 multi-storey apartment blocks and hundreds of car parking spaces.

INTEREST IN OUR WEBSITE

Over the past six months there were 29,768 visits to our website.

Wilderness threatened by "Stealth"

by Keith Muir

ON APRIL 26 Colombia Pictures (AFG Talons Productions Pty Ltd) received approval to film the final scenes for a military adventure movie "Stealth" in the Grose Wilderness across a fragile montane heath and the rock outcrops of Butterbox Point and on an upland swamp below it. The Department of Environment and Conservation (DEC) had advised Talons as early as 14 November 2003 that the filming would be legally permissible. As events unfolded it would appear that 'Memorandum 2003 - 18: Facilitation of Film-making in NSW', a directive from the Premier's office, ultimately led to the granting of a licence for filming a war-scenario movie in a wilderness area.

The scene for the film involved a fighter jet pilot (Jessica Biel) escaping from the North Koreans after destroying a jet fighter with a mind of its own, that was out to destroy the world. The scene did not require a World Heritage wilderness setting. Repeated offers of assistance by environmentalists regarding less controversial alternative film locations went unheeded by the film company.

Over the last few weeks, hundreds of volunteers waged a remorseless campaign to prevent high impact commercial filming operations in the Grose Wilderness. First, the local office of the Environment Minister, Bob Debus, was occupied; then a public meeting at Katoomba co-ordinated a demonstration held at Govetts Leap Lookout in Blackheath and a series of blockades along Mount Hay Road, resulting in nine arrests; a further protest rally was then held outside Parliament House on May 4 against filming approval legislation.

The 'Stealth' film has become a public relations disaster for the Government and sectors of the film industry. Talons did not seek approvals in



Rally at Govetts Leap Lookout in the Blue Mountains National Park against the filming of Stealth in the Grose Wilderness.

advance for filming in the controversial wilderness location, obtaining approval from DEC on the ANZAC public holiday, Monday 26 April. The police broke through the blockade the next day, but on Thursday 29 April, a finding in favour of the Blue Mountains Conservation Society in the Land and Environment Court found the DEC approval to be illegal.

The approval was illegal because the Minister for the Environment and DEC could not lawfully issue a licence to Talons for exclusive occupation to undertake commercial filming in a wilderness area. Justice Lloyd found in regard to the Stealth war movie that "the governing consideration in the present case is this: declared wilderness areas are sacrosanct."

DEC, Talons and the Minister for the Environment lodged an appeal in the Supreme Court of NSW. The Premier then announced that if their appeal against the Lloyd judgement failed, he would introduce special legislation to override it. The appeal was withdrawn and Talons moved their equipment and went to an alternative location, completely negating the Pre-

mier's claim that Butterbox Point was absolutely essential to the 'integrity' of the film. Talons, after arguing that the site was the only suitable site for the shot in the world, then thanked conservationists for helping them find a more suitable location!

The Filming Approval Bill

Our legal advice has confirmed that the Filming Approval Bill 2004 will, if passed, weaken national park and wilderness area protection by turning off environmental laws applying to filming operations undertaken within them. The legislation would make any environmental assessment of filming operations a hollow exercise.

The Bill seeks to set up a stand-alone approval system for the Minister for the Environment (or delegate) providing an unfettered discretion to approve filming in national parks regardless of potential for damage. Under the proposed legislation filming would not have to abide by the National Parks and Wildlife Act, Wilderness Act or Marine Parks Act. If passed the new law would also remove the right of community members to challenge the legality of consent or consent conditions in the Land and Environment Court. This precedent could lead to demands for similar treatment by all kinds of commercial operators in national parks (see article about cloudseeding also in this edition of the *Bulletin*, page 7).

Premier Bob Carr has created a wonderful system of wilderness areas, but now he has damaged his green credentials by demanding special legislation on filming. Wilderness is protected from commercial filming in New Zealand, Canada and the United States, and our wilderness areas should not be any less protected. The argument that "Lord of the Rings" could not have been filmed in NSW is

continued on page 12

Wilderness Threatened by "Stealth"

continued on page 11

false. It was partly filmed in national parks but not inside wilderness areas.

A debacle caused by DEC

Environment groups objected to the filming of "Stealth" at Butterbox Point because it would have allowed exclusive use of the wilderness by up to 75 people and potentially significant environmental impacts. The filming involved the laying down of several large decks; operation of electric generators with cables laid along walking tracks; lighting and film equipment; installation and use of a "spidercam" motorised film unit; use of helicopter overflights; use of microexplosives; and the dramatic performances and activities associated with acting and filming.

The approval would have set a potentially high impact precedent for commercial use in wilderness areas. Filming activities on the proposed 12.6 hectare film set would potentially cause damage to protected flora, fauna and geological features, including the beautiful pink flannel flowers (*Actinotus forsythii*), and the endangered larvae of the Giant Dragonfly (*Petalura gigantea*), and could easily have damaged overhangs and ironstone rock formations. The area had not recovered from the October 2002 bushfire and is in a particularly fragile state due to the drought. The film site also has a high potential for Aboriginal heritage on the sandstone platforms and these could have been damaged.

Environment groups had obtained expert advice that the environmental impact assessment for the proposed filming was deficient and an unsuitable basis upon which to issue an approval for filming operations. Further DEC did not consider the recent performance of the film company. According to the *Sydney Morning Herald*, AFG Talons had benefited from the destruction of wetlands and forests at Kurnell that occurred during the filming of "Stealth". Three endangered ecological communities were damaged when a contractor working for the landowner allegedly removed five hectares of vegetation and footings for filming were also established.

The *St George and Sutherland Leader* also claimed that the filming then disturbed a colony of 500 Grey-headed Flying-fox (a nationally listed vulnerable species) when "Stealth" actors used AK-47 rifles to fire blank ammunition. It has also been alleged that track construction and vehicle movements have since occurred in an upland swamp at Mount Blackheath associated with filming operations. The Blackheath site was apparently used for filming the scenes that were to be performed in the wilderness.

Environment Minister Bob Debus stated in the *Blue Mountains Gazette* of the March 31 that the park would be protected if the filming of "Stealth" were approved. The Minister has since introduced into Parliament on May 5 Filming Approval Bill that derides his own environmental laws and permits filming regardless of environmental impact.

NPWS filming policy allows filming in wilderness where the filming advances the conservation management objectives for the area. The licence provisions of the National Parks and Wildlife Act, however, do not allow for filming in wilderness where exclusive occupation of an area is required.

The appropriate assistance for a "film friendly" DEC would be to explain to the film industry the existing legislative provisions so that the industry could work within them. This was not done. As events unfolded Talons found a more suitable filming site outside wilderness after the court handed down its decision. Surprisingly "Stealth" found that the existing regulatory provisions for filming in national parks were appropriate and workable.

The "Stealth" film was a guinea pig. The review of environmental factors for the film proposal states that the filming of "Stealth" would help to establish a procedure for filming within Australian National Parks and World Heritage areas, aiding the local film industry and the NPWS in establishing best practice sustainable use principles. The film industry may think the Carr Government has handed them the national parks estate on a plate but in reality the Filming Approval Bill is a formula for community conflict.



A 6 metre tripod blocks access to the Mount Hay Road 8 km inside the Blue Mountains National Park. A series of blockades delayed commencement of film operations.

A Way Ahead

The Filming Approval Bill should be withdrawn. The existing park laws are workable and appropriate but if the Government believes there is some legal ambiguity that needs to be addressed it should establish a proper process of public consultation.

The "Stealth" debacle demonstrates exactly how not to go about filming in areas of high conservation value. As far as the community is concerned it no longer views filming as environmentally benign. They do not believe the film industry can operate in environmentally sensitive sites, including wilderness areas. At the same time environment groups have no wish to disrupt the film industry or to drive the industry out of national parks. If DEC had done their job impartially everyone: Government; the national parks; the film industry; conservationists; and the community would have benefited. The draconian Filming Approval Bill is set to be another disastrous consequence of DEC's mis-handling of its first major political decision. A first step toward a better administrative environment would be the re-establishment of a Wilderness Unit and the creation of a competent Legal Services Unit within DEC. ■

SUPPORT THE COLONG FOUNDATION!

To: The Treasurer, Colong Foundation for Wilderness Ltd.
Level 2, 362 Kent Street, Sydney NSW 2000

The enclosed remittance or advice covers the item(s) indicated by a tick. (One cheque is sufficient to cover subscription and donation.)

- ☐ Membership application (\$25) to 31 December 2004
(NB Membership application covers Bulletin subscription)
- ☐ Colong Bulletin Subscription (\$11) to 31 December 2004 (non members only)
- ☐ Membership renewal to 31 December 2004 (\$25) ☐ Life Membership (\$550)
- ☐ Tax deductible donation of \$____ to the Colong Wilderness Fund
- ☐ PLUS \$____ being for publications as indicated on the reverse side of this form.
- NAME (Mr, Ms, Mrs, Miss)
- ADDRESS
-P/CODEDATE
- SIGNEDAMOUNT
- Payment by credit card. Mastercard ☐ Visa ☐ Bankcard ☐ Expiry date ____
- Card # _____

MEMBERSHIP APPLICATION Why not join or invite a friend to join?

- ☐ Yes, I wish to become a member of the Colong Foundation for Wilderness Ltd. I subscribe to the Foundation's aim of preserving Australia's wilderness remnants. I accept the liability provided in the Colong Foundation's Articles of Association to guarantee \$20 should it be needed in the event of the winding up of the Foundation. Signed

A BEQUEST

**Please remember us
in your Will.**

The Law Society of NSW recommends the following wording... "I bequeath the sum of \$... to the Colong Foundation for Wilderness Ltd. for its general purposes and declare that the receipt of the treasurer for the time being of the Colong Foundation for Wilderness Ltd. shall be complete discharge to my executors in respect of any sum paid to the Colong Foundation for Wilderness Ltd."



ABOUT THE COLONG FOUNDATION

The Colong Foundation, the successor to Myles Dunphy's National Parks and Primitive Areas Council, is Australia's longest-serving community advocate for wilderness. Its proposal for a *Wilderness Act* was accepted in 1987. To supplement this legislation, our Red Index, audits NSW wilderness areas, identifies threats and formulates site specific protection remedies. There are now 1,836,000 ha of protected wilderness in NSW. However, many beautiful and environmentally highly significant wilderness areas are not protected, such as the 13,000 ha Green Gully in the Macleay Gorges, Pilliga and Goonoo on the north west slopes, Yengo in the Blue Mountains, the Deva Valley on the South Coast and the Tabletop and Main Range in the Snowy Mountains.

The Colong Foundation for Wilderness has had a long and successful history. From its foundation in 1968 until 1975 it was the fighting force that prevented limestone mining and the destruction of native forest for pine plantations in the southern Blue Mountains. The Foundation not only played a leading role in realising Myles Dunphy's plan for a Greater Blue Mountains National Park, it pushed for its World Heritage listing, as well as the reservation of a Border Ranges National Park and Kakadu National Park. It has initiated successful campaigns for the protection of over a million hectares of wilderness in NSW.

The realisation of Myles Dunphy's vision of a comprehensive system of national parks with protected wilderness areas remains the primary objective of the Colong Foundation.

Now, more than ever, the Foundation needs your support. Well financed and powerful rural interests, miners, loggers, resort developers, as well as four wheel drive enthusiasts, horse riders and others, have greatly increased the threats facing Australia's wild places.

Only with your help, through continued membership and donations, can the Foundation continue its campaigns for the preservation of the natural environment and effective nature-based national park management, and by concentrating on wilderness, these rare areas can be kept safe from development and misuse.

THE COLONG FOUNDATION

SENDER: THE COLONG FOUNDATION FOR WILDERNESS
Level 2, 362 Kent Street, Sydney NSW 2000



PUBLICATIONS AVAILABLE FROM THE COLONG FOUNDATION

WILD PLACES

The meticulously researched, beautifully written book on wilderness by Peter Prineas with photographs by Henry Gold (285pp)

Price Posted
27.50 ☐

BLUE MOUNTAINS FOR WORLD HERITAGE 17.60 ☐

Geoff Mosley provides a comprehensive explanation of the wealth of heritage values in the Blue Mountains (135pp)

HOW THE RAINFOREST WAS SAVED (59pp) 9.00 ☐

PARK OR PINES – The Battle for the Boyd (42pp) 9.00 ☐

THE BATTLE FOR THE BUSH 27.50 ☐

Geoff Mosley's account of the genesis of the nature conservation movement and saving of the Blue Mountains environment (174pp)

MYLES DUNPHY (SELECTED WRITINGS) 43.95 ☐

THE BAREFOOT BUSHWALKER 27.50 ☐

by Dorothy Butler, Australian Geographic award winner. A story of a lifetime of adventure in wilderness and high mountains (292pp)

CLASSIC BUSHWALKING MAPS by Myles Dunphy (Gangerang and Kowmung Maps) 6.00ea ☐

WILDERNESS RED INDEX – complete \$110 ☐

The Index describes the land ownership, values, history and threats to NSW wild places

– Summary brochures \$2.20 ☐

– Listing of individual areas \$5.50 ☐

THE COLONG STORY (42pp) 9.00 ☐

LIVING WITH THE DINGO (107pp) 19.00 ☐ by Adam O'Neill