

## LEGISLATIVE COUNCIL

FORESTS LEGISLATION AMENDMENT (COMPLIANCE AND ENFORCEMENT)  
BILL 2019(Amendments to be proposed in Committee by Mr DAVIS)

1. Clause 4, line 23, after "not" insert "intentionally or recklessly".
2. Clause 4, page 4, lines 1 to 8, omit all words and expressions on these lines and insert—  

**"Note**

In a prosecution for an offence against this section, the prosecution bears the onus of proof, being beyond reasonable doubt—see section 141(1) of the **Evidence Act 2008**."
3. Clause 4, page 5, lines 1 to 9, omit all words and expressions on these lines.
4. Clause 4, page 5, lines 12 to 18, omit all words and expressions on these lines and insert—  

"(1) If—

  - (a) a VicForests contractor contravenes section 45(1), or engages in any conduct that would, if engaged in by VicForests, contravene section 45(1); and
  - (b) at the time of engaging in the conduct, the VicForests contractor is acting—
    - (i) within the scope of the contractor's actual or apparent authority under any agreement with VicForests for the harvesting and sale of timber resources or the harvesting or sale of timber resources; and
    - (ii) with the consent or agreement (whether express or implied) of VicForests—

VicForests is taken to have contravened section 45(1)."
5. Clause 9, line 13, after "to" insert "any of the following persons if the authorised officer reasonably believes a contravention has occurred".
6. Clause 9, page 12, line 2, omit "transmission." and insert "transmission; or".
7. Clause 9, page 12, after line 2 insert—  

"(c) by hand."
8. Clause 13, line 7, after "not" insert "intentionally or recklessly".