



AUSTRALIAN FOREST CONTRACTORS ASSOCIATION LTD.

ACN 102 865 430

Manager

David Drane

PO Box 242, Morwell Vic, 3840

david.d@vic.australis.com.au

Ph : 0413 997 257

Chairperson

Colin McCulloch

bvllogging@commander360.com

Ph: 0418 135 336

Viability Consultant

Col Shipard

colshipardafca@bigpond.com

Ph: 0428 215 882

“The Log” 25 October 2011



Hello and welcome to another weekly edition of “The Log”, the Australian Forest Contractors Association Ltd’s own internal electronic Newsletter for all of our Members and Corporate Partner Sponsors.

Firstly this week, we are saddened to hear of the passing last month of Mr Len Blyth from Tasmania who was a member of our Hall of Fame.

Len was one of the pioneers of logging in Tasmania. He grew up in Fankford Northern Tasmania and started driving bullocks with his father at a young age. He progressed to logging at Blackwood Creek and then to supplying saw logs to most of the saw mills in northern Tasmania. He then won a contract to log for the “Ansons Bay Timber Company” at St Helens Tasmania in the early 1970s.

From that initial beginning, he went on to become a major Contractor supplying chipwood into the T.P.F.H Chipmill at Triabunna when it first opened.

Len had an outstanding ability to motivate men to get the job done, and this is demonstrated in the number of Contractors, truck drivers, machine operators etc that worked for him and are still in the industry today.

His family are pleased to report that he had a wonderful send off with so many of his colleagues that he had worked with or that worked for him among the congregation of over 300 people who attended his funeral. They felt that at his age it was an honour for this to happen.

I had the honor of speaking with him at the Hall of Fame induction ceremony in Launceston last year where he told me he had enjoyed his 60 years involvement in the industry.

Vale Mr Len Blyth.

KOMATSU

**Forestry
Quality™**

Our Friends at Forest & Timber News have provided the following item that we are pleased to run over the next two editions of "The Log"

THE River Red Gum forests in south-west NSW are back in the spotlight with calls for a Parliamentary Inquiry into the report that sealed their fate in 2010. Nationals MP John Williams is questioning the science behind the Natural Resources Commission (NRC) report which led to 100,000 hectares of River Red Gum national parks being declared last year.

"I think the people of the southern Riverina need to know whether that was a true scientific report, or it was a biased report that was developed to get a result for Labor and the Greens," said the Member for Murray-Darling. He said it would appear there were no "credible reasons" for the outcome. "People had been of the belief that when the report was instigated it would be result in a fair and equitable outcome. "Unfortunately, they were led down the garden path,"

HITACHI

Hitachi Construction Machinery (Australia) Pty Ltd



JOHN DEERE
Nothing Runs Like A Deere

Tigercat
Tough • Reliable • Productive



FOREST CENTRE
SUPPLIERS OF FOREST EQUIPMENT & ATTACHMENTS

Todd Gelletly, of Gelletly Sawmills which is in the heart of the red gum area, has also been highly critical of the report. "How can a report so hastily put together have scientific credibility? "Undoubtedly the science was flawed when one of Australia's apparently leading scientists made a bet with an industry member that our forests would never see a flood again. Who in their right mind could predict such an unpredictable thing that is the climate in Australia?"

The NRC was using the 10 year drought - that has since ended so dramatically - as the benchmark for weather patterns into the future. This is science at its most dangerous using their so-called expertise to influence decisions based on only 10 years of weather, not the average patterns since records began which indicate that after a drought there is usually floods," Todd said.

Natural Resources Commissioner Dr John Williams claimed the NRC conducted an independent and robust scientific assessment into the Riverina's River Red Gums. He maintained the assessment was science-based, involved extensive community consultation, and each step of the NRC's analysis was peer reviewed by a panel of scientists of the highest calibre.

"Can Dr Williams please explain the science base the NRC used to provide this outcome? He stated at an industry meeting that he believed and that maybe he was dreaming that tourism was the savior to the massive economic black whole left in local communities economies. Is that the extent of his scientific research into the detrimental socio economic effects that Red Gum National Parks will bring to the Riverina?"

 **waratah**
BUILT TO WORK

We will look further at this issue next week. Thanks again to Forest & Timber News for the copy.

The Federal Government's continued delay in finalising the Tasmanian Forest Contractor Assistance Package is frustrating our "commentator" Senator Richard Colbeck, Shadow Parliamentary Secretary for Forestry.

“The Intergovernmental agreement was signed by the Gillard Government on 7 August 2011, and here we are, more than 10 weeks later and there is still nothing flowing to contractors. How do businesses and families survive for this length of time? How can they make meaningful future plans with such uncertainty?” he said.



Senator Colbeck pushed the Government to answer questions about the progress on the Forest Contractor assistance package at this week's Supplementary Estimates hearing.

Footage of the hearing can be viewed at: <http://www.youtube.com/user/SenatorColbeck#p/u/0/SiWQQJl2Qek>
We suggest that you take the time to have a look at it. It shows the bureaucracy stalling at its very best despite some savage questioning from Senator Colbeck.

Here's an item that reminds us to be careful if employers have to lay people off or for any other reason pay them out.

A Victorian employer that paid more than \$27,000 to a Manager it made redundant has lost an appeal to recover the money after discovering it had no legal obligation to pay any redundancy at all.



The employee, who earned nearly \$130,000 a year in her role as the company's National Operations Manager, was made redundant in 2008 after working for the company for 11 years. She was awarded a 12-week redundancy payment, along with annual and long service leave entitlements.

During a Magistrates' Court hearing about disputed contractual bonus entitlements, it emerged that the employer was not obliged to make any redundancy payment, and the company lodged a counter claim (which it subsequently lost), arguing it should be repaid the redundancy money.

Legal representatives for the company lodged an appeal and gave evidence that the employer had believed it was complying with the relevant award when it made the payment, and argued that it had not been a voluntary move.



**INSURANCE ADVISERNET
AUSTRALIA PTY LIMITED**

AUSTRALIAN FINANCIAL SERVICES LICENCE NUMBER: 240549

ABN 81 072 343 643

Proudly Australian Owned and Operated

www.insuranceadviser.net

While Victorian Supreme Court Justice Robert Osborn found that the payment was involuntary and a mistake, he ruled that the employee was under no obligation to return the money. As the woman had used most of the sum during her subsequent eight months of unemployment to support herself, and had been denied unemployment benefits because of the redundancy, “it would be inequitable to require the employee to bear the cost of the expenses which would have been covered by unemployment benefits if the mistake had not been made”, Justice Osborn found.

The detriment suffered by the employee was substantial, according to Justice Osborn, because her disclosure of the redundancy payment directly led to the decision to refuse her unemployment benefits



The message for all of us? Be careful, make sure we are aware of our rights and responsibilities when it comes to looking after our employees.



Well, that's all for this week. Thanks for taking the time to read this edition of "The Log". We hope you all have a safe and profitable week and we look forward to bringing you some more news from our industry again next week.

Regards to all
David Drane

