

Regulating timber harvesting on steep slopes

Timber harvesting on steep slopes is only allowed under strict conditions. The Conservation Regulator monitors timber harvesting coupes on steep slopes to ensure compliance with legal obligations and protect the environment.

Protection of water quality, river health and soil is an important part of timber harvesting law. To do this, the law includes requirements for management of timber harvesting on steep slopes.

What are the laws for timber harvesting on steep slopes?

The ***Sustainable Forests (Timber) Act 2004 (the Act)*** establishes a compliance and enforcement regime for timber harvesting operations.

The ***Code of Practice for Timber Production 2014 (amended 2021) (the Code)*** and the ***Management Standards and Procedures for timber harvesting operations in Victoria's State forests 2021 (the MSPs)*** include a general exclusion of timber harvesting operations for slopes over 30 degrees.

However, exceptions to slope limits can apply for up to 10% of the planned net harvest area only where the risk of mass soil movement has been appropriately managed.

Additional harvesting restrictions may also exist based on soil characteristics or for forestry coupes in a Water Supply Protection Area.

A two-year statute of limitation applies under the Act. This means, the Conservation Regulator can only take legal action on matters that have occurred in the last two years.

How does the Conservation Regulator monitor timber harvesting on steep slopes?

The Conservation Regulator was established in 2019 and has introduced a range of changes to increase focus and transparency on timber harvesting regulation. These changes have resulted in an approximately fourfold increase in coupe inspection per annum since the Conservation Regulator's inception, increased rigour of assessments of allegations of non-compliance, case management reform, and increased public reporting of activities including through our [Year in Review](#) and our recently launched [Forest Information Portal](#).

The Conservation Regulator introduced a proactive coupe inspection program in 2019 to identify and monitor timber harvesting in high-risk locations, including on steep slopes. Steep slopes are a focus of this program due to the potential impacts on water quality and soil movement, especially those within Water Supply Protection Areas.

Since the program was established in late 2019, the Conservation Regulator has proactively inspected 97 coupes for compliance with legal obligations. This activity is in addition to inspections that may occur as the result of allegations of non-compliance, or additional monitoring of coupes already inspected.

Inspections occur before, during and after harvesting operations and include on-ground surveying to determine the average slope area and in-field measurements to determine compliance.



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After harvesting is complete, further inspections may be conducted to ensure completed works meet legal requirements.

Coupes with identified steep slopes are also assessed as part of the independent Forest Audit Program. These results are reported on the Conservation Regulator's website.

The Conservation Regulator also provides guidance to VicForests regarding the legality of harvesting on steep slopes and erosive soils.

What allegations have been made to the Conservation Regulator in relation to timber harvesting on steep slopes?

In November 2019, the Conservation Regulator received information alleging illegal timber harvesting on steep slopes. These allegations dated from 2004 to 2019.

The methodology for identifying these allegations relied almost exclusively on modelled data and limited in-field verification to infer alleged non-compliance.

The use of modelled data alone is not sufficient to determine non-compliance legally.

Further reports regarding allegations of illegal logging on steep slopes have also been received in 2021, and are currently the subject of assessment by the Conservation Regulator.

Did the Conservation Regulator investigate allegations of non-compliant harvesting on steep slopes in water catchment areas?

Yes, all aspects of the 2019 allegations were assessed. As a result, the Conservation Regulator launched two separate investigations into timber harvesting on steep slopes.

Given the largely historic nature of the allegations, most of the allegations of unlawful timber harvesting were outside the two-year statute of limitation for legal action.

The Conservation Regulator reviewed the modelled data in the report and undertook its own detailed modelling and spatial analysis of harvested areas and slope from 2004 to 2019.

What was the result of the Conservation Regulator's investigations?



The Conservation Regulator found two breaches of the slope harvesting limit.

Technical assessments of the coupes, including onsite assessments, looked for evidence of erosion or mass soil movement resulting from these breaches.

No evidence of demonstrable environmental harm was found so the matter did not proceed to prosecution, consistent with the Conservation Regulator's Compliance and Enforcement Policy.

However, the Conservation Regulator did formally advise VicForests of its breach and warn the entity of the significant penalties which can apply under Act, should future breach be identified.

Reporting allegations of non-compliance with timber harvesting law.

The Conservation Regulator encourages the reporting of allegations of non-compliance with timber harvesting law.

Allegations of non-compliance can be submitted to forest.reports@delwp.vic.gov.au. Submission guidelines can be found at <https://www.forestsandreserves.vic.gov.au/forest-management/forest-reports>

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The timely reporting of allegations ensures the Conservation Regulator can investigate breaches within the statute of limitations.



Regulatory Document Information

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The information contained in this guidance is accurate at the date of publication. Any subsequent changes to the law may not be incorporated into this document.

More information:

The Conservation Regulator has published additional information on the statute of limitations relating to timber harvesting offence which may have relevance to this guidance.

If you would like further information please contact the Conservation Regulator at conservationregulator@deeca.vic.gov.au

About Conservation Regulator regulatory documents

The Conservation Regulator publishes various documents to provide stakeholders and industry key information to enable compliance and understanding of the law.

Our standards and guidance for compliance with the existing law are based on science, evidence and an understanding of risks of environmental harm. We will ensure our standards and guidance clearly set out what is required to comply with the law.

In administering legislation and regulation, the Conservation Regulator issues the following types of regulatory documents.

Statement of regulatory intent: sets out public commitments for how the Conservation Regulator will acquit its responsibilities for regulation and measure its performance as a regulator.

Regulatory guides: provides direction to regulated entities by explaining how the Conservation Regulator interprets the law and gives practical guidance on how to comply with the law.

Information sheets: specific guidance on compliance issues or an overview of detailed guidance.
