

Media Release

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Federal Court Rejects Friends of Leadbeater's Possum Claim

VicForests is pleased that the Federal Court today rejected the argument brought against it by the Friends of Leadbeater's Possum (FLBP).

The Court found that VicForests were not affected by government delays in reviewing the Central Highlands Regional Forest Agreement (RFA).

Consequently, VicForests operations under the RFA had the benefit of being exempt from processes required by the Federal Environment Protection and Biodiversity Conservation (EPBC) Act.

The Chair of VicForests' Board, Michael Humphris said today: "As we have consistently said, VicForests' operations are achieving high biodiversity and ecology standards laid out in the Regional Forest Agreement, which is agreed between the Victorian and Commonwealth governments,".

The FLBP had argued that because five-yearly reviews by Government were late, VicForests' operation was therefore not in accord with the RFA and had to comply with the EPBC Act.

"It's pleasing that the Court rejected the claim by the Friends of Leadbeater's Possum," Mr Humphris said.

Justice Mortimer emphasised that: "This case was not about any breaches of the requirements in Victoria's forest management system in the Central Highlands State forest," or whether VicForest complied with requirements.

She also rejected VicForests argument and accepted a "mid-way" position put by the Commonwealth. Justice Mortimer accepted the submission from the Commonwealth, that, for the EPBC Act exemption to apply, forestry operations must be undertaken in conformity with the system of forest management accredited by the RFA, that is the State regulatory system.

Justice Mortimer declined to make a final order today and instead requested the parties to make submissions by 16 March 2018 as to the wording of the final order.

In the meantime the injunction in relation to the 34 coupes continues.

Mr Humphris said: "The proper thing for us to do now is to closely consider the detail of the Judges request before we make our submission to the Court,"

"We are confident our extensive protections comply with the requirements of the RFA," he said

"For example we protect the Greater Glider by preserving habitat trees and the Leadbeater's Possum by preserving 12.6Ha of habitat around possums," he said.

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