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Mr Chris Lovell  
Chair  
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Dear Mr Lovell

Thank you for our discussion on 4 October 2021 regarding the costs awarded to VicForests against MyEnvironment Inc by the Supreme Court on 17 March 2015.

MyEnvironment Inc is listed as a registered charity on the Australian Charities and Not-For-Profits Commission register on which it last reported it had just over \$3,600 in equity. I am also advised by my department that it is not aware of any similar cost enforcement actions having been taken by a State entity against a charity.

While I acknowledge the increasingly challenging litigation environment for VicForests, I am mindful that as a State-owned enterprise, there is a requirement to comply with the State's Model Litigant Guidelines. Amongst others, these include obligations to deal with claims promptly and to not take advantage of claimants who lack the resources to litigate a legitimate claim.

I am advised that enforcement of the debt is now beyond the statutory limitation period of 6 years. VicForests will need to seek leave of the Court to pursue enforcement and it would be open to MyEnvironment Inc to defend against the leave being sought.

I am therefore of the view that pursuit of these costs by VicForests would likely be protracted, expensive, of uncertain outcome and not in the best interests of the Victorian Government.

Yours sincerely



**The Hon. Mary-Anne Thomas MP**  
Minister for Agriculture