



New Declaration of Public Safety Zones

On 19 December 2012, the Department of Primary Industries published a new Declaration of Public Safety Zones (PSZ) in the Victorian Government Gazette.

This Declaration is significantly different to previous Declarations and will impact on individuals who attend State forest in Victoria in or near where logging is taking place.

PSZ boundaries

Firstly, the Declaration has changed the way the PSZ boundaries are defined. Previously, PSZs were defined by four longitude and latitude coordinates. Now, they are defined as coupes (as mapped in a Timber Release Plan or Wood Utilisation Plan) plus a 150m 'buffer' area surrounding the coupes. This change significantly alters the shape and areas classified as PSZs. It also is likely to make it more difficult for individuals to identify the boundary of a PSZ.

PSZs are now in effect only once logging has commenced, and they cease to be in effect only when a notice is displayed that logging has finished. Logging is deemed to have commenced at any of the following times:

- when signs are in place;
- when machines are in a coupe;
- when roadworks are being undertaken into the coupe; or
- when logs are stacked in the coupe.

PSZs can therefore be in effect for a long period of time, even when it is not clear that logging is actually taking place. There is no onus on the government to erect a sign that logging has finished immediately upon it finishing.

Activities prohibited

Under the *Safety on Public Land Act* 2004, a PSZ Declaration must specify the activities that are permitted, prohibited or restricted in the PSZ. Section 13(1) of the Act makes it an offence to carry out any prohibited activity.

This Declaration has defined '*being present or remaining in that public safety zone*' during logging as a prohibited activity. It has also declared that '*causing any object or substance to enter into that public safety zone*' during logging as a prohibited activity. 'During logging' is defined in the same way as when logging is deemed to have commenced as referred to above.

The Declaration attempts to make an offence of being present in or bringing any object into a PSZ, which has very broad scope for criminalising individuals in the forest. The maximum

penalty for the offence is 20 penalty units, which is around \$2,800. However, current sentencing practices reveal that the Court is likely to offer an individual to enter into an undertaking to be of good behaviour (commonly referred to as a bond), or to impose a fine of only a few hundred dollars for these kinds of offences (unless the individual has been before the Court previously for the same or similar offences – in this case, the penalty is usually a higher fine).

Previously, people could enter PSZs and if they complied with the first direction by a DSE Authorised officer to leave, they usually would not be charged. These changes mean that anyone who enters a PSZ could be charged with carrying out a prohibited activity, even if they leave when first directed to and if they were simply present in the PSZ.

It follows that, if people are photographed in a PSZ for media, or by logging contractors or VicForests personnel prior to an Authorised Officer being at the coupe, they could be charged later if identified based on the photographs.