

8 October 2018

Our reference: C/2018/3882

Contact: Sanya Silver

Telephone: 02 92860964

Dr Bronte Somerset
5-7 Cobargo Street
Quaama NSW 2550

Dear Dr Somerset

Your complaint about the Environment Protection Authority (EPA) and the Department of Primary Industries (DPI)

I refer to your complaint of 14 May 2018 about the EPA and DPI, the additional information you later provided to Ms Karen Gleeson of this office and our telephone conversation on 4 October 2018.

First, I would like to formally apologise for the length of time we took to assess your complaint and inform you of the outcome of that assessment. I realise my advice on 4 October (that we would not be investigating your complaint) was all the more disappointing because of the long wait and the previous advice that we were conducting research into the issues you raised. The delay was partly due to the complexity of the subject matter in your complaint and partly due to competing priorities and high workloads within our public administration division, which made it necessary to reallocate your complaint twice.

Your complaint

You complained about two recent public consultation processes regarding the NSW RFAs (Regional Forest Agreements) conducted by the EPA and DPI. You were concerned that the consultation processes were inaccessible and confusing, weighted toward the industry and had a predetermined outcome to support the continued destruction of threatened species' habitat and ongoing environmental damage to native forests. You also complained that the EPA failed to directly answer most of your questions.

On 18 June you provided a further submission in support of your complaint. You requested that the Ombudsman act as a referee to facilitate a bond from the industry to ensure compliance with environmental protection and the Forest Corporation pay a deposit of \$10 million to insure against logging breaches. Alternatively, you recommended that the Government should buy back the wood supply contract and the industry's workers be transitioned into jobs in native forest protection. You also believe there should be a public yes/no vote on native forest logging.

Reasons for my decision

I have decided to take no action on your complaint for two main reasons. First, as far as the adequacy of the consultation processes is concerned, I do not believe any practical outcome

could be achieved by scrutinizing a process that has concluded. I note the EPA acknowledged some of your concerns about the process and hopefully what they have learnt will be incorporated into the design of future public consultations.

The second reason is that this office has no power to achieve what you are requesting. It is not the Ombudsman's role to intervene in matters of public policy and advocate for particular interest groups or particular policy positions such as no logging of native forests. We can only investigate and make recommendations in cases where there is clear evidence of wrong administration.

You are welcome to call me if you have any questions about my decision.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sanya Silver', written in a cursive style.

Sanya Silver
Manager, Projects & Major Investigations
for the NSW Ombudsman