



VICTORIAN COUNCIL FOR CIVIL LIBERTIES INC

Reg No: A0026497L
Phone: (03) 9670 6422
Fax: (03) 9670 6433

4th FLOOR
360 LITTLE BOURKE STREET
MELBOURNE VICTORIA 3000
vccf@iosphere.net.au

19 April 2002

The Hon. Sheryll Garbutt,
Minister for Conservation

By fax: 9637 8920

Dear Minister,

Re: Conduct of Department Officers in Goolengook

In March 2002, for the first time, your Department declared a "temporary exclusion zone" in the Goolengook forest block. The zone has varied in size from time to time, and its exact extent has been difficult to ascertain at any given time.

It now appears that a similar zone has been declared in the Wombat State Forest.

A number of persons have been deprived of their liberty for being in such zones, held for many hours and even overnight.

Having examined the relevant legislation, it appears to us that there is no power to exclude the public from State forest in this way. Your Department has relied on s 18 of the *Forests Act*, which is merely the power to [protect State forests and to control and manage them](#). Any suggestion that this general power authorises the specific action of depriving the public of the freedom to be in State-owned forest would violate long-established legal principles.

It has also come to our attention that a number of persons have had their personal property taken by Departmental officers without any warrant to do so, and that some of this property was burnt.

We seek your immediate assurance that you will take steps to investigate what appears to have been unlawful conduct, and to ensure that your Department and its officers respect the liberties of Victorians, including the liberty to be in the forest which is theirs.

Yours sincerely,

Chris Maxwell
President

President	Vice Presidents	Secretary	Treasurer	Immed. Past
President Chris Maxwell QC	Greg Connellan Jamie Gardiner	Mark Moshinsky Assist. Secretary Anne O'Rourke	Sarah Porritt Assist. Treasurer Elizabeth Brimer	Felicity Hampel SC
Committee Julian Burnside QC Prof Marcia Neave Kris Walker	Liz Curran Michael Pearce Remy van de Wiel QC	Ian Dunn Mark Picton	Mark Harris Remy Punshon SC	John Manetta Brian Walters SC