



Statute of Limitations for commercial timber harvesting offences

Statutory time limit for commercial timber harvesting offences

The Conservation Regulator was established to oversee key regulatory functions including the compliance and enforcement of 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.

The [Sustainable Forests \(Timber\) Act 2004](#) (the Act) provides a framework for forest management and timber harvesting in State forests. The Act also enables the Conservation Regulator to undertake enforcement actions for unauthorised timber harvesting operations.

The Act establishes the time in which the Conservation Regulator can initiate criminal proceedings for offences. This is known as the statute of limitations period. Under Section 92A of the Act, the limitation period for beginning a criminal prosecution:

- as of 1 March 2022, is within **three years** from the date of the alleged offence.
- if an alleged offence occurred prior to 1 March 2022, within **two years** from the date of the alleged offence.

If the date of the alleged offence occurred outside of the limitation period, then the Conservation Regulator cannot bring a proceeding for that offence.

For more information on the legal framework establishing the powers of the Conservation Regulator, please see our [laws page](#).

How is the statute of limitations calculated?

The limitation period is calculated by reference to the date of the alleged offence. The date of alleged offence is the date in which unauthorised timber harvesting operations occurred. For timber harvesting offences, identifying the date of the offence and therefore the limitation period can be complex, particularly where the alleged offence was committed over a period of time. Proceedings can only be initiated for the period of the offence that occurred within the statute of limitations.

To assess this, Authorised officers will use a range of information such as:

- Forests Reports,
- Witness statements,
- Aerial imagery of before, during and after alleged offending,
- Forest Operations Coupe plans, and
- Coupe Management Records.

The Conservation Regulator may require the provision of evidence from the timber harvesting industry through production notices under section 83D of the [Sustainable Forests \(Timber\) Act 2004](#).

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Once the date or dates of the alleged offence is identified, the statute of limitations can be calculated, and any criminal prosecution proceedings must be initiated before the limitation period expires.

How does the Conservation Regulator ensure investigations are conducted within the statute of limitations?

The limitation period is taken into consideration in all investigations and complaint assessments across the Conservation Regulator. The Conservation Regulator will assess and consider the limitations period during the case planning stages. This may include requesting additional information from complainants. The Conservation Regulator's internal case management system supports ongoing monitoring of the limitations period as enforcement actions are considered or initiated. Challenges can arise when discovery or reporting of the alleged offence occurs after or close to the expiration of the limitation period.

What happens when the statute of limitations is exceeded?

In instances where the alleged offence has been identified close to or after the expiry of the limitations period, the Conservation Regulator may formally advise the responsible party of the breach and warn the entity of the significant penalties which can apply under the Act, should future breach be identified.

The Conservation Regulator will also inform the source of the case, of the case outcome, including if the limitations period has expired.

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