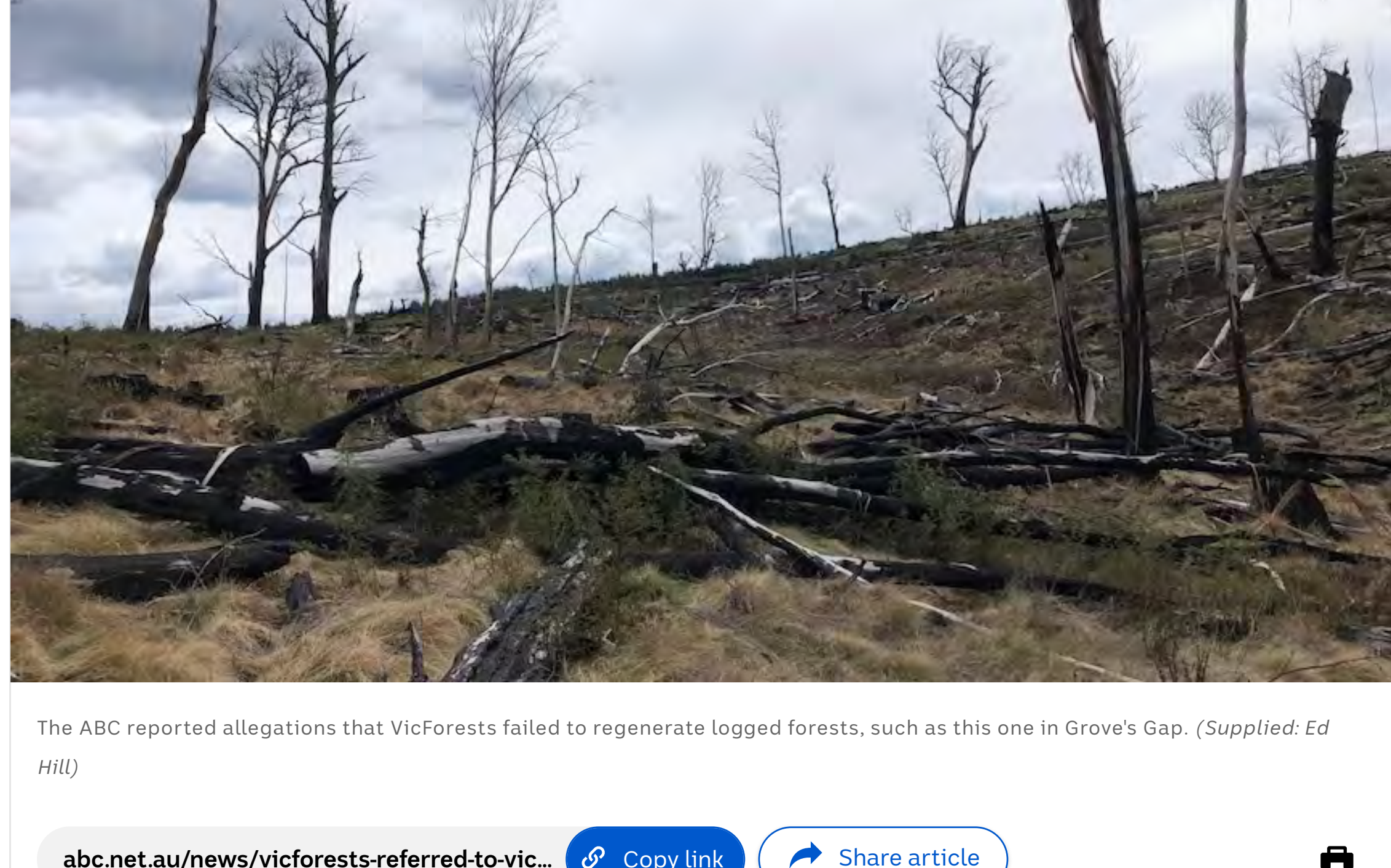


# VicForests referred to Victorian ombudsman and corruption watchdog following ABC investigation

By national science, environment and technology correspondent Michael Stezak  
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The ABC reported allegations that VicForests failed to regenerate logged forests, such as this one in Grove's Gap. (Supplied: Ed Hill)

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The Victorian government-owned logging agency VicForests, as well as its regulator, have been referred to the states's anti-corruption watchdog after a string of allegations reported by the ABC since 2018.

Most recently, in November this year, the ABC reported allegations that VicForests had conducted widespread and systemic illegal logging, and had spied on a conservationist.

The ABC also revealed evidence that VicForests' regulator, the Office of the Conservation Regulator (OCR), failed to properly investigate some of that activity, and aired allegations that it turned a blind eye to the behaviour.

In earlier statements, VicForests denied the allegations of widespread illegal logging and said it always complied with the law.

The OCR previously said it effectively regulated the conduct of commercial timber harvesting in state forests.

When asked about the referral to the anti-corruption watchdog, the Andrews government said it was not appropriate to comment on complaints made to oversight bodies.

VicForests referred the ABC to earlier statements, and the OCR said it would not be commenting.

## VicForests referred to IBAC, ombudsman

Last week, in response to questions by Greens MP Ellen Sandell, Victorian Agriculture Minister Mary-Anne Thomas indicated the Andrews government did not plan to launch its own investigation into the allegations made against VicForests.

So Ms Sandell wrote to the Independent Broad-based Anti-corruption Commission (IBAC) and the Victorian Ombudsman, asking them to launch separate, independent investigations into VicForests.

"I respectfully request that IBAC conduct an investigation into whether these actions by VicForests — especially the allegations of spying on a private citizen — constitute corrupt conduct and warrant further investigation," Ms Sandell wrote.

"Using taxpayer money to hire a private investigator to spy on a private citizen I would consider a gross misuse of taxpayer funds.

"Serious allegations of widespread illegal activity by a Victorian public sector agency I would consider something also worthy of investigation by IBAC."

Ms Sandell also asked the Victorian Ombudsman and IBAC to investigate the allegations of widespread illegal logging and VicForests' alleged failure to regenerate forests.

"I am deeply concerned that the conduct of VicForests is threatening the reputation of the entire Victorian public sector and I believe they are of such a serious nature to warrant a full investigation of VicForests' culture and practices," she wrote.

Ms Sandell told the ABC: "The Victorian Labor Government has supported and turned a blind eye to this illegal, and potentially corrupt, logging behaviour for years and, if they won't do anything about it, it's time there was a proper, independent investigation."

### Key points:

- The ABC has reported allegations VicForests engaged in "spying" and illegal logging on public land
- A Greens MP has asked IBAC and the ombudsman to investigate
- Another group has also alleged corrupt conduct by the regulator and Victoria's environment department

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Greens MP Ellen Sandell says the Victorian government has "turned a blind eye" to the allegations.

## VicForests' regulator referred to IBAC too

The ABC can also reveal that Warburton Environment has written a detailed complaint to IBAC, alleging corrupt conduct by the OCR, as well as the forest regulation unit in the Department of Environment, Land, Water and Planning (DELWP).

Warburton Environment is a small conservation group in the Central Highlands of Victoria that has fought against logging it argues is either illegal or unsustainable.

Its complaint focuses on three alleged failures, revealed in ABC reporting since 2018, to take appropriate enforcement action in relation to:

- allegations of unlawful logging of areas outside of forest allocated to VicForests
- allegations of unlawful logging on steep slopes in water catchments
- allegations of VicForests' failure to regenerate logged forests.

The complaint also alleges the regulator failed to properly implement a landmark Federal Court decision, which found VicForests had been breaching the law in six different ways.

In each case, the complaint alleges the lack of action amounts to "wilful neglect" of the regulator's duty.

It also argues the failures are "serious and systemic" and, therefore, required to be prioritised by IBAC under its legislation.

"We've provided plenty of evidence over years of repeated serious systemic failings ... and we have not seen any enforcement action taken at all," Warburton Environment president Nic Fox wrote.

"And that's what this complaint is ... we believe that DELWP may have acted corruptly."

### 'Lawless' loggers

High-resolution spatial data and information obtained as part of an ABC investigation sparks allegations of widespread and systemic illegal logging in protected Victorian water catchments.

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## VicForests launches 'independent' investigation

Last month, the ABC reported allegations that VicForests had hired a private investigator to "dig up dirt" on conservationist Sarah Rees in 2011.

At the time, Ms Rees was involved in a campaign to stop logging near Toolangi, a state forest north-east of Melbourne.



Sarah Rees says VicForests has tried to "smear" her reputation. (ABC News)

The ABC also reported allegations that VicForests had, as recently as 2020, conducted "digital surveillance" on Ms Rees, in order to get her sacked from the board of sustainable timber certifier, Forest Stewardship Council (FSC).

A collection of her tweets and public appearances, as well as those of two other board members, was included in a complaint VicForests made to FSC last year.

In response to the allegations, VicForests hired a private investigator to "dig up dirt" on Ms Rees, VicForests announced it had commissioned a consultancy firm to investigate. It said the investigation would be "independent".

However, prior to announcing the investigation, VicForests published correspondence marked "highly confidential" on its website.

VicForests said the correspondence demonstrated its actions were always motivated by a concern for proper governance of FSC.

The correspondence was a 2020 letter from FSC that contained private information about board directors who were subject to VicForests' complaint.

FSC told the ABC it did not agree the actions demonstrated VicForests was concerned with its governance.

"The FSC ANZ Board is disappointed by this breach of confidentiality," a spokesman for FSC Australia New Zealand said.

### VicForests accused of 'spying'

The ABC can reveal VicForests hired a private investigator to conduct surveillance on conservationists and, more recently, conducted what some have called "digital surveillance" on people the agency argues are trying to "discredit" it.

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## Conservationist uncomfortable with VicForests investigation

Ms Rees said the breach of confidentiality was a further attempt to smear her.

She has made a complaint about the alleged spying with the Office of the Victorian Information Commissioner.

"By publishing a private response from the board of FSC, [VicForests] has given further evidence to my complaint that [they have] smeared me," Ms Rees said.

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She said she was contacted by the company hired by VicForests to investigate the allegations, but she was not planning on engaging with it.

"I certainly don't trust a firm employed by VicForests to do its review," she said.

"I'm very uncomfortable with that and I'll be submitting a statement to the police."

When the allegations were first aired, VicForests said the investigation it commissioned would seek to confirm or refute the allegation that VicForests spied on Ms Rees.

"The claims made do not reflect the culture, the values or the people of VicForests," a spokesperson said at the time.

IBAC did not respond to questions by the ABC. IBAC does not usually comment on complaints, and it is unknown whether it will investigate them in this case.

Posted 13 Dec 2021, updated 13 Dec 2021

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