



Australians for Animals

PROTECT • NURTURE • RESTORE

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SEPTEMBER 2023 NEWSLETTER



URGENT GRAM!!

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FOREST FIGHTING FUND URGENTLY NEEDS FUNDS!

AFA is on the job! The charity is working with the Indigenous Justice Action Network's (IJAN) to stop the destruction of our native forests in the proposed Great Koala National Park on the mid north coast of NSW.

We now have two legal challenges before the Land & Environment court.

One challenge is awaiting judgement. The second one is before a judge who will decide when a hearing will be set down and hopefully, prohibit Forestry Corporation (FC) from logging in the compartments at risk. Our need for funds is urgent as expert witnesses have to be paid plus travel expenses and we have a further challenge being prepared.

These are historic cases. The result of three years of hard slog as IJAN and AFA have waded through some of the most complex legal and environmental issues.

Now there's an urgent need to mount a third challenge to try and protect some of the most critical compartments on the mid north

coast. Compartments which if logged, will pollute a number of rivers and cause immense damage to critical headwaters. This case is likely as complex and difficult as the previous two.

Forestry Corporation has been forced to stop logging in the compartments which are the focus of the two challenges. Forest critters are safe for now as we wait for the legal processes to conclude.

AFA and IJAN have worked together for over 30 years. As grass roots organisations, both work with communities, focused on on-the-ground issues, protests, legal action, campaigns, meeting and working with local indigenous groups and communities, lawyers and scientists.

With many years of experience behind us, our co-ordinator has undertaken the environmental



research, commissioned legal advice, talked endlessly with scientists, international lawyers, academic lawyers, plus field trips. Al Oshlack who heads IJAN is a bush lawyer! He's taken on the job of putting together the complex legal submissions, finding plaintiffs, doing the legal research, going to court, field trips, finding lawyers to assist. Al is a legend!

Al has won many cases, too many for this newsletter. In NSW, the only challenge likely to get into court to stop FC's destructive practices is with an indigenous leader/elder as the plaintiff.

On the advice of special counsel, legal conferences with an extensive number of lawyers, the collective

opinion was that representing indigenous rights was the best option to run a legal challenge.

The general public have no idea why it's so difficult to protect endangered creatures such as the Koala and the Greater Glider, animals meant to be protected by federal and state law from industrial logging.

Given the extent of public and scientific protest, the NSW government's ongoing refusal to take any action to stop industrial logging and protect struggling endangered species is extraordinary. When NSW koalas were downgraded to endangered, no extra protection was put in place.

THE LEGAL REALITY

Governments can pursue policies of extinction of precious irreplaceable forest fauna with no worries. Mainstream media refuses to publish articles telling the public what's really going on with our native forests.

Every single NSW law relevant to forest fauna, flora, forests, the precautionary principle, ecologically sustainable forest management are ALL trumped by legal provisions which allow FC to basically do what it likes.

Citizen rights are non-existent. The only way we could get into court was via civil proceedings. Which means individuals or community groups are

taking action which should be undertaken by government agencies prevented by policy from acting to protect forest critters. A pretty scary place for any citizen.

Then there's the next problem. Standing. What this means is that a person or group who can prove a strong relationship with the forest compartments (doing lots of

community field trips, research etc) may or may not be granted permission by the Court to challenge FC.

Next legal step, assuming the court grants standing to the indigenous plaintiff OR the community organization, is how to deal with a financial loss if FC wins the case.

The plaintiff may have to bear the cost of court proceedings if the case is lost. Some conservation groups have been wiped out financially taking on the government agencies. But in NSW there's an option to apply for a protective costs order which gives financial protection in the event of a loss.



URGENT! FOREST FIGHTING FUND

AFA is stoked with the news that the Bob Brown Foundation is going to kick off the Fighting Fund with a generous donation! Thank you Bob.

We urgently need a fighting fund.

Funds have to be raised for court filing costs, experts to do affidavits, costs for paralegal to do the filing work needed, and legal costs in preparing documents, travel, field trips.

AFA has commissioned and paid for advices from several barristers, senior counsel and scientists. AFA has spent thousands on fighting for the forests.

The compartments we are legally fighting to protect will form part of the Great Koala National Park. Compartments which Environment Minister Penny Sharpe has refused to protect by imposing a moratorium on logging in the proposed park.

Forestry Corporation is in there with huge bulldozers tearing down koala feed trees, wrecking these precious forests as they destroy the park area. Koala hubs – compartments containing good numbers of koalas are being targeted.

Indigenous elders are fighting tooth and nail to protect the forests. Koalas are part of their ancient Dreamings, their loss is a massive hit to indigenous culture. Elders have been abused, insulted and disrespected. Activists are barred from entering the forest by rapidly built fences and strong police presence.

Up to 20% of the park and potentially more could be logged. Forestry has the green light from government.



DECEPTION!

Minister Sharpe likes to repeat the current mantra that “the Park will be established in the first term” (of government) which means the Park may not be legally designated and protected until potentially the last month in office *three and a half years down the track!*

Her refusal to impose a moratorium on logging was well hidden before the election. Labor promised the park would be created with the usual “we love koalas”. In failing to let the voting public know that she intended to continue logging the park if Labor was elected is deception at its worst.

There's no sense of urgency by the Minns' government nor any embarrassment over this deception.

In fact, the government has recently ended funding for the Natural Resources Commission monitoring program of native forest logging.

At the recent ALP national conference, the efforts of over 300 Labor branches to get up a formal motion to end native forest logging was defeated. Instead, a useless motion was supported, one that approves ongoing logging.



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WE CAN WIN BECAUSE WE MUST

AFA asks you to imagine the terror our forest critters are experiencing as the gigantic bulldozers move into their habitat, tearing down trees, creating massive noise, dust, chaos.

Where do they go?

Our Forest Fighting Fund needs around \$20,000. If you can help, please do.

We are at the crossroads in NSW, with native forests on the growth altar. Our wildlife is precious. Too precious to lose.

For the Animals,

Sue Arnold & Friends.

GIVE GENEROUSLY TO HELP SAVE THE KOALAS



www.givenow.com.au/forestfighting-fund