



Federal Court of Australia
District Registry: Victoria
Division: General

No: VID1228/2017

FRIENDS OF LEADBEATER'S POSSUM INC
Applicant

VICFORESTS
Respondent

ORDER

JUDGE: JUSTICE MORTIMER

DATE OF ORDER: 20 April 2018

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. The answer to the separate question stated by the Court on 17 November 2017 is:

Insofar as logging in the coupes described in the separate question has been carried out, or will be carried out, the exemptions in s 38(1) of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and s 6(4) of the *Regional Forest Agreements Act 2002* (Cth) are not rendered inapplicable to that logging by the failure to carry out reviews of the performance of the Central Highlands Regional Forest Agreement within the relevant time, as contemplated by cl 36 of the Central Highlands RFA.
2. The parties' costs of, and incidental to, the hearing and determination of the separate question are reserved.
3. The proceeding be listed for a case management hearing at a date to be fixed in the week commencing 7 May 2018.
4. Any interlocutory applications relevant to the continuation of the proceeding are to be filed and served on or before 4 pm on 2 May 2018 and will be listed for an initial hearing together with the case management hearing in the week commencing 7 May 2018.



5. On or before 4 pm on 2 May 2018, the parties are to agree on and file a map, or maps, in both soft and hard copy form, setting out the location of the coupes which are the subject of this proceeding.

Date that entry is stamped: 20 April 2018

Warrick Soden
Registrar



Schedule

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First Intervener COMMONWEALTH OF AUSTRALIA
Second Intervener STATE OF VICTORIA