



## Conservation Regulator

Department of Environment Land, Water and Planning

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[conservationregulator.vic.gov.au](http://conservationregulator.vic.gov.au)

██████████  
Administrative Officer  
Department of Legislative Council  
Parliament of Victoria

Dear Ms Smith

### INQUIRY INTO ECOSYSTEM DECLINE IN VICTORIA:

Thank you for your email of 19 March requesting my review of the transcript of the evidence I provided to the Parliamentary Inquiry into Ecosystem Decline, and response to the Questions on Notice. Please find below my responses to each of the three questions raised.

#### Question One

Approximately how many cases or breaches are under investigation by your office now? ... exactly how many, if you are able to provide that? As noted on page 14 of the transcript.

#### Answer:

A case is defined as any referral or conduct identified as allegedly, apparently, or potentially breaching the law. Cases are initiated when a referral is received by the Conservation Regulator, and are closed when it is established that no breach of the law has occurred, an identified potential breach not within the remit of the Conservation Regulator has been referred to the appropriate enforcement agency, or the enforcement response to an alleged breach of the law has been finalised.

As of 26 March 2021, the Conservation Regulator has a total of 247 open cases. This number will vary day to day as new referrals are received and cases are closed.

Of the open cases, at least 97 are related to wildlife. These cases include alleged offences relating to:

- non-compliance with the conditions of a licence, permit or authority;
- illegal take of wildlife; illegal possession or trade of wildlife;
- cruelty to wildlife; and
- destruction of wildlife.

As a case may comprise multiple alleged offences, it is difficult to report with certainty on the exact totals of these broad categories of alleged offences.

#### Questions Two

Investigating activists partaking in illegal camping in state forests that is non-compliant with the law. As noted on page 17 of the transcript.

#### Answer:

The Conservation Regulator does not capture demographic data relating to the user groups it engages with regarding non-compliance.

The Conservation Regulator has not received any referrals from the Game Management Authority regarding breaches of the law by protestors camping in State Forest. Authorised Officers from the

Game Management Authority are authorised under the relevant laws of the *Conservation, Forests and Lands Act 1987*. If during the course of their duties regulating forest protestors they identify alleged offences arising from protestors camping in State Forests, such as offences relating to campfires, off-road vehicles or littering, the Game Management Authority have the power to investigate and undertake an enforcement response to these alleged breaches, such as issuing an infringement notice.

### Questions Three

In terms of the allegations of non-compliance are you able to talk about what the nature of those allegations are? What are the things that you are seeing that people are reporting? As noted on page 18 of the transcript.

### Answer:

Many stakeholders submit allegations of non-compliance to the Conservation Regulator which relate in relation to VicForests' planning and conduct of timber harvesting operations. These allegations range from reports of threatened species habitat and biodiversity values being impacted by operations, through to erosion and water quality issues resulting from a range of timber harvesting activities.

In recent years, the most prevalent complaints include:

- timber harvesting occurring in exceedance of steep slope limits;
- the disturbance and destruction of Tree Geebung (a small tree of the Central Highlands);
- post-harvesting regeneration burning impacting upon retained trees and nearby forest values;
- or
- harvesting limits in zones established for bushfire management purposes being exceeded.

While significant numbers of reports related to alleged non-compliance are received annually, this does not equate to any assumption of non-compliance. The Conservation Regulator is committed to ensuring that the principles of natural justice and procedural fairness are maintained. An allegation of non-compliance must be substantiated. All allegations are thoroughly assessed by Authorised Officers from the Conservation Regulator's Timber Harvesting Compliance Unit. When a matter is accepted for formal investigation, any resulting action is taken in accordance with the Conservation Regulator's Compliance and Enforcement Policy.

The Conservation Regulator reports publicly on information related to compliance cases. This information can be found at: [Forest reports \(forestsandreserves.vic.gov.au\)](https://forestsandreserves.vic.gov.au).

I have reviewed the transcript as requested and one minor correction is suggested in the attached.

I would like to again thank the Legislative Council's Environment and Planning Committee for the opportunity to provide evidence at the Parliamentary Inquiry and look forward to reviewing their final report.

Yours sincerely



**Kate Gavens**  
**Chief Conservation Regulator**

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