



Environmental  
Defenders Office

PART OF THE DEFENDING THE UNBURNT SERIES

# Reporting suspected forestry non-compliance in New South Wales, Queensland and Victoria

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# Defending the Unburnt

## Reporting suspected forestry non-compliance in New South Wales, Queensland and Victoria

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This Fact Sheet explains the process for reporting suspected forestry non-compliance in New South Wales, Queensland and Victoria. It is a guide only and not a substitute for legal advice.

### INTRODUCTION

The bushfire season of 2019-2020 was unprecedented in terms of scale, intensity and duration in Australian bushfire history. The bushfires had a devastating impact on our natural environment. Specifically:

- In NSW, bushfires burnt over 5.52 million hectares of land.<sup>1</sup> The fire ground in NSW covered approximately 7% of the state, and habitat of more than 293 threatened animals and 680 threatened plants has been impacted.<sup>2</sup> The Forestry Corporation of NSW reports that around 830,000 hectares of native State forests and 62,000 hectares of State forest timber plantations have been impacted by fire in some way, which is about half the State forest estate.<sup>3</sup>
- In Victoria, bushfires impacted more than 1.5 million hectares.<sup>4</sup> Analysis indicates that 244 species have more than 50% of their modelled habitat within the burnt area, including 215 rare or threatened species and nine ecological vegetation classes (EVCs) with more than 50% of their extent burnt.<sup>5</sup>
- More than 7 million hectares were burnt in bushfires in Queensland.<sup>6</sup> Impacts in Queensland are still under assessment.<sup>7</sup>

Protecting intact and unburnt, as well as lightly burnt areas,<sup>8</sup> areas of high conservation value is critical, particularly while burnt areas and impacted species recover. These remaining areas are essential for providing habitat and refuge for wildlife; providing future climate change refugia; delivering important ecosystem services, assisting impacted ecosystems and landscapes to recover; building resilience and ensuring our remaining natural areas thrive. The time required for recovery of threatened and sensitive species after average fires ranges from around 10 years up to 120 years for some species.<sup>9</sup>

It is important that activities undertaken in our forested areas are compliant with the relevant rules aimed at protecting threatened species and ecosystems, and ensuring that, particularly where required, activities are responsive to the impacts of the fires.

### REPORTING SUSPECTED FORESTRY NON-COMPLIANCE - OVERVIEW

Forestry operations (e.g. harvesting of forest products, and associated activities) continue in bushfire-impacted areas, although in some cases with altered operating conditions. Ensuring compliance with the applicable forestry rules is always a matter of public interest. Where forests and forest ecosystems are recovering from the unprecedented impacts of the 2019-20 bushfires, compliance is more

important than ever. This includes, where the relevant rules require it, ensuring that forestry operations are planned and conducted in a way that is responsive to the impacts of the fires.

If you suspect that forestry operations are breaking the rules, or you're concerned about the impact on the environment and wildlife, you can report your concerns to the appropriate environmental regulator in the relevant State (*see further information below for each jurisdiction*).

We note that the rules and processes may differ depending on whether forestry operations are being undertaken on public land (e.g. State forest) or private land.

More general vegetation (tree) clearing (e.g. for agricultural purposes or development) is regulated under different laws. Please see other [EDO Fact Sheets](#) for more information on such clearing. The rules and regulations for timber plantations are also not covered by this Fact Sheet.

### ***Key things to consider before reporting suspected forestry non-compliance***

- Do you know if the activity is being undertaken on public land (e.g. State forest) or private land?
- Are operations being undertaken in a timber plantation?
- Do you know if trees are being removed as part of forestry operations (e.g. harvesting of forest products, and associated activities, usually for commercial purposes), or for other purposes (e.g. tree clearing for agricultural purposes, or development)?
- Do you know whether it is an authorised activity (e.g. is there a relevant licence or permit in place)?
- Do you think there are specific regulatory requirements (e.g. a permit or licence condition) that are not being met?
- What information or evidence would you be able to provide to support your report (see below)? Can you gather further evidence in support?

### ***Key information to include when reporting suspected forestry non-compliance***

Providing as much information about an incident as you can, in a timely manner, will assist the regulator to investigate potential non-compliance. Photographs, ideally with a date stamp and geolocation, and/or other information that can be verified, is useful. While reports can be made anonymously, regulators usually ask for your name and contact details. Some jurisdictions provide guidance on what information should be included in a report (*see further information for each jurisdiction below*).

Key information might include:

- **Dates, times and location:**
  - How and when were you aware of the incident occurring? Did you witness the incident, or evidence of it, yourself? When?
  - How long do you think the activity has been happening for? For example, when did it start and stop, or is it ongoing? How do you know this?

- What is the location of the incident? For example, can you provide the name of the State forest or address of the private native forest, distance to identifying features such as roads or buildings, description of location or GPS location?
- **Who is responsible:**
  - Who do you suspect is responsible for the incident and why? For example, can you provide any identifying details of the responsible person?
  - Have you seen the number plate or any identifying details of the responsible person?
- **Impacts of activities:**

Can you provide any of the following information:

  - the type of vegetation the logging is occurring in (ecological communities and/or specific species);
  - estimated diameter of tree trunks;
  - any known or suspected threatened species or ecological communities on site;
  - the presence of protected environmental values or features such as old growth forest, rainforest, nests or dens of protected species, or riparian areas that may trigger exclusion/buffer zones;
  - any evidence of injured or killed wildlife;
  - any evidence of felled hollow bearing trees;
  - any evidence of soil or ground cover disturbance;
  - any evidence of water pollution from run-off associated with soil disturbance;
  - estimated buffer distances (if any) around streams; or
  - estimate of overall size of area cleared.
- **Supporting material:**
  - Do you have any other supporting information such as photographs, maps, satellite imagery or reports which provides evidence of the activity?

If you have any questions on the process for reporting suspected forestry non-compliance or require assistance, you may be able to seek initial legal advice from EDO. Details on contacting EDO can be found at: <https://www.edo.org.au/get-advice/>

## NEW SOUTH WALES

### **Public land**

In NSW, forestry operations in State forests are regulated under the *Forestry Act 2012* (NSW) and the *Forestry Regulation 2012* (NSW). Integrated Forestry Operations Approvals (**IFOAs**) are issued under the *Forestry Act 2012*. Information on forestry in NSW is available on the NSW Department of Primary Industries [website](#).<sup>10</sup>

IFOAs – such as the Coastal IFOA – set out the rules that apply to harvesting operations in the relevant region. These are the key documents you can review to identify the rules that apply and whether those rules have been complied with. Further information on current IFOAs is available on the NSW Environmental Protection Authority (**NSW EPA**) [website](#).<sup>11</sup>

The Forestry Corporation of NSW (**FCNSW**) is the state-owned corporation responsible for managing State forests in NSW and for undertaking forestry operations in State native forests and timber plantations.<sup>12</sup>

Suspected forestry non-compliance can be reported to the NSW EPA. The NSW EPA [website](#) outlines key information that should be included in your report and outlines what happens once a complaint is made.<sup>13</sup>

To contact the NSW EPA in relation to alleged non-compliance call 131 555 (NSW only) or 9995 5000 (if outside NSW), or email details of alleged non-compliance to [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au).<sup>14</sup>

### **Private land**

Private Native Forestry (**PNF**) in NSW is regulated under Part 5B of the *Local Land Services Act 2013* (NSW) and the PNF Codes of Practice, which set minimum operating standards for harvesting in private native forests. There are currently four PNF Codes of Practice that apply to the following four areas: Northern NSW, Southern NSW, River red gum forests and Cypress and western hardwood forests.<sup>15</sup> PNF operations must comply with the relevant PNF Codes of Practice. The PNF Codes of Practice and other information about the rules that apply to PNF are available from the Local Land Service ([LLS](#)).<sup>16</sup>

In order to obtain more information about whether or not a land holder has a private native forestry approval, you can contact LLS office by emailing [pnf.info@lls.nsw.gov.au](mailto:pnf.info@lls.nsw.gov.au) or calling the LLS hotline on 1300 778 080.<sup>17</sup>

The NSW EPA is the relevant regulator for PNF. You can call the NSW EPA on 131 555 (NSW only) or 9995 5000 (if outside NSW) or email details of suspected non-compliance to [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au). Further information on how to report PNF non-compliance is available on the NSW EPA [website](#).

## **QUEENSLAND**

### **Public land**

In Queensland, native forest timber removal is regulated under the *Forestry Act 1959* (Qld) for timber on public land (and some private land where State ownership has been retained through a forest consent agreement).

The *Forestry Act 1959* is jointly administered by two departments:

- The Department of Environment and Science is responsible for the custody and management of State forests (except those covered by a Plantation Licence Agreement<sup>18</sup>). The day-to-day management of Queensland State forests is undertaken by the Queensland Parks and Wildlife Service (**QPWS**), a division within the Department of Environment and Science.
- The Department of Agriculture and Fisheries is responsible for commercial forestry in native forests. Forest Products, a business unit of the Department of Agriculture and Fisheries, is responsible for the allocation and sale of state-owned timber, quarry material and other forest products.

Removing or using state-owned native forest timber requires authorisation under the *Forestry Act 1959*. The *Code of practice for native forest timber production on Queensland's State forest estate 2020* also applies.<sup>19</sup> Further information is available on the Department of Agriculture and Fisheries [website](#).<sup>20</sup>

There are no clear pathways for reporting suspected forestry non-compliance on State land in Queensland. Concerns can be discussed in the first instance with either:

- Department of Agriculture and Fisheries: [info@daf.qld.gov.au](mailto:info@daf.qld.gov.au) or [forestproducts@daf.qld.gov.au](mailto:forestproducts@daf.qld.gov.au), or call 13 25 23.
- Department of Environment and Science: 13 QGOV (13 74 68) or [Enquiry form](#).

### **Private land**

Timber harvesting on other private land in Queensland is regulated by the *Vegetation Management Act 1999* (Qld) (VM Act) and *Planning Act 2016* (Qld). Private landholders must follow the [Native Forest practice – A self-assessable vegetation clearing code](#), or obtain development approval if the clearing is not able to be undertaken in accordance with the code but is not exempt under the VM Act and Planning Act 2016 frameworks. Further information is available on the Queensland government [website](#).<sup>21</sup>

If you suspect non-compliance in the removal of timber from private land, you can report information to Department of Resources using the following contact details:<sup>22</sup>

- call 135VEG (13 58 34) from 8.30am to 4.30pm Monday to Friday (excluding public holidays)
- email [vegetation@resources.qld.gov.au](mailto:vegetation@resources.qld.gov.au)
- submit an [online enquiry](#)

## **VICTORIA**

### **Public land**

Timber harvesting in state forests in Victoria is regulated under multiple pieces of legislation. Of particular importance is the *Sustainable Forests (Timber) Act 2004*, which requires compliance with the *Code of Practice for Timber Production 2014*. The Code provides the framework for regulation of commercial timber harvesting operations on both public and private land in Victoria.<sup>23</sup> Other key legislation is the *Conservation, Forests and Lands Act 1987*, the *Forests Act 1958*, the *Flora and Fauna Guarantee Act 1998*, and the *Wildlife Act 1975*.<sup>24</sup> Further information is available on the Victoria government [website](#).<sup>25</sup>

VicForests is the State-owned business responsible for the harvest, commercial sale and re growing of timber from Victoria's State forests on behalf of the Government.<sup>26</sup>

The Office of Conservation Regulator (**OCR**) is responsible for regulating native timber harvesting on public land in Victoria and may investigate complaints of non-compliance. The OCR has provided information and guidelines to assist the community to report potential non-compliance: see "[How to submit a forest report - Guidelines and how to submit a timber harvesting or threatened species report](#)".<sup>27</sup>

You can report alleged non-compliance via [forest.reports@delwp.vic.gov.au](mailto:forest.reports@delwp.vic.gov.au) or call 136 186.<sup>28</sup>

## Private Land

In Victoria, forestry operations on private land are regulated through local planning schemes made under the *Planning and Environment Act 1987* (Vic) (**P&E Act**), administered by the relevant local council. A local planning scheme may apply permit requirements for forestry operations of private land. Forestry operations on private land must also be conducted in accordance with the *Code of Practice for Timber Production 2014* (which, as noted above provides the framework for regulation of commercial timber harvesting operations on both public and private land in Victoria).<sup>29</sup>

If you suspect non-compliance with the *Code of Practice for Timber Production 2014* and/or any requirements of the local planning scheme, contact the relevant [local council](#) in the first instance.

## Endnotes

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<sup>1</sup> NSW Independent Bushfire Inquiry, *Final Report of the NSW Bushfire Inquiry*, 31 July 2020, available at <https://www.dpc.nsw.gov.au/assets/dpc-nsw-gov-au/publications/NSW-Bushfire-Inquiry-1630/Final-Report-of-the-NSW-Bushfire-Inquiry.pdf>

<sup>2</sup> See NSW Department of Planning, Industry and Environment, *Understanding the effects of the 2019–20 fires*, available at <https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/fire/park-recovery-and-rehabilitation/recovering-from-2019-20-fires/understanding-the-impact-of-the-2019-20-fires>

<sup>3</sup> See <https://www.forestrycorporation.com.au/operations/fire-management/fire-impact-of-2019-20>

<sup>4</sup> Bushfire Recovery Victoria, *Eastern Victorian Fires 2019–20 State Recovery Plan*, August 2020, available at [https://www.vic.gov.au/sites/default/files/2021-04/BRV\\_Statewide%20Recovery%20Plan.pdf](https://www.vic.gov.au/sites/default/files/2021-04/BRV_Statewide%20Recovery%20Plan.pdf)

<sup>5</sup> Department of Environment, Land, Water and Planning, *Victoria's bushfire emergency: biodiversity response and recovery - Version 2*, August 2020, available at [https://www.wildlife.vic.gov.au/\\_data/assets/pdf\\_file/0030/484743/Victorias-bushfire-emergency-Biodiversity-response-and-recovery-Version-2-1.pdf](https://www.wildlife.vic.gov.au/_data/assets/pdf_file/0030/484743/Victorias-bushfire-emergency-Biodiversity-response-and-recovery-Version-2-1.pdf)

<sup>6</sup> Queensland Government, *2019 Queensland Bushfires - State Recovery Plan 2019-2022*, August 2020, available at <https://www.qra.qld.gov.au/2019-queensland-bushfires>

<sup>7</sup> The Queensland Government's *State Recovery Plan 2019-2022* indicates that "further fine scale analysis of fire extent, severity and field surveys are needed to confirm distribution and level of impact for priority species and locations, see Queensland Government, *2019 Queensland Bushfires - State Recovery Plan 2019-2022*, August 2020, available at <https://www.qra.qld.gov.au/2019-queensland-bushfires>

<sup>8</sup> The importance of protecting lightly burnt and some moderately burnt areas from forestry operations post-bushfires was highlighted in the following report: Smith, Dr A. *Review of CFIOA Mitigation Conditions for Timber Harvesting in Burnt Landscapes - A Report to the NSW Environment Protection Authority*, September 2020, available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/forestry/review-of-cfoa-mitigation-conditions-for-timber-harvesting-in-burnt-landscapes.pdf?la=en&hash=6360E080DB80E7BEF935A1A4A6BDDAB46BBFD0A7>

<sup>9</sup> Smith, Dr A. *Review of CFIOA Mitigation Conditions for Timber Harvesting in Burnt Landscapes - A Report to the NSW Environment Protection Authority*, September 2020, available at <https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/forestry/review-of-cfoa-mitigation-conditions-for-timber-harvesting-in-burnt-landscapes.pdf?la=en&hash=6360E080DB80E7BEF935A1A4A6BDDAB46BBFD0A7>

<sup>10</sup> See <https://www.dpi.nsw.gov.au/forestry>

<sup>11</sup> See <https://www.epa.nsw.gov.au/your-environment/native-forestry/integrated-forestry-operations-approvals>

<sup>12</sup> See <https://www.forestrycorporation.com.au/>

<sup>13</sup> See <https://www.epa.nsw.gov.au/your-environment/native-forestry/native-forestry-nsw-overview/contact-us>

<sup>14</sup> See <https://www.epa.nsw.gov.au/your-environment/native-forestry/native-forestry-nsw-overview/contact-us>

<sup>15</sup> See <https://www.lls.nsw.gov.au/help-and-advice/private-native-forestry/private-native-forestry-code-of-practice>

<sup>16</sup> See <https://www.lls.nsw.gov.au/help-and-advice/private-native-forestry>

<sup>17</sup> See <https://www.lls.nsw.gov.au/i-want-to/contact-my-local-office>

<sup>18</sup> Plantation forests on State land in Queensland are managed, grown and harvested by HQPlantations Pty Ltd (HQPlantations) which was granted a 99-year plantation licence by the Queensland Government in 2010. For more information see <https://www.business.qld.gov.au/industries/farms-fishing-forestry/forests-wood/plantation-forestry/softwood-plantation>

<sup>19</sup> See [https://parks.des.qld.gov.au/\\_data/assets/pdf\\_file/0012/160104/cop-native-forest-timber-production-qpws-estate.pdf](https://parks.des.qld.gov.au/_data/assets/pdf_file/0012/160104/cop-native-forest-timber-production-qpws-estate.pdf)

<sup>20</sup> See <https://www.daf.qld.gov.au/business-priorities/forestry>. See also <https://www.business.qld.gov.au/industries/farms-fishing-forestry/forests-wood/timber-development-approvals>

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- <sup>21</sup> See <https://www.business.qld.gov.au/industries/farms-fishing-forestry/forests-wood/native-forests/private>
- <sup>22</sup> See <https://www.resources.qld.gov.au/?contact=vegetation>
- <sup>23</sup> See [https://www.forestsandreserves.vic.gov.au/\\_data/assets/pdf\\_file/0016/29311/Code-of-Practice-for-Timber-Production-2014.pdf](https://www.forestsandreserves.vic.gov.au/_data/assets/pdf_file/0016/29311/Code-of-Practice-for-Timber-Production-2014.pdf). The Code of Practice for Timber Production provides the framework for regulation of commercial timber harvesting operations on both public and private land in Victoria. The Code is currently under review by the Victorian Government – see <https://www.premier.vic.gov.au/review-protect-victorias-forests-jobs-and-timber-industry>
- <sup>24</sup> See <https://www.vic.gov.au/conservation-regulator-laws>
- <sup>25</sup> See <https://www.vic.gov.au/timber-harvesting>
- <sup>26</sup> See <https://www.vicforests.com.au/>
- <sup>27</sup> See <https://www.vic.gov.au/forest-reports>
- <sup>28</sup> See <https://www.vic.gov.au/conservation-regulator>
- <sup>29</sup> See [https://www.forestsandreserves.vic.gov.au/\\_data/assets/pdf\\_file/0016/29311/Code-of-Practice-for-Timber-Production-2014.pdf](https://www.forestsandreserves.vic.gov.au/_data/assets/pdf_file/0016/29311/Code-of-Practice-for-Timber-Production-2014.pdf).