

PURPORTED DRAFT CODE OF PRACTICE FOR TIMBER PRODUCTION

INTRODUCTION

1. This document is in response to the purported proposed revision of the *Code of Forest Practice for Timber Production, Revision Number 2, November 1996* (“**Current Code**”) titled “Code of Practice for Timber Production, Draft for Public Comment, February 2006” (“**Proposed Code**”).
2. This document is submitted on behalf of Lawyers for Forests Inc, The Australian Conservation Foundation Inc, The Central Highlands Alliance Inc, Environment Defenders Office (Victoria) Limited, Environment East Gippsland Inc, Environment Victoria Inc, Forest Action Trust, Friends of the Earth (Victoria) Inc, Goongerah Environment Centre, Victorian National Parks Association Inc, The Warringal Conservation Society Inc and The Wilderness Society (Vic) Inc (“**the Environment Organisations**”).
3. By submitting this document, the Environment Organisations do not sanction the current approach taken to native forest management in Victoria.

NOTICE TO VARY, REVOKE OR DRAFT CODE

4. Section 31(1) of the *Conservation Forests and Lands Act 1987* (Vic) (“**Conservation Forests and Lands Act**”) enables the Victorian government to make “Codes of Practice”. Section 32 of the *Conservation Forests and Lands Act* enables the Victorian government to “vary or revoke a Code of Practice at any time”. Both of these sections are subject to Section 33.
5. Section 33(1) requires that “the Minister must give notice of any draft” (Section 33(1)(a)), “variation” (Section 33(1)(b)) or “revocation of a Code of Practice which the Minister proposes to make” (Section 33(1)(c)). The notice referred to in Section 33(1) is required to be “published in the Government Gazette” (Section 33(2)(a)). Additionally, the notice must “state where a copy of the draft Code of Practice, variation or revocation (as the case may be) may be obtained” (Section 33(3)(a)) and “that submissions may be made to the Minister and that they must be made within 60 days of the publication of the notice” (Section 33(3)(b)).
6. A search of the Victorian Government Gazettes reveals that there has been no notice as required under the *Conservation Forests and Lands Act*. Accordingly, the Victorian government has failed to comply with the *Conservation Forests and Lands Act*. This non-compliance renders the Proposed Code void if adopted before these processes are followed.
7. Furthermore, the failure to give the notice means that it is impossible to determine whether the Proposed Code is a draft or a variation of the Current Code. It is evident that:

- (a) a perusal of the Proposed Code reveals that it adopts so much of the Current Code that it must be a variation of the Current Code; but,
 - (b) the Victorian government's reference to the Proposed Code as a "Draft for Public Comment" suggests that it must be a draft Code of Practice; as does
 - (c) the title of the Proposed Code printed on the cover of the Victorian government's publication (being "Code of Practice for Timber Production") in comparison to the title of the Current Code (being "Code of Forest Practice for Timber Production Revision Number 2 1996", removing, among other things, the word "Forest".
8. If the Proposed Code is a draft new Code of Practice, the Victorian government should not only have given notice of the draft new Code of Practice, but should also have given notice of the revocation of the Current Code. This has not been done.
 9. The public should not be left to guess. The law requires that the Victorian government gives specific notice and the Victorian government must comply with the law. Until such time as the Victorian government complies with the law, the Proposed Code, whether a draft new Code of Practice or a variation of the Current Code, cannot be tabled in the Victorian parliament (Section 35 of the Conservation Forests and Lands Act) and cannot be made (Section 37).

SUBMISSIONS FROM THE PUBLIC: VICTORIAN GOVERNMENT'S LETTER

10. The Environment Organisations consider that the Victorian government has purported to call on the public to make submissions on the Proposed Code as a result of, among other things, the content of a letter sent to some of the Environment Organisations dated on or about 13 February 2006 and titled "Draft revised Code of Practice for Timber Production" ("**the Victorian government's letter**").
11. The Victorian government's letter says, omitting the informal and irrelevant parts:

"Please find enclosed the draft revision of the Code of Practice for Timber Production, prepared by the Department of Sustainability and Environment under Part 5 of the Conservation Forests and Lands Act 1987. This document has now been released for public comment, and your submission is welcome."

A copy of the Victorian Government's letter is enclosed as **Attachment 1** to these submissions.

12. Due to the Victorian government's failure to comply with the Conservation Forests and Lands Act as outlined in paragraphs 4 to 9 above, the first sentence of the extract from the Victorian government's letter (in paragraph 11 above) is wrong at law; the document has not been "prepared by the Department of Sustainability and Environment under Part 5 of the Conservation Forests and Lands Act" as it fails to comply with Part of 5 of that Act.

13. Similarly, the second sentence of the extract from the Victorian government's letter (in paragraph 11 above) is also wrong at law; the document could only be released for public comment if it complied with Part 5 of the Conservation Forests and Lands Act as outlined in paragraphs 4 to 9 above.
14. Nevertheless, it appears that the Victorian government is oblivious to its breaches of the Conservation Forests and Lands Act and the significant ramifications of those breaches on the Proposed Code. If, however, the Victorian government said that it has properly released the Proposed Code for public comment by relying on the Victorian government's letter, despite that it has not complied with the notice provisions under the Conservation Forests and Lands Act, the Victorian government has not given the public the required 60 days notice from public release to make submissions when considering the date of the Victorian government's letter.
15. The Victorian government's letter says, omitting the informal and irrelevant parts:

"The submission period will close on 3 April 2006."
16. Section 33(3)(b) of the Conservation Forests and Lands Act is the provision that requires the Victorian government to give the public 60 days to make submissions in response to the Proposed Code. The Victorian government's letter is dated on or about 13 February 2006. The supposed due date for submissions is 3 April 2006. Accordingly, the Victorian government has only given the public 48 days to make submissions from the date that the Proposed Code has apparently been made available for comment by reference to the Victorian government's letter.
17. The Victorian public ought to be afforded the ability to exercise its rights as required by law, that is, as required under Part 5 of the Conservation Forests and Lands Act. The Victorian government does not have the discretion to repudiate the legislative rights of the Victorian people in the manner in which the Victorian government has attempted to do in respect of the Proposed Code.

SUBMISSIONS FROM THE PUBLIC: GHD PTY LTD

18. The Environment Organisations consider that the Victorian government has purported to call on the public to make submissions relating to the Proposed Code also as a result of the involvement of GHD Pty Ltd.
19. The Victorian government's letter says, omitting the informal and irrelevant parts:

"I have also enclosed a Background Paper, which outlines the key proposed changes from the current Code. The Background Paper was prepared by GHD Pty Ltd., who are managing the consultation program on behalf of the Department. GHD has also prepared a feedback form (enclosed) which may assist you when preparing a submissions."

This extract from the Victorian government's letter conveys the involvement of GHD Pty Ltd in respect of the purported "public" "consultation" process relating to the Proposed Code.

20. Correspondence has been received by some of the Environment Organisations from GHD Pty Ltd regarding the Proposed Code, predominantly by email.
21. On 26 September 2005 at about 11:40am, some of the Environment Organisations received an email from Wil Blackburn of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

“Please feel free to provide whatever specific comments you may have on the operation of the current Code, or your expectations for a revised Code, at any time during this review, but particularly in the next few weeks as we are scoping the revised draft. I will ensure that as the new Code is developed, you are kept regularly informed. The draft Code will be exhibited early next year for 60 days, and comments can also be made then.”

A copy of this email is attached to these submissions as **Attachment 2**.

22. It should be noted that the first sentence of the email referred to in paragraph 21 above, seems to suggest that the Proposed Code is a variation of the Current Code through the use of the word “revised”. We refer to paragraphs 7 to 9 above and repeat that the public should not be left to guess what form the Proposed Code takes and the public ought be able to exercise their rights to make submissions on the Proposed Code, which the greater public would only be in a position to do if proper notice was given as required by law. It should also be noted that although GHD Pty Ltd foresaw the requirement that the Victorian government give the public 60 days notice to make submissions on the Proposed Code, the notice period has not been properly exercised as required by law.
23. On 4 November 2005 at about 10:15am, some of the Environment Organisations received an email from Ben Heard of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

“Please find attached an invitation to focus groups for the Review of the Code of Forest Practices for Timber Production, as well as a briefing paper.”

The attachment invited “forestry stakeholders” to attend a meeting at either GHD Pty Ltd in Melbourne on 16 November 2005 or DSE Traralgon on 14 November 2005, to “input in revising and drafting the new Code”. A copy of this email, including the attachment to the email, is enclosed to these submissions as **Attachment 3**.

24. Conversely to the email referred to at paragraph 21 above, the email referred to in the preceding paragraph suggests that the Proposed Code is a draft new Code of Practice through the use of the phrase “... drafting the new Code”. We refer to and repeat paragraphs 7 to 9 and 22 above and note the greater ambiguity arising from the GHD Pty Ltd emails.
25. On 7 November 2005 at about 5:06pm, some of the Environment Organisations received an email from Shannon Pascoe of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

“The Department of Sustainability and Environment (DSE) is completing a Review of the Code of Forest Practices for Timber Production (the Code). GHD - Reputation Qest is completing the review on behalf of DSE.

As part of the consultation component of the review you are invited to participate in an on-line questionnaire. The questionnaire has been created to

offer an opportunity for structured written submission into the review of the Code."

A copy of this email is enclosed to these submissions as **Attachment 4**.

26. It should be noted that the email referred to in the preceding paragraph suggests that the Proposed Code is a variation of the Current Code through the use of the word "review". As does the email in the succeeding paragraph.
27. On 7 November 2005 at about 5:30pm, some of the Environment Organisations received an email from Shannon Pascoe of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

"Please note that the closing date for completion of the "Review of the Code of Forest Practices for Timber Production" questionnaire is 5.30 pm, 16 November. 2005."

A copy of this email is enclosed to these submissions as **Attachment 5**.

28. On 8 November 2005 at about 11:20am, some of the Environment Organisations received an email from Ben Heard of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

"Please note that the time for the Melbourne-based focus group [on 16 November 2005] has needed to change from 10am to 3pm. I apologise for any inconvenience this may cause. I will endeavour to contact you by phone to confirm attendance at the focus groups."

A copy of this email is enclosed to these submissions as **Attachment 6**.

29. On 16 December 2005 at about 4:41pm, Lawyers for Forests Inc received an email from Ben Heard of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

"My apologies for the delay in getting this to you.

For your information, we have also consulted WWF, ACF and Friends of Gippsland Bush. The Wilderness Society declined to participate in the consultation process.

The review process is proceeding according to the schedule outlined in the background paper. Your comments in the public viewing period will be welcomed."

A copy of this email is enclosed to these submissions as **Attachment 7**.

30. Some of the Environment Organisations completed the on-line questionnaire, attended the meeting arranged by GHD Pty Ltd on 16 November 2005 and/or provided comments to GHD Pty Ltd in relation to the Current Code.
31. The communications outlined at paragraphs 20 to 30 above from GHD Pty Ltd to some of the Environment Organisations does not comprise any of the Victorian government's requirements or obligations under Part 5 of the Conservation Forests and Lands Act, including as set out at paragraphs 4 to 9 above.

32. On 3 February 2006 at about 4:10pm, some of the Environment Organisations received an email from Wil Blackburn of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

"The Department of Sustainability and Environment is pleased to announce the release for public comment of the draft revised Code of Practice for Timber Production.

This Code of Practice has been prepared under Part 5 of the Conservation, Forests and Lands Act 1987. The Code is a statutory document that controls timber production operations on all land tenures in the State of Victoria. Following the public submission period, it is intended that the revised Code will replace the 1996 Code of Forest Practices for Timber Production.

GHD Pty Ltd has been contracted to manage the consultation process on DSE's behalf, and will be directly contacting groups and individuals seeking comment. GHD has prepared a Background Paper that explains the key changes proposed in the revision and the rationale for the changes, and has also prepared a feedback form. Copies of these documents and the draft revision can be obtained from <http://www.dse.vic.gov.au/forestry/code/>."

A copy of this email is enclosed to these submissions as **Attachment 8**.

33. It should be noted that the use of the word "revised" in the preceding paragraph seems to suggest that the Proposed Code is a variation of the Current Code. However, on the contrary, the statement that the Proposed Code will "replace" the Current Code suggests that the Proposed Code is a draft new Code of Practice. As previously stated, the public should not be left to guess. The public should be confident that where the law requires that a document be made available to them for their comment, that it will be, particularly a significant document that governs the logging of the public's forests. The Victorian government should not avoid complying with the legal requirements of the Conservation Forests and Lands Act. We refer to and repeat paragraphs 7 to 9, 22 and 24 above.
34. The purported release of the "draft revised Code of Practice for Timber Production" for public comment referred to in the email from GHD Pty Ltd at paragraph 32 above does not comply with any of the Victorian government's requirements or obligations under Part 5 of the Conservations Forests and Lands Act.
35. The Environment Organisations have considered the Proposed Code. All of the Environment Organisations are of the view that the Proposed Code fails to take into account any of the comments made by them to GHD Pty Ltd, in response to the calls for comments from GHD Pty Ltd outlined at paragraphs 21, 23, 25 and 27 to 29 above. In fact, the Proposed Code incorporates provisions that are expressly adverse to comments made by some of the Environment Organisations.
36. On 9 February 2006 at about 3:09pm, some of the Environment Organisations received an email from Ben Heard of GHD Pty Ltd which said, omitting the informal and irrelevant parts:

"Please find invitation attached below."

The attachment invited "forestry stakeholders" to attend a meeting at GHD Pty Ltd on 3 March 2006 for "consultation" relating to the Proposed Code. A copy of this email,

including the attachment to the email, is enclosed to these submissions as **Attachment 9**.

37. It should be noted that the correspondence from GHD Pty Ltd was predominantly always addressed to “forestry stakeholders”. If the Victorian government considers that the involvement of GHD Pty Ltd represents the public consultation process in respect of the Proposed Code, “forestry stakeholders” can not be considered to be synonymous with the vast cross-section that forms the public.
38. Given that the Proposed Code failed to take into account any comments on the Current Code made by some of the Environment Organisations, and given that the entire process relating to the Proposed Code failed to comply with Part 5 of the Conservation Forests and Lands Act, the Environment Organisations now realised that it would be a crucial misuse of resources to partake in the process relating to the Proposed Code involving GHD Pty Ltd.
39. GHD Pty Ltd must have expected that the “review” it says it is undertaking “on behalf of DSE” (see paragraph 25 above) is the review as required by law. GHD Pty Ltd must also have expected a higher attendance at least at the preliminary meetings it held. It is the opinion of some of the Environment Organisations that the low level of attendance was likely a result of the Victorian government’s failure to properly notify the public of the Proposed Code as required by law.
40. As a result of all of the matters outlined in this document above, the Environment Organisations are of the view that the involvement of GHD Pty Ltd in the Proposed Code has compromised GHD Pty Ltd’s professional standards.

THE LAW MUST BE COMPLIED WITH

41. The Environment Organisations are of the view that the Victorian government must comply with the law and so must comply with Part 5 of the Conservation Forests and Lands Act in relation to any variation or revocation of the Current Code and in relation to any draft new Code of Practice.
42. To do this, the Victorian government must properly give notice as required by law so that this significant document is properly made available to the greater public and to enable the public 60 days to provide submissions on any variation of the Current Code or on any draft new Code of Practice.
43. Section 34 of the Conservation Forests and Lands Act makes it mandatory for the Victorian government to “consider any submissions made to the Minister if those submissions are made within the time specified in Section 33(3)”, that is, within 60 days of the Victorian government’s notice.
44. The Environment Organisations expect that the Victorian government will then properly consider the submissions of the Environment Organisations, as well as other individuals or entities that make submissions, rather than produce a varied Current Code or draft new Code of Practice that incorporates provisions that are completely adverse to all of the submissions made by the Environment Organisations, as was effectively the case with the void Proposed Code.

OUTLINE OF SOME COMMENTS ON THE PROPOSED CODE

45. Some of the Environment Organisations are of the view that they cannot provide submissions on the Proposed Code at this stage as they are of the opinion that they cannot participate in a process that fails to comply with the law.
46. However, if the variation of the Current Code or if the draft new Code of Practice, when released after compliance with the law, is the same or similar to the Proposed Code, the Environment Organisations take this opportunity to provide the Victorian government with assistance and indicate some of the comments that the Environment Organisations expect will be forthcoming from them. It is expected that these comments will be detailed in submissions after release of any variation to the Current Code or upon release of any draft new Code of Practice in compliance with the law, although some of the Environment Organisations may provide submissions before that time.
47. Any variation to the Current Code or any draft new Code of Practice should, among other things:
 - (a) provide that a breach of the Code is a breach of the law. Current legislation and case law makes out this legal principal. The Victorian government should admit and embrace this legal position rather than, as it appears, simply retrospectively amending this document to overcome what is now trite law and what is a reasonable legal principal. The Victorian government should use the Code to help minimise the significant environmental damage caused by logging Victoria's native forests, including since that environmental damage is increased by failing to comply with the Current Code (in comparison to logging in compliance with the Code);
 - (b) many obligations of the Victorian government and/or of VicForests in the Proposed Code should be mandatory obligations. The use of "may" should be replaced with "must" on numerous occasions;
 - (c) each mandatory obligation should specify what entity (for example, the Victorian government or VicForests) is responsible for that obligation. The Proposed Code should not be ambiguous when determining who is responsible for each obligation that determines, among other things, the management of Victoria's last remaining native forests;
 - (d) provide for mandatory training and education of each entity's employees or contractors that are responsible for various obligations under the Proposed Code. This should assist in overcoming the excuse recently presented to the public by the Victorian government for its breaches of the Current Code as evidenced in the audits undertaken by the Environment Protection Authority;
 - (e) not seek to redefine native forest as plantation;
 - (f) not seek to remove filters and buffers from streams in plantations; and,
 - (g) provide that rainforest must not be logged under any circumstances and it must provide a more comprehensive definition of what comprises rainforest.
48. The Code is the tool to assist in overseeing forest operations now that the *Safety on Public Land Act 2004* (Vic) has effectively prevented public scrutiny of those operations

by excluding the public from its State forests in Victoria. As shown in the annual audits by the Environment Protection Authority, breaching of the Code's minimum requirements regularly occurs. In the interests of Victoria's natural heritage, the Code must be strengthened and vigorously enforced. The Proposed Code works to the contrary.

CONCLUSION

49. The Victorian government must comply with the Conservation Forests and Lands Act in varying or revoking the Current Code or in the production of a draft new Code of Practice.
50. Any variation of the Current Code must properly consider submissions made by the Environment Organisations and other entities or individuals and it must ensure the better management and conservation of Victoria's last remaining native forests, which the Proposed Code fails to do.
51. The Environment Organisations look forward to receiving written notice from the Victorian government that the submission period will not close on 3 April 2006, as the submission period will commence when the Victorian government complies with the law. The public can then be afforded their right to properly participate in the process.
52. Should the Victorian government fail to rectify the non-compliance with the Conservation Forests and Lands Act, before purporting to adopt the Proposed Code (or a variation of it) then the Environment Organisations reserve their rights with respect to challenging the validity of the Proposed Code, and reserve the right to produce this submission on the question of costs.

The Australian Conservation Foundation Inc.

The Central Highlands Alliance Inc.

Environment Defenders Office (Victoria) Ltd.

Environment East Gippsland Inc.

Environment Victoria Inc.

Forest Action Trust

Friends of the Earth (Melbourne) Inc.

Goongerah Environment Centre

Lawyers for Forests Inc.

Victorian National Parks Association Inc.

The Warringal Conservation Society Inc.

The Wilderness Society (Vic) Inc.

Dated: 27 March 2006



Department of Sustainability and Environment

8 Nicholson Street
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Victoria 3002 Australia
Telephone: (03) 9637 8000
Facsimile: (03) 9637 8100
ABN 90 719 052 204
DX 210098

13 February 2006

Draft revised Code of Practice for Timber Production

Please find enclosed the draft revision of the *Code of Practice for Timber Production*, prepared by the Department of Sustainability and Environment under Part 5 of the *Conservation Forests and Lands Act 1987*. This document has now been released for public comment, and your submission is welcomed.

I have also enclosed a Background Paper, which outlines the key proposed changes from the current Code. The Background Paper was prepared by GHD Pty Ltd., who are managing the consultation program on behalf of the Department. GHD has also prepared a feedback form (enclosed) which may assist you when preparing a submission.

Further copies of the draft revised Code can be downloaded from the website www.dse.vic.gov.au/forestry/code, by emailing forestry.code@dse.vic.gov.au or by calling the DSE Customer Service Centre on 136 186.

The submission period will close on **3 April 2006**. Submissions should be emailed to forestry.code@dse.vic.gov.au (preferably using the feedback form provided), or addressed to:

Forestry Code Review
Department of Sustainability and Environment
PO Box 500
EAST MELBOURNE VIC 3002

I look forward to receiving your submission.

Yours sincerely

Janine Haddow
Executive Director
Parks and Forests

Attachments

From: Wil.Blackburn@dse.vic.gov.au on behalf of Forestry.Code@nre.vic.gov.au
Sent: Monday, 26 September 2005 11:42 AM
To: vanessab@lawyersforforests.asn.au
Subject: Re: REVIEW OF THE CODE OF FOREST PRACTICE FOR TIMBER PRODUCTION
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Bleyer,

thank you for registering Lawyers for Forests interest in the *Code of Forest Practices* review. Please feel free to provide whatever specific comments you may have on the operation of the current Code, or your expectations for a revised Code, at any time during this review, but particularly in the next few weeks as we are scoping the revised draft. I will ensure that as the new Code is developed, you are kept regularly informed. The draft Code will be exhibited early next year for 60 days, and comments can also be made then.

Wil Blackburn

Project Manager - Parks & Forests
Department of Sustainability and Environment
lvl 3, 8 Nicholson Street
EAST MELBOURNE VIC 3002
Email forestry.code@dse.vic.gov.au
ph: (03) 9637 9762
fax: (03) 9637 8589
mob: 0438 026 526

The Code of Forest Practices for Timber Production is viewable at <http://tinyurl.com/7r4n9>.

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vanessab@lawyersforforests.asn.au

To: forestry.code@dse.vic.gov.au

25/09/2005 12:48 PM

cc:

Subject: REVIEW OF THE CODE OF FOREST PRACTICE FOR TIMBER PRODUCTION

To Whom It May Concern

Lawyers for Forests Inc would like to register its interest in the review of the Code of Forest Practice for Timber Production.

-----Original Message-----

From: Ben_Heard@ghd.com.au [mailto:Ben_Heard@ghd.com.au]

Sent: Friday, 4 November 2005 10:14 AM

To: geco@forests.org.au; phwy2000@yahoo.com.au; fiona@geco.org.au;
vanessab@lawyersforforests.asn.au; davidswinson@gmail.com; jennyb@vnpa.org.au;
anthonyamis@hotmail.com; wombat@vic.australis.com.au; marcus.godinho@envict.org.au;
forests@acfonline.org.au; campaign@wilderness.org.au; sarah@tcha.org.au;
orenlorax@oren.org.au; mward10@bigpond.com; gveg@mcmmedi.com.au

Subject: Review of the Code of Forest Practices for Timber Production

Dear all,


Please find attached an invitation to focus groups for the Review of the Code of Forest Practices for Timber Production, as well as a briefing paper.

Ben Heard
Senior Consultant- Communication & Reputation Building
Management Consulting Services

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4 November 2005

Our ref: 31/17739/107651
Your ref:

Dear group representatives

Review of Code of Practices for Timber Production Stakeholder Consultation

I am writing to invite your input into a review of the Code of Forest Practices for Timber Production, a key regulatory instrument for commercial timber production on public and private forests in Victoria.

GHD Pty Ltd have been contracted by the Department of Sustainability and Environment (DSE) to conduct the consultation associated with the review and enclosed is a briefing paper that provides further detail of the review process.

The purpose of the review is to identify significant potential improvements to the Code rather than substantially altering the role of the Code within Victoria's sustainable forest management framework.

A key aspect of the review is to consult with a wide range of stakeholders, and to consider their input in revising and drafting the new Code.

I invite you or a representative of your organisation to one of the following focus groups:

Meeting 1

Date: 14 November 2005

Time: 11:00am- 1:00pm

Location: DSE Traralgon, 74 Hotham St

Meeting 2

Date: 16 November 2005

Time: 10:00am- 12:00pm

Location: GHD Melbourne, L8 180 Lonsdale St

Please be aware that submissions to the Code review, including records of participation in focus groups, will be public documents/information and may be quoted in full or part by the Department of Sustainability and Environment or its agents. If you wish your submission to be treated as confidential, please clearly mark it as so or inform a focus group facilitator.

To confirm your attendance at one of these meetings, or for further information about the review, please contact the Project Information Desk on 1800 737 865 or email: forestcodereview@ghd.com.au

Yours faithfully
GHD Pty Ltd

Emily Lazzaro
Project Manager

From: Shannon_Pascoe@ghd.com.au
Sent: Monday, 7 November 2005 5:01 PM
To: vanessab@lawyersforforests.asn.au
Subject: Review of the Code of Forest Practices for Timber Production - Questionnaire
Follow Up Flag: Follow up
Flag Status: Flagged
Attachments: Forest Code Review Briefing Paper Plus Code Background.pdf

Dear Sir / Madam,

The Department of Sustainability and Environment (DSE) is completing a Review of the Code of Forest Practices for Timber Production (the Code). GHD - Reputation Qest is completing the review on behalf of DSE

As part of the consultation component of the review you are invited to participate in an on-line questionnaire. The questionnaire has been created to offer an opportunity for structured written submission into the review of the Code.

Please click on the link below to be forwarded to the on-line questionnaire, where you will be prompted to follow a simple registration process to gain an access password. This process enables us to collect and record results in a secure manner.

<http://www.darzinsurveys.com/ds/index.asp?CX=&SX=343216>

For your information you will also find attached a copy of the project briefing paper. This may provide some useful background information to you.

If you have any questions regarding the questionnaire or the review of the Code, please contact the project desk on forestcodereview@ghd.com.au.

Thank you for taking the time to complete the questionnaire.

Shannon L Pascoe
Communities Team
Management Consulting Services

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From: Shannon_Pascoe@ghd.com.au
Sent: Monday, 7 November 2005 5:31 PM
To: shannon_pascoe@ghd.com.au
Cc: Ben_Heard@ghd.com.au; Emily_Lazzaro@ghd.com.au
Subject: Closing date for Review of the Code of Forest Practices for Timber Production - Questionnaire

Follow Up Flag: Follow up
Flag Status: Flagged

Please note that the closing date for completion of the "Review of the Code of Forest Practices for Timber Production" questionnaire is **5.30 pm, 16 November. 2005.**

<http://www.darzinsurveys.com/ds/index.asp?CX=&SX=343216>

Best Regards

Shannon L Pascoe
Communities Team
Management Consulting Services

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This e-mail has been scanned for viruses by MessageLabs.

From: Ben_Heard@ghd.com.au
Sent: Tuesday, 8 November 2005 10:52 AM
To: geco@forests.org.au; phwy2000@yahoo.com.au; fiona@geco.org.au;
vanessab@lawyersforforests.asn.au; davidswinson@gmail.com; jennyb@vnpa.org.au;
anthonyamis@hotmail.com; wombat@vic.australis.com.au;
marcus.godinho@envict.org.au; forests@acfonline.org.au;
campaign@wilderness.org.au; sarah@tcha.org.au; orenlorax@oren.org.au;
mward10@bigpond.com; gveg@mcmedi.com.au
Subject: Adjusted time for Code Review Meeting
Follow Up Flag: Follow up
Flag Status: Flagged

Dear all,

Please note that the time for the Melbourne-based focus group has needed to change from 10am to 3pm. I apologise for any inconvenience this may cause. I will endeavour to contact you by phone to confirm attendance at the focus groups.


Thank you

Ben Heard
Senior Consultant- Communication & Reputation Building
Management Consulting Services

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T 61 3 8687 8395 | F 61 3 8687 8111 | ben_heard@ghd.com.au
Level 8, 180 Lonsdale Street, Melbourne VIC 3000 Australia | <http://www.ghd.com.au>

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From: Ben.Heard@ghd.com.au
Sent: Friday, 16 December 2005 4:27 PM
To: Vanessa Bleyer
Subject: RE: Adjusted time for Code Review Meeting
Follow Up Flag: Follow up
Flag Status: Flagged
Attachments: Env and Cons Focus Group.doc

My apologies for the delay in getting this to you.

For your information, we have also consulted WWF, ACF and Friends of Gippsland Bush. The Wilderness Society declined to participate in the consultation process.


The review process is proceeding according to the schedule outlined in the background paper. Your comments in the public viewing period will be welcomed.

Ben Heard
Senior Consultant- Communication & Reputation Building
Management Consulting Services

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From: Wil.Blackburn@dse.vic.gov.au [mailto:Wil.Blackburn@dse.vic.gov.au] **On Behalf Of** Forestry.Code@nre.vic.gov.au
Sent: Friday, February 03, 2006 4:08 PM
To: Forestry.Code@nre.vic.gov.au
Subject: draft revision of Code of Practice for Timber Production released for public comment

The Department of Sustainability and Environment is pleased to announce the release for public comment of the draft revised *Code of Practice for Timber Production*.

This Code of Practice has been prepared under Part 5 of the *Conservation, Forests and Lands Act 1987*. The Code is a statutory document that controls timber production operations on all land tenures in the State of Victoria. Following the public submission period, it is intended that the revised Code will replace the 1996 Code of Forest Practices for Timber Production.

GHD Pty Ltd has been contracted to manage the consultation process on DSE's behalf, and will be directly contacting groups and individuals seeking comment. GHD has prepared a Background Paper that explains the key changes proposed in the revision and the rationale for the changes, and has also prepared a feedback form. Copies of these documents and the draft revision can be obtained from <http://www.dse.vic.gov.au/forestry/code/>

Hard copies can be obtained by writing to:
Forestry Code Review
Department of Sustainability and Environment
PO Box 500
EAST MELBOURNE VIC 3002

Submissions on the draft revision (preferably on the feedback form provided) will be accepted until **3 April 2006**, either to the above address or emailed to forestry.code@dse.vic.gov.au

I look forward to your participation.

sincerely,

the Project Team

From: Ben.Heard@ghd.com.au
Sent: Thursday, 9 February 2006 3:09 PM
To: wombat@vic.australis.com.au; tmorsink@wideband.net.au; mrtree@oren.org.au; vm@ozrainforest.org; davidswinson@gmail.com; jennyb@vnpa.org.au; geco@forests.org.au; phwy2000@yahoo.com.au; fiona@geco.org.au; anthonyamis@hotmail.com; sarah@tcha.org.au; vanessab@lawyersforforests.asn.au; arouse@wwf.org.au; s.chenery@bigpond.com; eeg@eastgippsland.net.au; oecouncil@yahoo.com.au; mward10@bigpond.com.au; forests@acfonline.org.au
Subject: Forest Code review, consultation invitation
Follow Up Flag: Follow up
Flag Status: Flagged
Attachments: E & C focus group invitation.doc


Please find invitation attached below

Ben Heard
Senior Consultant- Communication & Reputation Building
Management Consulting Services

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T 61 3 8687 8395 | F 61 3 8687 8111 | ben_heard@ghd.com.au
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9 February 2006

Our ref: 31/17739/107651
Your ref:

Dear forestry stakeholder

**Public Viewing Period for the *Code of Practices for Timber Production*
Stakeholder Consultation**

As you are most likely aware, the Department of Sustainability and Environment have released the draft revised *Code of Practices for Timber Production* for public comment. GHD-Reputation Qest has been contracted by DSE to conduct consultation on their behalf. We will be holding focus groups in a variety of locations around the state for different stakeholder groups. You are invited to participate in the stakeholder consultation that will be conducted during this period. If you do not wish to participate but still wish to provide written submission, please do so via the feedback form that can be found at <http://www.dse.vic.gov.au/forestry/code/>. Submissions will be received up until the 3rd April.

I invite you or a representative of your organisation to attend the following focus group:

Date: Friday 3rd March

Time: 9 am – 12 pm

Location: GHD, L8 180 Lonsdale St Melbourne

To confirm your attendance at this focus groups, or for further information about the review, please contact Ben Heard at the Project Information Desk on 1800 737 865 or email: forestcodereview@ghd.com.au

Prior to the session, please ensure you have read the "Background Paper" and the draft revised Code, both of which are posted on the above DSE link.

Yours faithfully
GHD Pty Ltd

Emily Lazzaro
Project Manager