

The Central Highlands Alliance Inc  
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Department of the Environment and Water Resources  
Compliance and Enforcement Section  
Approvals and Wildlife Division  
GPO Box 787  
CANBERRA ACT 2601

By email: compliance@environment.gov.au

Dear Sir or Madam

### **BREACHES & PROSPECTIVE FURTHER BREACHES OF THE EPBC ACT**

1. The Central Highlands Alliance Inc (“**TCHA**”) and Lawyers for Forests Inc (“**LFF**”) believe that there have been breaches and are likely to be further breaches of the *Environment Protection & Biodiversity Conservation Act 1999* (Cth) (“**EPBC Act**”).

#### **Breaches**

2. It has recently come to the attention of TCHA and LFF that some logging has recently been undertaken in the Central Highlands region of Victoria (“**the logged area**”).
3. The logged area commences about 5km to 6km past Cumberland Junction on the Marysville Wood Point Road. The GPS settings for the commencement of the logged area are: elevation 947m, south 37.55567 degrees and east 145.94326 degrees.
4. From the commencement point, the logged area proceeds eastward along Marysville Wood Point Road, which is the northern boundary of the Yarra Ranges National Park. About 18km of the Yarra Ranges National Park and 10km of State forest has been logged in this part of the logged area. The wet and damp forests within this area (which is the majority of it) have been completely clearfelled. The drier forest has been selectively logged.

5. Marysville Wood Point Road meets Nine Mile Road. This intersection is called Triangle Junction. The logged area then continues in two directions from Triangle Junction: along Marysville Wood Point Road and along Nine Mile Road.
6. Nine Mile Road heads south towards the Baw Baw Plateau. This is where the Yarra Ranges National Park meets the Thomson Catchment. The logged area that proceeds from Triangle Junction south down Nine Mile Road is inside the Yarra Ranges National Park and continues for about 16km. In this part of the logged area the understorey has been cleared but the Eucalypt overstorey has not yet been logged.
7. The logged area that proceeds from Triangle Junction east along Marysville Wood Point Road is along the northern boundary of the Thomson Catchment in State forest. All of this area has been clearfelled up to Matlock Hill. The logged area continues beyond Matlock Hill, however TCHA and LFF do not know how much further the logged area extends.
8. The logged area is known to contain threatened species listed under the EPBC Act. This includes:
  - (a) the Leadbeaters Possum for which a Recovery Plan was made and which is also listed as “endangered” under the IUCN red list, as a threatened species under the *Flora and Fauna Guarantee Act 1988* (Vic) and as endangered under “The Advisory List of Threatened Vertebrate Fauna in Victoria 2003”; and
  - (b) the Baw Baw frog for which a Recovery Plan was made and which is also listed under the IUCN red list as “critically endangered” and the *Flora and Fauna Guarantee Act 1988* (Vic) as a threatened species.

### **Prospective further breaches**

9. LFF and TCHA understand that the logged area is intended to be extended and to be further logged. In respect of the further logging of the logged area, TCHA understands that it is intended that the eucalypt overstorey in the National Park referred to in paragraph 6 above is to be logged.

### **The law**

10. The logged area is within the Central Highlands RFA area. The Victorian Labour government has announced that the logged area is a “fire break”. TCHA and LFF understand that the logging of some or all of the logged area is not an “RFA forestry operation”. Section 38 of the EPBC Act does not apply. Parts of the EPBC Act were not complied with and should have been complied with. Such compliance is also required for the intended further logging.

11. TCHA and LFF understand that the Victorian Department of Sustainability & Environment and the state body recently created by the Victorian Labour government, called Vicforests, are responsible for the logging of the logged area. Even if fire beaks are considered to be necessary, the law must be complied with.

**Conclusion**

12. TCHA and LFF understand the Department of Environment and Water Resources “takes compliance with the EPBC Act seriously and investigates alleged breaches”, as explained on the Compliance and Enforcement page of the Department of Environment and Water Resources web site.
13. TCHA and LFF do not require anonymity in the reporting of this information, welcome your contact in respect of the breaches and prospective further beaches and look forward to assisting the Federal government to ensure compliance with the EPBC Act. TCHA and LFF otherwise look forward to hearing from you in respect of the investigation or the outcome of it.

Regards

Vanessa Bleyer	Sarah Rees
President	President
Lawyers for Forests Inc	The Central Highlands Alliance Inc