

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 13/11/2017 1:22:00 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Applicant's Genuine Steps Statement - Form 16 - Rule 8.02  
File Number: VID1228/2017  
File Title: FRIENDS OF LEADBEATER'S POSSUM INC v VICFORESTS  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 14/11/2017 9:21:35 AM AEDT

A handwritten signature in blue ink that reads 'Warwick Soden'.

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



## Applicant's genuine steps statement

No. \_\_\_\_\_ of 2017

Federal Court of Australia  
District Registry: Victoria  
Division: ACLHR

### **FRIENDS OF LEADBEATER'S POSSUM INC**

Applicant

### **VICFORESTS**

Respondent

This genuine steps statement is required by s 6 of the *Civil Dispute Resolution Act 2011* (Cth).

### **Steps taken to try to resolve the issues in dispute**

No steps have been taken to try to resolve the issues in dispute between the applicant and the respondent in the proceeding for the following reasons:

- 1 The applicant became aware that the respondent had recently commenced logging in coupe 298-502-0003 (Chest) (Mount Despair coupe 10.9) and coupe 462-504-0009 (Epiphanie) (Noojee coupe 10.32) the subject of the proposed proceedings on Friday, 10 November 2017 and Sunday, 12 November 2017, while preparing the documents necessary to commence the proceeding. The applicant is concerned that these logging operations are irreversibly destroying the subject matter of the proceeding.
- 2 The applicant is equally concerned that the respondent may intend to imminently commence logging operations in other coupes the subject of the proceeding.

Filed on behalf of (name & role of party)	The Applicant		
Prepared by (name of person/lawyer)	Danya Jacobs		
Law firm (if applicable)	Environmental Justice Australia		
Tel	(03) 8341 3100	Fax	(03) 8341 3111
Email	Danya.Jacobs@envirojustice.org.au		
Address for service (include state and postcode)	Level 3, 60 Leicester Street CARLTON VIC 3053		

- 3 The applicant considered that if it sought to take the time to enter negotiations in an effort to resolve the dispute with the respondent, the subject matter of its claim would be irreversibly destroyed or damaged while any negotiations took place.
- 4 In the above circumstances, the applicant was concerned to commence the proceeding urgently.
- 5 The applicant's solicitors are serving the Originating Application and Statement of Claim under cover of a letter to the respondent seeking an undertaking not to conduct further logging operations in the aforementioned coupes or commence logging operations in the remaining coupes subject of the proceeding, as a step to narrow the issues in dispute between the parties on any hearing of the applicant's interlocutory injunction application.

Date: 13 November 2017



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Signed by Danya Jacobs  
Environmental Justice Australia  
Lawyer for the Applicant