

SOUTH EAST FOREST RESCUE

S T O P P I N ' T H E C H O P P I N '

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12/12/06

David Nicholson
Manager
Forestry Policy and Regulation Section
Dept. Environment and Conservation

Dear David,

RE: BREACHS OF SOUTHERN IFOA-TSL, 4.1(f)

On Friday 1/12/06 I visited the Regional office in Batemans Bay to view and copy the non-compliance register. On assessing the register I feel that it is in breach of the IFOA-TSL.

- f) The SFNSW Regional Manager responsible for the land to which this licence applies must keep a register of every incident of non-compliance with the conditions of this licence. The register must contain the following information known to SFNSW:*
- i. the date, time and duration of the non-compliance;*
 - ii. the date upon which SFNSW became aware of the non-compliance;*
 - iii. the exact location of the non-compliance, either marked on the operational map or in the form of Australian Map Grid co-ordinates;*
 - iv. the name of the person who caused the non-compliance;*
 - v. the nature of the non-compliance;*
 - vi. the reasons for the non-compliance;*
 - vii. whether the non-compliance resulted in any environmental harm;*
 - viii. any remedial action taken by SFNSW or any other person in relation to the non-compliance and the dates upon which it was taken;*
 - ix. any disciplinary action taken by SFNSW against any of its contractors, employees, licensees or agents and the dates upon which it was taken; and*
 - x. any measures taken or proposed to be taken to prevent or mitigate the recurrence of such a non-compliance.*
 - xi. the name of the Supervising Forestry Officer that was responsible for the supervision of SFNSW staff and other people involved in the forestry operation that caused the non-compliance;*
 - xii. a full report from the officer causing the non-compliance; and*
 - xiii. what pre harvesting audit and post harvesting audit checks were carried out to check compliance.*

BREACH 1

Attachment 1 is a copy of the register that was on display at the office. I was served by Julia Clark who said that she is responsible for the register. Julia also stated that she had started the register from the beginning of June when the new rules came into effect requiring Forests NSW to have a non-compliance register. I informed Julia that clause 4.1 has been in effect since the signing of the IFOA 4 four years ago and that nothing has changed. I also said that I was hoping to view the register for the past few years and as such was concerned the register was only for a few months. Julia told me she had been responsible for updating the non-compliance incident reports for the past 18 months. Whilst I am entitled to see all entries in the register from the start of the IFOA, I informed Julia I would be satisfied to view the register for the past 18 months. Forests NSW are in breach of 4.1 (f) as the register is not complete.

BREACH 2

As can be seen the register does not comply with all the requirements of 4.1(f), barring the personal details. There are no reasons for the non-compliance (vi), remedial action (viii), mitigation (x) or full report (xii). What is given is completely useless for any meaningful assessment of compliance of the TSL. When Julia first showed me the register I told her it was far from complete to which she disagreed. I asked her to get a copy of the TSL and look at 4.1(f), which she has done. Upon reading the clause Julia has agreed that it is not complete and she would update it.

I find it amazing that Forests NSW, having been informed of their obligations under the IFOA-TSL, have not bothered to read the IFOA-TSL and produce a non-compliance register that conforms to clause 4.1(f). Again it shows Forests NSW complete disdain for the regulations they operate under.

The time has come for DEC to prosecute Forests NSW over their failure to comply with this simple but important clause of the TSL. The IFOA has been in force long enough for them to have read it thoroughly and to comply.

As I have already made a trip to Batemans Bay to view an incomplete register I ask that you facilitate our request for Forests NSW to supply the proper register in electronic form to us. We feel this is fair as again we have paid money for sub standard documents from Forests NSW.

I thank you for your time and await your reply.

Regards,

Scott Daines