

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
VALUATION, COMPENSATION AND PLANNING LIST

S ECI 2020 02658

BETWEEN:

KINGLAKE FRIENDS OF THE FOREST INC.
(ABN 35 186 838 481)

Plaintiff

- and -

VICFORESTS

Defendant

ORDER

-
- JUDGE:** The Honourable Justice Richards
- DATE MADE:** 14 July 2020
- ORIGINATING PROCESS:** Writ filed 23 June 2020
- HOW OBTAINED:** Plaintiff's summons filed 23 June 2020
- ATTENDANCE:** Mr J Korman for the plaintiff
Mr C Juebner with Ms F Hudgson for the defendant
- OTHER MATTERS:**
- A. The Court was satisfied that the technical requirements in section 42G of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic) were met and that it was appropriate to conduct the trial by audio-visual link.
 - B. These orders were made upon the plaintiff by its counsel continuing the undertaking as to damages given to the Court on 24 June 2020.
 - C. The reference to the Central Highlands Region in this order is a reference to the area described in the map that is exhibit JM-5 to the affidavit of John McMullan dated 3 July 2020.
 - D. This order is signed by the Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2005*.



THE COURT ORDERS THAT:

Injunction

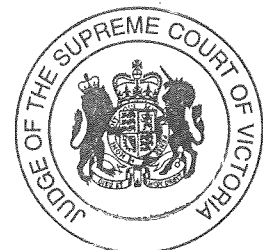
1. Until the final determination of this proceeding or further order the defendant must not, whether by itself, its servants, agents, contractors or howsoever otherwise, within any coupe in the Central Highlands Region, conduct timber harvesting operations within a net harvestable area in excess of the net area identified for that coupe in the defendant's Timber Release Plan dated 19 December 2019. This order does not prohibit the defendant from felling or cutting trees or parts of trees in order to address a serious risk to human safety.
2. Subject to Order 3, until the final determination of this proceeding or further order, the defendant must not, whether by itself, its servants, agents, contractors or howsoever otherwise, within any coupe in the Central Highlands Region fell or cut trees or parts of trees within 20 metres of any road or track in or adjacent to that coupe.
3. Order 2 does not prohibit the defendant from felling or cutting trees or parts of trees necessary to create road access to the interior of a coupe, as shown on the defendant's published operations map for that coupe on the defendant's website with URL www.vicforests.com.au (including any page within that website), or in order to address a serious risk to human safety.

Pleadings

4. By 4:00 pm on 24 July 2020 the plaintiff is to file and serve an amended statement of claim.
5. By 4:00 pm on 7 August 2020 the defendant is to file and serve its defence.
6. By 4:00 pm on 14 August 2020 the plaintiff is to file and serve any reply.

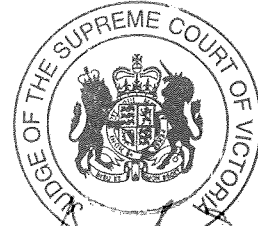
Other

7. Pursuant to s 42E(1) of the *Evidence (Miscellaneous Provisions) Act 1958* (Vic), the parties are to appear and make submissions at the hearing on 14 July 2020 by audio-visual link.
8. The proceeding is listed for further directions on 19 August 2020.
9. The parties have liberty to apply
10. Costs are reserved.



DATE AUTHENTICATED:

14 July 2020



Richardson

THE HONOURABLE JUSTICE RICHARDS