

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 18/03/2021 7:45:12 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: Chronology  
File Number: VID615/2020  
File Title: VICFORESTS v FRIENDS OF LEADBEATER'S POSSUM INC  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 18/03/2021 7:45:19 PM AEDT

A handwritten signature in blue ink that reads 'Sia Lagos'.

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.



Federal Court of Australia  
District Registry: Victoria  
Division: General Division

No. VID 615 of 2020 ★

**VICFORESTS**

Appellant

and

**FRIENDS OF LEADBEATER'S POSSUM INC**

Respondent

**Respondent's Chronology**

---

Filed on behalf of (name & role of party)	The Respondent, Friends of Leadbeater's Possum Inc		
Prepared by (name of person/lawyer)	Danya Jacobs		
Law firm (if applicable)	Environmental Justice Australia		
Tel	(03) 8341 3103	Fax	(03) 8341 3111
Email	danya.jacobs@envirojustice.org.au		
<b>Address for service</b>	Environmental Justice Australia, Level 3, 60 Leicester Street		
(include state and postcode)	Carlton, Victoria 3053		

---

Date	Event	Source
1995	Commonwealth and State Governments endorse the National Forest Policy Statement 2nd Edition, which includes a commitment to complete comprehensive regional assessments and to negotiate Commonwealth-State regional agreements to form the basis for meeting wood production, nature conservation and other forest allocations.	Agreed Facts Annex 1, Appeal Book Part B Comprehensive Reference Index ( <b>CRI</b> ) 23, p16
27 Jan 1996	The Commonwealth and Victorian Governments sign the Interim Forest Agreement in relation to the Central Highlands Region, which provides interim arrangements for the protection and management of forest pending finalisation of the Regional Forest Agreement ( <b>RFA</b> ).	RFA, CRI 153 at Cl 17
27 Mar 1998	The State of Victoria and the Commonwealth enter into the Central Highlands RFA in respect of the CH RFA Area for a term of 20 years, having completed a comprehensive regional assessment for the Central Highlands RFA Area.	RFA, CRI 153; 3FASOC [108], Appeal Book Part A ( <b>ABA</b> ) 6; Amended Defence [108], ABA 8
11 Jul 2000	Federal Minister for the Environment and Heritage declares the Leadbeater's Possum ( <b>LbP</b> ) to be listed as a threatened species in the endangered category by declaration under s 178 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) ( <b>EPBC Act</b> ).	Third Further Amended Statement of Claim ( <b>3FASOC</b> ) [12], ABA 6; Further Amended Defence to the Second FASOC ( <b>Amended Defence</b> ) [12], ABA 8

Date	Event	Source
2014	Flora and Fauna Guarantee Action Statement 62 – Leadbeater’s Possum <i>Gymnobelideus Leadbeateri</i> is published pursuant to s 19 of <i>Flora and Fauna Guarantee Act 1988 (Vic) (FFG Act)</i> .	CRI 165
Oct 2014	State Minister for Environment and Climate Change publishes the Code of Practice for Timber Production 2014 ( <b>Code</b> ), and the following documents which are incorporated in the Code:  (a) the Management Standards and Procedures for timber harvesting operations in Victoria’s State forests 2014; and  (b) Appendix 5 to Management Standards and Procedures for timber harvesting operations in Victoria’s State forests 2014.	CRI 150-152
22 Apr 2015	Federal Minister for the Environment transfers the Leadbeater’s Possum to the critically endangered category and approves a conservation advice under s 266B of the EPBC Act, with effect from 2 May 2015.	CRI 164; 3FASOC [13], ABA 6; Amended Defence [13], ABA 8
Feb 2016	Draft National Recovery Plan for Leadbeater’s Possum is prepared, but not finalised under s 269A(2) of the EPBC Act	CRI 110.12
2 May 2016	Commonwealth Minister for the Environment includes the Greater Glider ( <b>GG</b> ) in the list of threatened species in the vulnerable category under s 178 of the EPBC Act and approves a Conservation Advice for the species under s 266B of the EPBC Act (in effect from 5 May 2016 until about 24 May 2016).	3FASOC [14], ABA 6; Amended Defence [14], ABA 8
3 May 2016	Federal Minister decides, under s 269AA(1) of the EPBC Act, that a Recovery Plan is required for GG because “existing mechanisms are not adequate”.	CRI 162

Date	Event	Source
25 May 2016	Federal Minister for the Environment approves a Conservation Advice for the GG under s 266B of the EPBC Act (in effect since this date).	CRI 159; 3FASOC [14], ABA 6; Amended Defence [14], ABA 8
Oct 2016	Draft National Recovery Plan for the GG is prepared by the Commonwealth, but not finalised under s 269A(2) of the EPBC Act.	CRI 86.3
Jan 2017	VicForests prepare an “Approved Timber Release Plan Change” ( <b>Timber Release Plan</b> ), which identifies areas of forest (coupes) in the CH RFA Area which are proposed for forestry operations and identifies a silviculture system for use in each coupe.	3FASOC [6], ABA 6; Amended Defence [6], ABA 8; Amended Reply [2], ABA 9
5 Jan 2017	VicForests approve and publish notice of the Timber Release Plan in the Victoria Government Gazette and the Timber Release Plan maps and schedule on the VicForests website.	3FASOC [7], ABA 6; Amended Defence [6], ABA 8
16 Mar 2017	Victorian Scientific Advisory Committee makes the final recommendation on nomination for listing the GG as a threatened taxon under s 10 of the FFG Act.	CRI 161
14 Jun 2017	GG is specified as a threatened taxon in the list under s 10 of the FFG Act.	3FASOC [14A], ABA 6; Amended Defence [14A], ABA 5.
Jun 2017	Professor Woinarski prepares the Independent review report: Assessment of conservation benefit provided to Leadbeater’s Possum by the establishment of the Timber Harvest Exclusion Zones ( <b>THEZ</b> ) (requiring a 200m radius Special Protection Zone	CRI 76.25

Date	Event	Source
	(SPZ) on each verified LbP colony), for the Victorian Department of Water, Land and Planning (DELWP).	
Jul 2017	DELWP prepares the Review of the effectiveness and impact of establishing THEZ around Leadbeater's Possum colonies, with contribution from VicForests.	Second Affidavit of Mr Paul 15 Oct 2018 [137], CRI 44 p58-59; WEP-29, CRI 44.23
13 Nov 2017	FLP file Originating Application and Statement of Claim, commencing proceedings.	ABA 1; ABA 6 p61
2 Mar 2018	Orders and reasons for judgment on separate question: <i>Friends of Leadbeater's Possum Inc v VicForests</i> [2018] FCA 178	ABA 11
26 Mar 2018	Amendment No.1 to the Central Highlands RFA is made, extending the duration of the RFA.	CRI 155
29 Mar 2018	FLP file Amended Statement of Claim	ABA 6 p61
20 Apr 2018	Secondary orders and reasons for judgment on separate question: <i>Friends of Leadbeater's Possum Inc v VicForests (No 2)</i> [2018] FCA 532	ABA 13
23 Apr 2018	FLP file application for interlocutory injunction	ABA 10
10 May 2018	Orders and reasons for judgment on interlocutory injunction: <i>Friends of Leadbeater's Possum Inc v VicForests (No 3)</i> [2018] FCA 652	ABA 11
6 Sep 2018	FLP file Further Amended Statement of Claim	ABA 6 p61

<b>Date</b>	<b>Event</b>	<b>Source</b>
18 Jan 2019	FLP file Second Further Amended Statement of Claim	ABA 6 p61
22 Feb 2019	VicForests file Further Amended Defence to Second Further Amended Statement of Claim, pleading reliance on new silvicultural systems	ABA 8
24 Apr 2019	VicForests publishes an “Approved Timber Release Plan Change”, which identifies areas of forest in the CH RFA Area which are proposed for forestry operations. Each scheduled coupe remains on the TRP with the silvicultural systems designated as Clearfell, Seed Tree Retention or Regrowth Retention Harvesting.	CRI 148
12 May 2019	FLP file reply to Further Amended Defence to Second Further Amended Statement of Claim, pleading response to new silvicultural systems	ABA 9
15 May 2019	FLP file notice of intention to adduce tendency evidence	ABA 7
17 May 2019	Reasons for ruling and orders for VicForests to make discovery by 29 May 2019 for coupe plans for coupes logged since 1 January 2017 in the Central Highlands RFA Area containing Greater Glider or Leadbeater’s Possum detections reported to the respondent.	N/A
29 May 2019	FLP file Third Further Amended Statement of Claim and Amended Originating Application, seeking declaratory relief in addition to injunctions.	ABA 6; ABA 5
3 Jun 2019	FLP file amended notice of intention to adduce tendency evidence	ABA 7

<b>Date</b>	<b>Event</b>	<b>Source</b>
3 Jun 2019	Trial commences	CRI 793
7 Jun 2019	Tendency ruling	CRI 792, T 259-264
11 Jun 2019	View	CRI 802
20 Jun 2019	Trial concludes	CRI 820
22 Jun 2019	Federal Minister for the Environment re-confirmed the conservation status of Leadbeater's Possum as critically endangered and approved a new conservation advice under s 266B of the EPBC Act.	CRI 741
27 May 2020	Reasons for judgment on liability: <i>Friends of Leadbeater's Possum Inc v VicForests (No 4)</i> [2020] FCA 704	ABA 14
27 May 2020	Orders and reasons for judgment on costs: <i>Friends of Leadbeater's Possum Inc v VicForests (No 5)</i> [2020] FCA 705	N/a
21 Aug 2020	Final orders and reasons for judgment: <i>Friends of Leadbeater's Possum Inc v VicForests (No 6)</i> [2020] FCA 1199	ABA 15