



# Regulating timber harvesting in State forests under the Allocation Order

Statement of Regulatory Intent

August 2022

## Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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# Introduction

The Department of Environment, Land, Water and Planning (DELWP) is committed to improving the way it regulates, increasing the clarity and transparency of our regulatory work and becoming a best practice regulator that the community can have confidence in.

The first version of this Statement of Regulatory Intent was published in June 2019. It was informed by community and industry feedback following public consultation. This updated 2022 version has been revised in response to changes to the regulatory framework and legislative amendments that have resulted in changes to the Conservation Regulator's powers.

Statements of Regulatory Intent provide a detailed explanation of how the Conservation Regulator will use its powers to prevent, monitor and respond to breaches of the law to achieve our regulatory outcomes in specific topic areas. A Statement of Regulatory Intent on regulating the protection of Wildlife was also published in 2022.

This statement outlines the role of the Conservation Regulator in regulating timber harvesting in State forests under the Allocation Order and describes what the community and industry can expect from us as a regulator. Specifically, this statement of regulatory intent describes how the Conservation Regulator intends to use the regulatory tools that are available to it under the law.

A number of the activities described in this statement of regulatory intent are a continuation or refinement of the way DELWP has regulated timber harvesting in the past. It also includes significant new commitments to improve the way we work as a regulator to understand compliance with the law and take action to prevent and respond to breaches of the law.

This statement also confirms the Conservation Regulator's commitment to better engage with the community and stakeholders to improve regulatory outcomes. These include commitments to:

- Public consultation on standards and guidelines to support timber harvesting compliance
- Increased transparency in the investigation of community reports
- Greater education activities for the community and regulated entities, including VicForests to support understanding of the regulatory framework.

Significantly, this document sets out public commitments for how the Conservation Regulator's performance as a regulator can be measured. This includes targets for field inspection and audit activity by the Conservation Regulator.

This and future statements of regulatory intent should be read in conjunction with DELWP's Regulatory Framework and the Conservation Regulator's key policy and strategy documents including the Compliance and Enforcement Policy and Engagement Strategy.

**These documents are available at [www.vic.gov.au/conservation-regulator](http://www.vic.gov.au/conservation-regulator).**

Implementation of statements of regulatory intent will be publicly reported annually, in conjunction with the Conservation Regulator's reporting against its annual State and Regional Compliance Plans.

## The importance of timber harvesting regulation

**Native forests are an important part of Victoria's natural environment.**

They contribute to biodiversity and the protection of threatened species; clear and abundant water supplies; mitigating the impacts of climate change; education; spirituality; and the preservation and continuation of

cultural heritage. Our forests are also important to the economy of many rural communities – supporting businesses, tourism and a range of recreational opportunities. Traditional Owners are also deeply connected to Victoria’s forests through their cultural heritage and practices.

Timber harvesting in State forests is a permitted activity under the law and there are a number of Acts and regulations that outlines the rules and regulations in relation to this activity. Victoria has 3.14 million hectares of State forests, approximately 3,500 hectares of which is harvested each year under the law.

Victorian Government policy requires that native forests and the ecosystem services they provide are appropriately protected, while allowing for the range of activities that are permitted in those forests to occur in a sustainable way. This includes timber harvesting.

The regulatory framework for timber harvesting in State forests exists to provide a framework for sustainable forest management and sustainable timber harvesting in State forests which is compatible with the conservation of the wide range of environmental, social and cultural values associated with our forests.

To provide context to our regulatory role and how we deliver that role, this document describes the purpose of timber harvesting regulation in Victoria, what the Conservation Regulator regulates and how the Conservation Regulator seeks to maximise compliance with the regulatory framework.

## Scope of application

This Statement of Regulatory Intent applies to the Conservation Regulator’s role as regulator of timber harvesting from State forests under the Allocation Order.

The Allocation Order is made by the Minister for Agriculture under the Sustainable Forests (Timber) Act 2004. The objectives of the Allocation Order (as established by the Allocation (amendment) Order 2019, published in Victorian Government Gazette No. S 153, 24 April 2019) are:

- a. to allocate specified timber in State forests to VicForests for the purposes of harvesting and selling, or harvesting or selling, timber resources;
- b. to permit VicForests to undertake associated management activities in relation to that allocated timber;
- c. to specify the conditions and limitations that apply under this Order.

**Further information about the Allocation Order is available at:**  
**[djpr.vic.gov.au/forestry/commercial-timber-production](http://djpr.vic.gov.au/forestry/commercial-timber-production)**

The current Allocation Order does not cover all timber which can be harvested in Victoria. It does not apply to privately owned timber, and it does not grant rights to harvest timber from State forests in the west of Victoria.

## Who we are

### Department of Environment, Land, Water and Planning

The Department of Environment, Land, Water and Planning (DELWP) brings together Victoria’s planning, local government, environment, energy, forests, emergency management, climate change and water functions into a single department to strengthen connections between the environment, community, industry and economy.

### The Conservation Regulator

The Conservation Regulator was established within DELWP to oversee DELWP regulatory functions including the compliance and enforcement of timber harvesting in State forests.

The Conservation Regulator was established following an independent review of DELWP's approach to timber harvesting regulation in Victoria's public native forests.

The Chief Conservation Regulator leads the Office with regulatory responsibility for: timber harvesting, fire prevention, use of public land, and biodiversity.

DELWP is committed to the Conservation Regulator becoming a best practice regulator that the community can have confidence in.

The Conservation Regulator will publicly share more information about its regulatory role, responsibilities and purpose, and will provide opportunities for the community to actively participate in achieving improved regulatory outcomes.

**For more information about the Conservation Regulator see [www.vic.gov.au/conservation-regulator](http://www.vic.gov.au/conservation-regulator).**

## Timber harvesting in state forests

Timber harvesting is regulated under multiple pieces of legislation as discussed below. The conduct of timber harvesting activities impacts on environmental, social and cultural values of native forests. It is not possible to avoid any impact on these values when undertaking timber harvesting activities.

The regulatory framework for timber harvesting exists to ensure that timber harvesting activities are done in a way that is compatible with the conservation of these values, so they are protected and enhanced for current and future generations.

### Legislative framework for timber harvesting in state forests

Victoria has a range of laws and regulations to govern timber harvesting activities in State forests which prescribe:

- where and when timber harvesting activities can occur, and
- how timber harvesting activities are to be conducted.

There are several pieces of legislation that apply to timber harvesting operations in State forests including:

#### **Sustainable Forests (Timber) Act 2004**

- Provide a framework for sustainable forest management and sustainable timber harvesting in State forests.
- Establishes Allocation Order, Timber Release Plans and compliance obligations provisions for timber harvesting in State forests. Requires VicForests and persons who have entered into an agreement with VicForests for the supply and sale of timber resources to comply with the Code of Practice for Timber Production 2014.
- Gives authorised officers the power to require production of documents related to compliance with the Act and the *Code of Practice for Timber Production* (the Code).

#### **Forests Act 1958**

- Legislative basis for Forest Management Plans and Forest Management Zones.
- Legislative basis for granting Forest Produce Licences under which timber harvesting operations in areas outside of an Allocation Order can be authorised.

### **Conservation, Forests and Land Act 1987**

- Legislative basis for the creation and enforcement of the Code of Practice for Timber Production 2014.

### **Flora and Fauna Guarantee Act 1988**

- Legislative basis for Action Statements for threatened species and communities.
- The Action Statements inform updates to the Code of Practice for Timber Production for VicForests when undertaking timber harvesting in State forests.

### **Wildlife Act 1975**

- Provides a framework for regulating interactions with wildlife. Must be complied with when undertaking timber harvesting in State forests.

### **Code of Practice for Timber Production**

- The main regulatory instrument used by the Conservation Regulator to regulate timber harvesting is the *Code of Practice for Timber Production 2014 (amended 2022)* (the Code).
- The *Management Standards and Procedures for Timber Harvesting Operations in Victoria's State Forests 2022* (the MSPs), which form Schedule 1 to the Code, provide operational instructions on how to interpret the requirements of the Code for timber harvesting in State forests.

**For more information and to access these documents, see: [www.vic.gov.au/timber-harvesting](http://www.vic.gov.au/timber-harvesting).**

The purpose of the Code is to provide direction to timber harvesting managers, harvesting entities and operators to deliver sound environmental performance when planning for and conducting timber harvesting activities in a way that:

- permits an economically viable, internationally competitive, sustainable timber industry;
- is compatible with the conservation of the wide range of environmental, social and cultural values associated with forests;
- provides for the ecologically sustainable management of native forests proposed for cyclical timber harvesting operations; and
- enhances public confidence in the management of timber production in Victoria's forests and plantations.

Compliance with the Code and MSPs is mandatory and is enforceable through the Conservation Forests and Lands Act 1987, Forests Act 1958 (Forests Act) and the Sustainable Forests (Timber) Act 2004 (SFT Act).

### **Roles and responsibilities for timber harvesting in state forests**

Roles and responsibilities for timber harvesting in State forests are vested across a range of entities including:

#### **Minister for Energy, Environment and Climate Change**

- The Minister for Energy, Environment and Climate Change makes Codes of Practice for carrying out the purpose of relevant laws (including SFT Act, Flora and Fauna Guarantee Act 1988 (FFG Act) and Forests Act) – including the Code.

### **Minister for Agriculture**

- The Minister for Agriculture is responsible for the development of an Allocation order. The Minister for Agriculture is supported in this role by the Department of Jobs, Precincts and Regions.

### **Department of Environment, Land Water and Planning**

- The Department of Environment, Land Water and Planning supports the Secretary in preparing and putting into operation, working plans for State forests and the making of action statements under the FFG Act.
- Supports the Minister for Energy, Environment and Climate Change including in the development of forest policy in State forests.

### **Secretary to the Department of Environment, Land, Water and Planning**

- The Secretary to the Department of Environment, Land, Water and Planning is the body corporate established under Part 2 of the *Conservation, Forests and Land Act 1987*.
- Appoints Authorised Officers for the purposes of enforcement of relevant laws (including SFT Act, FFG Act and Forests Act).
- Prepares and puts into operation working plans for State forests.
- Makes action statements under the FFG Act.

### **The Conservation Regulator**

- The Conservation Regulator is responsible for monitoring compliance and enforcing legislation administered by DELWP – including for timber harvesting in State forests.
- The Conservation Regulator is not responsible for the development of timber harvesting policy in State forests. The Conservation Regulator does provide feedback to policy areas of DELWP on the functioning of timber harvesting laws including opportunities for improvements to support outcomes and enforceability.

### **VicForests**

- VicForests is the state-owned enterprise responsible for the sustainable harvest, regrowing and commercial sale of timber from Victoria's State forests on behalf of the Victorian Government.
- VicForests must prepare a Timber Release Plan (TRP) showing locations and areas scheduled for harvesting (including road construction, harvesting and regeneration burning to ensure consistency with the Code).
- VicForests is also responsible for ensuring its employees and contractors comply with the regulatory framework.

### **VicForests contractors**

- VicForests contractors are defined in the *Sustainable Forests (Timber) Act 2004* as persons engaged directly or indirectly by VicForests to carry out activities relating to timber harvesting operations on behalf of VicForests, including subcontractors.

- VicForests contractors are responsible for their compliance with the regulatory framework, and references to VicForests' compliance obligations in this document should generally be read to mean VicForests contractors as well as VicForests, where relevant.
- Regardless of whether a VicForests contractor is held liable for unauthorised timber harvesting, VicForests itself may be found liable for the contractor's actions if they contravene the regulatory framework.

### **The Treasurer**

- The Treasurer is the sole shareholder of VicForests, and is supported in this role by the Department of Treasury and Finance.

## **The Conservation Regulator's approach to regulating timber harvesting in state forests under the allocation order**

The Conservation Regulator undertakes a range of activities to support compliance with the law. We use a balanced approach including education, compliance support and enforcement of the law.

We seek to identify risks and take regulatory action to prevent harm wherever possible. The regulatory approach taken by the Conservation Regulator includes:

### **Set standards**

By providing clarity on regulatory obligations for VicForests' timber harvesting activities.

### **Inform and educate**

VicForests and other stakeholders about the law and the rules that must be obeyed to comply with the law.

### **Support compliance**

By assisting VicForests, its employees and contractors to understand how to comply with their obligations under the regulatory framework. The Conservation Regulator also encourages and accepts self-reporting by VicForests.

### **Monitor compliance**

With the law including using community intelligence, spot checks and audits of VicForests in the planning and harvesting cycle.

### **Enforce the law**

By objectively and assertively requiring remedy for non-compliance with the regulatory framework, and where appropriate applying sanctions to deter future non-compliance.

### **Collaborate**

By working with VicForests and the community to improve practices and influence future standards of practice.

## Key focus areas

The Conservation Regulator has a number of key focus areas where it concentrates its efforts and activities when delivering the regulatory approach. For the regulation of timber harvesting in State forests, this is what you can expect from us.

### Set standards

Our standards and guidance for compliance with the existing law are based on science, evidence and an understanding of risks to forest values.

We will ensure our standards and guidance clearly set out what is required to comply with the law.

We prioritise the development of standards and guidance on parts of the regulatory framework that are ambiguous or where there is disagreement on interpretation.

We will seek feedback from stakeholders on our standards and guidelines, including priorities for development.

**Guidelines and standards are available at [www.vic.gov.au/timber-harvesting](http://www.vic.gov.au/timber-harvesting)**

#### ***The Conservation Regulator will:***

- Consult with stakeholders to identify and prioritise the development of standards and guidelines.
- Publish proposed new draft standards and guidelines and material changes to existing standards and guidelines for a minimum of 30 days of public consultation.
- Publish final standards and guidelines on its website.

### Inform and educate

We will support all stakeholders understanding of the law and rules that must be obeyed to comply with the law.

We will deliver training and education campaigns for VicForests, its employees and contractors to support an understanding of the law.

We will develop information and provide opportunities for the Victorian community to learn more about the regulation of timber harvesting in State forests and to provide input and feedback on how we are doing.

#### ***The Conservation Regulator will:***

- Deliver training to the Conservation Regulator's Authorised Officers and VicForests staff on new standards and guidelines, and the broader regulatory framework.
- Deliver education campaigns and engagement events to achieve a common understanding of the regulatory framework. Information on events that are open to the public will be published on the Conservation Regulator's website and sent directly to registered stakeholders.

### Support compliance

We will provide advice to VicForests, its employees and its contractors on how to comply with the law.

Advice will include practical and constructive support to understand and interpret the law.

We will assess timber harvesting planning tools for consistency with legislative requirements including the Code and the Forest Management Zoning Scheme and support rectification of issues at the planning stage.

### ***The Conservation Regulator will:***

- Engage with VicForests to provide advice to interpret standards and prevent any potential non-compliance.
- Assess any proposed new or amended Timber Release Plan for compliance with the Allocation Order and advise VicForests on the outcomes of its assessment, requiring that any issues of non-compliance are rectified.
- Determine applications for exemptions from certain clauses of the MSPs, permitting or rejecting proposed activities as part of authorised Timber Harvesting Operations.
- Where appropriate, issue Forest Produce Licences under the *Forests Act 1958* to authorise Timber Harvesting Operations to occur in areas adjoining the Allocation Order.

### **Monitor compliance**

We will monitor compliance with the requirements of the Code and other regulatory instruments.

We will use a range of tools to monitor compliance with the law including using community intelligence, spot checks and audits of VicForests in the planning and harvesting cycle.

We may also require VicForests or VicForests contractors or other relevant parties to produce documents which are relevant to monitoring compliance with the Code. These may include documents like spatial data, coupe planning documents, records of observations or decisions related to the planning and conduct of timber harvesting operations.

Focus areas for inspections and audits will be based on risk to natural and cultural heritage values and community safety.

### ***Identifying and protecting forest values***

The Forest Protection Survey Program conducts a desktop assessment of every VicForests coupe planned for harvest for the presence of target flora and fauna, including threatened species and other values such as prescribed vegetation communities and trees.

This assessment is conducted prior to the commencement of timber harvesting activities to ensure that forest values are identified and that management actions identified in MSPs can be implemented. Management actions are designed to prevent impacts on rainforests and other protected vegetation communities, and to minimise adverse impacts on prescribed species.

**Information about the Forest Protection Survey Program available at [www.vic.gov.au/forest-protection-survey-program](http://www.vic.gov.au/forest-protection-survey-program).**

Field surveys are then conducted in coupes which are prioritised according to the highest priority species. The Forest Protection Survey Program aims to undertake field surveys in 64% of coupes planned for harvest each year.

The assessments and subsequent field surveys support planning and compliance with the regulatory framework and encourage higher performance by VicForests. The Forest Protection Survey Program uses a risk-based framework which is described in the Survey Design Summary.

### ***Audit and inspection activities***

The Conservation Regulator undertakes audits and inspections of VicForests' timber harvesting activities. There are two forms of audit and inspection:

### *Forest Audit Program*

Undertaken by an independent accredited environmental auditor contracted by the Conservation Regulator to monitor VicForests' compliance with the Code and the MSP. The audits are undertaken annually and focus on coupes harvested by VicForests in the previous financial year.

### *Compliance audits and inspections*

Undertaken by the Conservation Regulator to monitor VicForests' compliance with the regulatory framework. They are focussed on coupes that are planned to be harvested or in which harvesting is underway.

Coupes and focus areas for compliance inspections are identified based on the risk to environmental, and other values including:

- Rare or threatened vegetation communities including rainforest
- Flora and fauna species that are prescribed under management standards and procedures
- Protection of soils, waterways and waterway health
- Indigenous and non-indigenous cultural heritage

When conducting field inspections, VicForests, where needed, is given minimal advance notification of the inspections (only what is required for the inspection to be safely conducted).

### ***The Conservation Regulator will:***

- Through the Forest Protection Survey Program, assess all coupes planned for timber harvesting and prioritise coupes for field surveys based on the potential presence of target flora and fauna, including threatened species and other values such as prescribed vegetation communities and trees.
- Through the Forest Protection Survey Program, undertake field survey(s) of coupes planned for timber harvesting with a risk of the potential presence of target flora and fauna, including threatened species and other values such as prescribed vegetation communities and trees (not less than 64% of coupes planned for timber harvesting)Utilise the assessments and outcomes of the Forest Protection Survey Program in our compliance monitoring program.
- Ensure the publishing of schedule information and results about the Forest Protection Survey Program on DELWP's website.
- Ensure the annual Forest Audit Program is undertaken by an independent accredited environmental auditor contracted by the Conservation Regulator to monitor VicForests' compliance with the Code and the MSP. The Forest Audit Program will focus on a minimum of 30 coupes.
- Ensure the publishing of the scope and methodology for the Forest Audit Program on DELWP's website.
- Undertake Compliance inspections on coupes in which harvesting is underway or completed, to monitor VicForests' compliance with the regulatory framework. Compliance inspections will be undertaken in a minimum of 30 coupes each year, incorporating spot checks for rainforest to ensure that VicForests has correctly identified these values and put in place the required protections.
- Publish the results of all completed audits on its website.
- Require information from VicForests to support risk assessment, compliance monitoring and to prioritise our regulatory effort.

***The Conservation Regulator has a range of tools to ensure compliance of timber harvesting in State forests. This includes:***

- Require precautionary consideration and management approaches when the precautionary principle of the Code has been engaged;
- Giving direction on how timber harvesting operations should be conducted;
- Suspend timber harvesting when there has been a failure to comply with a (statutory) direction and it is believed that continuation of the timber harvesting operation would cause imminent damage to the environment or a serious risk to the safety of any person;
- Entering into agreements with VicForests to provide for management of any taxon or community of flora or fauna or potentially threatening process;
- Seek an injunction under the Conservation, Forests and Lands Act 1987 where it believes there is a continuing or probable future contravention of a relevant law or authority, or a failure to comply with a relevant law or authority;
- Require VicForests to consult with the Conservation Regulator regarding actions that are likely to threaten the survival of a listed taxon of community or flora or fauna or a critical habitat under the Flora and Fauna Guarantee Act 1988;
- Seek information from VicForests to support the conduct of audits.
- Require documents from VicForests, VicForests contractors or other any other person who possesses documents relevant to compliance with the *Sustainable Forests (Timber) Act 2004* and the Code.

**Enforce the law**

We enforce the law by objectively and assertively requiring remedy for non-compliance with the regulatory framework, and where appropriate seek to apply sanctions to deter future non-compliance.

When an investigation reveals non-compliance with the regulatory framework by VicForests or VicForests contractors, the Conservation Regulator will seek to impose sanctions that are appropriate. Considerations for determining the appropriate enforcement action include:

- the level of impact on protected environmental, social, and cultural values;
- the seriousness of the offence taking into account the level of non-compliance;
- the history of similar offences and previous compliance interventions having failed to achieve the desired regulatory outcome.

VicForests can be held responsible for any actions of its contractors which breach the Code or the framework of the SFT Act. The contractors can also be held responsible separately from VicForests, if this is appropriate, or legal action can be taken against both at the same time. The Conservation Regulator will determine, based on the facts of each case, whether to take enforcement action against VicForests, a contractor or both.

The Conservation Regulator has a number of legislated regulatory tools that provide a sanction. These are:

***Notice of breach***

Issued where non-compliance is identified. The notice may include recommendations for improvement.

### **Warning letters**

Issued for minor offences. The letter may include recommendations for improvement.

### **Enforceable undertakings**

Where sufficient evidence of an offence is collected, and the desired regulatory outcomes can be achieved without prosecution (for example, rehabilitation, improved regulated procedures). Enforceable undertakings are available for any breach of the Code.

### **Prosecution**

Where there is sufficient evidence and prospect of success, and it is determined to be in the public interest, consistent with the policies of the Office of Public Prosecutions.

The Conservation Regulator's approach to compliance and enforcement is outlined in our Compliance and Enforcement Policy.

### **The Conservation Regulator will:**

- Take appropriate enforcement action against VicForests where non-compliance with the regulatory framework is determined.
- Notify the person(s) reporting an alleged non-compliance (if applicable) in writing of the outcome of the enforcement actions.
- Publish information on enforcement actions and reasons on its website.

### **Collaborate**

Forest reports are important intelligence for the Conservation Regulator to determine the location of threatened species.

Reports to the Conservation Regulator of suspected non-compliance with timber harvesting law can be made via [www.vic.gov.au/forest-reports](http://www.vic.gov.au/forest-reports).

We are committed to transparency in the way we use Forest reports. Anyone that makes a report through our online system will receive a confirmation of receipt of their report and be provided information about the outcome of action taken on the basis of reports.

We will ensure VicForests is notified of threatened species reports and that appropriate action is taken to protect threatened species and rainforests where identified.

We will engage with DELWP and DJPR policy areas to support improvements to the regulatory framework for timber harvesting – including improvements to regulatory powers to support sustainable timber harvesting.

### **The Conservation Regulator will:**

- Assess all reports of threatened species and non-compliance from community and advise VicForests when it is appropriate to protect values or remedy issues.
- Provide written confirmation of receipt of reports of threatened species and alleged non-compliance within 2 working days.
- Following preliminary assessment where appropriate, investigate suspected or alleged non-compliance. The Conservation Regulator aims to complete all investigations in a timely way with the expectation that priority investigations will be completed within 12 months.

- Verify the presence of the reported threatened species, drawing on relevant experts and conducting field surveys or inspections as required. Verification typically involves the use of experts and presence of specific weather and environmental conditions. The Conservation Regulator aims to commence the verification process within 5 days.
- Notify VicForests and the person(s) making the report of the outcome of the verification process and the management action required by VicForests or the Conservation Regulator.
- Provide the verified and unverified information for inclusion in the Victorian Biodiversity Atlas.
- Publish information on reports received, action taken and reasons for decisions on its website.
- Advise the relevant policy area in DELWP about required improvements to the regulatory framework, including errors and ambiguities.
- Notify VicForests and the person(s) reporting an alleged non-compliance (if applicable) in writing of the outcome of the investigation, regulatory actions (if applicable) and reasons for decisions.
- Publish information on the outcomes of completed investigations (including regulatory actions and reasons for decisions) on its website.

## Performance measures and reporting

The Conservation Regulator will report in October each year on its performance for the previous financial year.

The following information will be reported:

### Performance targets

Per cent of coupes planned for timber harvesting that have been assessed in the Forest Protection Survey Program for the potential presence of target flora and fauna, including threatened species and other values such as prescribed vegetation communities and trees. Target: 100%

Per cent of coupes planned for timber harvesting that are field surveyed under the Forest Protection Survey Program with a risk of the potential presence for target flora and fauna, including threatened species and other values such as prescribed vegetation communities and trees. Target: 64% (Note, the performance target for Forest Protection Survey Program was changed from previously 80% to the new target of 64% published as part of the Victorian Government's 2022/23 Budget Papers.)

Forest Protection Survey Program survey submitted, quality assured and published within 6 weeks of completion of field work. Target: 95%

Per cent of community enquiries about the Forest Protection Survey Program responded to within 10 business days. Target: 100%.

Acknowledge receipt of reports of non-compliance. Target: less than 2 working days

Commence the verification of threatened species reports. Target: less than 5 days

Number of coupes harvested in the previous year audited as part of the Forest Audit Program to monitor VicForests' compliance with the Code and the MSP. Target: 30 coupes

Number of coupes in which timber harvesting is underway or completed, that are subject to compliance inspection to monitor VicForests' compliance with the regulatory framework. Target: 30 coupes

Average time taken to investigate alleged or suspected non-compliance. Target: less than 12 months.

## Activity reporting

Number of open and closed threatened species reports (monthly and financial year total).

Number of reports of alleged or suspected non-compliance received (financial year total).

Number of reports of alleged or suspected non-compliance investigated (financial year total).

Number of alleged or suspected non-compliance matters closed (monthly and financial year total).

Annual reporting will also include information on guidelines and standards published, community open days held, enforcement action taken, and the results of any prosecutions conducted.

## Providing information

The Conservation Regulator welcomes information from the community to assist in the regulation of timber harvesting activities.

Report any concerns you have around non-compliance: if you see a potential non-compliance, you can submit a forest report to notify DELWP.

**To submit a forest report, refer to the website: [www.vic.gov.au/forest-reports](http://www.vic.gov.au/forest-reports).**

The Conservation Regulator assesses all reports received by the community, and uses information provided as intelligence that is used to target audits, inspections and investigations.

## Conclusion

It is critical that the public has confidence in how timber harvesting is regulated.

DELWP and the Conservation Regulator take our role in regulating the natural environment seriously. We are committed to having a best practice regulatory approach to all regulatory functions of the department.

Further updates to the Statement of Regulatory Intent will occur as required to ensure it continues to accurately describe why the Conservation Regulator regulates timber harvesting, what it regulates and how it goes about ensuring a high level of compliance with the regulatory framework.

## Glossary of terms

### Action Statements

The Flora and Fauna Guarantee Act 1988 provides for the listing of Victoria's threatened plant and animal species, ecological communities and potentially threatening processes. Action Statements are required to be prepared for all of the species and communities listed.

Action Statements outline what has been done to conserve and manage a taxon or community or threatening process and what is intended to be done and may include information on what needs to be done.

## **Allocation Order**

The Allocation Order provides long-term access to Victoria's timber resources and is made under the Sustainable Forest (Timber) Act 2004. The Allocation Order describes:

- the forest stands within State forest to which VicForests has access
- the location of those forest stands
- the total extent and available areas of those forest stands
- the maximum area available for timber harvesting in any five-year period
- any additional activities that VicForests is permitted to undertake
- the conditions with which VicForests must comply in carrying out its functions under the Allocation Order.

## **Code of Practice for Timber Production 2014**

The Code of Practice for Timber Production 2014 (the Code) provides direction to timber harvesting managers, harvesting entities and operators to deliver sound environmental performance when planning for and conducting commercial timber harvesting activity on public and private land.

The Code is mandatory for any person planning for or conducting a timber harvesting operation in State forest.

The Code includes, as Schedule 1, the Management Standards and Procedures for timber harvesting operations in Victoria's State forests (the MSPs). These provide operational instructions to timber harvesting managers on how to interpret the requirements of the Code.

## **Forest Management Plans**

Forest management plans establish objectives and map State forests into zones.

## **Forest Management Zones**

Forest management zones are designed to meet objectives for conservation, management and uses including timber harvesting.

## **Forest Protection Survey Program**

The Forest Protection Survey Program detects target flora and fauna including threatened species and other values such as prescribed vegetation communities and trees in and adjacent to timber harvesting coupes. This provides supporting data so that the required protections can be put in place prior to the commencement of timber harvesting activities.

## **Timber Release Plan**

Means a plan prepared in accordance with the Sustainable Forest (Timber) Act 2004. The Timber Release Plan (TRP) is a five-year rolling plan that identifies areas called coupes that may be harvested for timber over the next three to five years.

**For more information about DELWP as a regulator, see:  
[www.vic.gov.au/conservation-regulator](http://www.vic.gov.au/conservation-regulator)**

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