

MyEnvironment, Debt & the Victorian Forest Industry Taskforce

“Timber taskforce concerns run deep” was the heading for a front page article in the Snowy River Mail on 23 November 2016. Orbost based harvesting contractor Warren Fenner raised some points that the Victorian government failed to consider when establishing the Victorian Forest Industry Taskforce (VFIT).

Mr Fenner says the State Government’s stated position is that “the purpose of the industry taskforce is for the major stakeholders to reach common ground on a durable, long-term set of recommendations and proposals to government, about future issues facing the industry, job protection, economic activity, protection of our unique native flora and fauna and threatened species, such as the Leadbeater’s possum”.

“We all thought the Government was expecting too much, given all the anti-forestry organisations on the taskforce have spent decades trying to shut down the native forest industry.” Mr Fenner said.

One of the activist groups on the VFIT, is MyEnvironment Inc. The MyEnvironment representative is Sarah Rees, a Central Highlands based activist who has campaigned on behalf of MyEnvironment against the native forest industry since 2000. MyEnvironment was previously called the Central Highlands Alliance Inc.

The Lilydale & Yarra Valley Leader published an article on 8 December 2003 titled *“Peaceful protestors are ready for action.”* Ms Rees clearly articulated the hypocrisy of the concept of peaceful protests and a total disregard for workplace health and safety laws, when she said *“We are a passive group and are in negotiations now to get the logging stopped, but if we can’t get the negotiations flowing, we will lock on.”*

Ms Rees said if necessary the group would do what was known as Black Wallaby. “We will run among the falling trees if we have to,” she said.



Ms Rees

With this background, it is no wonder that Mr Fenner thought the Government was expecting too much of the taskforce. However, there are other issues involving MyEnvironment that beg the question: What was the Government thinking?

The VicForests 2012-13 annual report notes: *In August 2011 a local environment group, MyEnvironment, sought an injunction to stop harvesting operations in three coupes near Toolangi. The matter went to trial in 2012 and Justice Osborn in the Supreme Court of*

SouthEastTIMBERassociation

South East Timber Association Inc PO Box 773 Eden NSW 2551

Victoria delivered his judgement in favour of VicForests. MyEnvironment appealed the decision and the matter was heard in the Court of Appeal on 24 June 2013.

The VicForests 2013-14 annual report provided the following update: *On 10 December 2013 the Court handed down its judgement unanimously upholding the Supreme Court's original finding that the harvesting operations near Toolangi comply with Victoria's regulatory framework.*

The Court ordered that MyEnvironment pay VicForests' costs for both the trial and the appeal. VicForests is endeavouring to recover those costs from My Environment in accordance with due process.

The VicForests 2014-15 annual report advised: *On 17 March 2015 the Supreme Court issued an order that stated that the costs VicForests be paid by MyEnvironment were assessed and allowed the sum of \$1,235,500. At the date of this report only \$30,000 has been paid by MyEnvironment.*

Note 21 of the VicForests financial statements for 2015-16 annual report, under the heading of contingent assets, reports; *During the year ending 30 June 2015, the Supreme Court ordered that MyEnvironment pay VicForests the sum of \$1,235,500 for legal costs following its unsuccessful litigation. A balance of \$1,205,500 remains unpaid and further legal action is likely to be required to recover this amount. (30 June 2015: \$1,205,500).*



Lock-on at Gun Barrel Coupe, 2011

The MyEnvironment - Home www.myenvironment.org.au web address has the message "MyEnvironment is currently not trading. For resources please visit www.myenvironment.net.au.

It is assumed that MyEnvironment is not trading, because it is insolvent, which involves an amount of \$1,205,500, based on the latest VicForests annual report.



SouthEastTIMBERassociation

South East Timber Association Inc PO Box 773 Eden NSW 2551

At the time of the establishment of the VFIT, MyEnvironment owed a Victorian State-owned business over \$1,205,500 and appeared to be insolvent. **Why was this activist group deemed to be an acceptable member of the VFIT by the Victorian Government?**

In the MyEnvironment financial report for the year ended 30 June 2014, and despite the December 2013 court ruling, the committee stated:

2. At the date of this statement, there are reasonable grounds to believe that the association will be able to pay its debts as and when they fall due.

This statement is made in accordance with a resolution of the Committee and is signed for and on behalf of the Committee by:

In the financial report for the year ended 30 June 2015, the same statement is made, despite the court ruling on 17 March 2015, that MyEnvironment was to pay \$1,235,000 to VicForests for legal costs.

Given the above, have the regulators of the Charities and Not for Profits sector, done their job? To confirm if the regulators are doing their job, the following questions, among others need answers.

1. Has the Victorian Registrar of Incorporated Associations investigated this matter to determine if a Statutory Manager should be appointed to conduct the affairs of MyEnvironment?
2. Has the Registrar of Incorporated Associations investigated the affairs of MyEnvironment to determine if the organisation is insolvent and if so, what action needs to be taken?
3. While MyEnvironment has advised the Australian Charities and Not-for-profits Commission (ACNC) that it did not trade in 2015-16, has the ACNC been made aware of the court rulings and consequently, the financial affairs the organisation?
4. Should MyEnvironment continue to be registered with the ACNC?

