

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
PRACTICE COURT

S ECI 2020 02658

**BETWEEN:**

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

Plaintiff

**VICFORESTS**

Defendant

**ORDER**

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**JUDGE:** The Honourable Justice Richards

**DATE MADE:** 24 June 2020

**ORIGINATING PROCESS:** Writ filed 23 June 2020

**HOW OBTAINED:** Plaintiff's summons filed 23 June 2020

**ATTENDANCE:** Mr J Korman for the plaintiff  
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. The plaintiff by its counsel gave an undertaking to abide by any order that the Court may make as to damages, in case the Court should hereafter be of opinion that the defendant shall have suffered any loss by reason of this order which the plaintiff ought to pay.

**THE COURT ORDERS THAT:**

1. Subject to Order 2, until 5:00 PM on 14 July 2020, the defendant must not, whether by itself, its servants, agents, contractors or howsoever otherwise, fell or cut trees or parts of trees:
  - (a) in Coupe 283-503-0024 ("Mariner");



- (b) in Coupe 301-539-0001 (“Watering Can”);
- (c) in Coupe 283-503-0020 (“Point Plomer”);
- (d) in Coupe 289-504-0010 (“Triple Don”);
- (e) in Coupe 284-502-0017 (“Pilchard”); and
- (f) in Coupe 345-511-0004 (“Ambi Turner”).

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. The defendant may by 30 June 2020, file and serve an updated operations map for any coupe listed in Order 1, identifying in respect of that coupe a net harvestable area that accords with the defendant’s Timber Release Plan dated 19 December 2019. In that event, from the time the updated operations map is filed with the Court, Order 1 does not prohibit the defendant from felling or cutting trees within the net harvestable area shown on the updated operations map.
3. Until 5:00pm on 14 July 2020, the defendant must not, whether by itself, its servants, agents, contractors or howsoever otherwise, fell or cut trees or parts of trees:
  - (a) in Coupe 320-503-0024 (“Moustache”), within 20 metres of Frenchmans Spur Track;
  - (b) in Coupe 284-502-0008 (“Crusoe”), within 20 metres of Black Range Road;
  - (c) in Coupe 301-537-0006 (“Port”), within 20 metres of:
    - (i) Watering Link Road (being the road that runs through the coupe, between Plantation Road and the road known as Cottrell Road or Mount Disappointment Forest Drive);
    - (ii) Plantation Road; and
    - (iii) Morrisons Creek Road;
  - (d) Coupe 283-505-0003 (“Carbonara”), within 20 metres of:
    - (i) Keltys Road; and
    - (ii) Falls Creek Road;
  - (e) in Coupe 282-512-0007 (“Charmander”), within 20 metres of:
    - (i) Pound Break Road;
    - (ii) Chute Road; and
    - (iii) Cameron Road;
  - (f) in Coupe 297-518-0001 (“Nellie”), within 20 metres of:
    - (i) Marginal Road; and



- (ii) the two unnamed roads linking Marginal Road with Wee Creek Track; and
- (iii) Wee Creek Track;
- (g) in Coupe 301-520-0002 (“Neils Flower”), within 20 metres of:
  - (i) Flowerdale Road; and
  - (ii) Neills Road;
- (h) in Coupe 283-503-0024 (“Mariner”), within 20 metres of:
  - (i) Waterwheel Track; and
  - (ii) Garlick Track;
- (i) in Coupe 301-539-0001 (“Watering Can”), within 20 metres of:
  - (i) Main Mountain Road;
  - (ii) Watering Creek Road;
  - (iii) Westcott Creek Road; and
- (j) in Coupe 313-503-0002 (“Barcelona”), within 20 metres of Big River Road.

This order 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, or in order to address a serious risk to human safety.

4. By 4:00pm on 7 July 2020 the plaintiff is to file and serve a statement of claim.
5. The further hearing of the plaintiff’s summons dated 23 June 2020 is adjourned to 14 July 2020 before the Honourable Justice Richards.
6. 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 24 June 2020 by audio-visual link.
7. The parties have liberty to apply
8. Costs are reserved.

**DATE AUTHENTICATED:** 24 June 2020



*Handwritten signature in blue ink: M. Richards*

**THE HONOURABLE JUSTICE RICHARDS**