

# *Independent Review of the Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 – 2009-2014*

*A report to the Commonwealth of Australia and the State of Victoria, to be tabled in the Australian Parliament in accordance with the Scoping Agreement for the third five-yearly review of the Victorian Regional Forest Agreements*

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Independent Reviewer  
February 2018

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Dear Ministers

I submit this review in accordance with the Terms of Reference laid down in the Scoping Agreement between the Commonwealth of Australia and the State of Victoria dated 7 May 2016 for the third five-yearly review of progress with the implementation of the Victorian Regional Forest Agreements, covering the period 2009-2014.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Graham Wilkinson', is displayed on a light green rectangular background.

Graham Wilkinson B.Sc.(For) Hons, M.Sc., RPF, FIFA

Independent Reviewer

28 February 2018

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## ACRONYMS and ABBREVIATIONS

CAR reserve system	Comprehensive, Adequate and Representative reserve system
CH	Central Highlands RFA
Code	Code of Practice for Timber Production 2007 (or predecessors)
Commonwealth	Commonwealth of Australia
CRA	Comprehensive Regional Assessment
DELWP	Department of Environment, Land, Water and Planning (Victoria)
DEPI	Department of Environment and Primary Industries (Victoria)
Draft Report	A Draft Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) for Periods 1 & 2
Eastern Victoria	Area of Victoria east of the Hume Highway
EG	East Gippsland RFA
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
ESP Act	Endangered Species Protection Act 1992 (Cwth)
Final Report	Final Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) for Periods 1 & 2
FFG Act	Flora and Fauna Guarantee Act 1988 (Vic)
FMA	Forest Management Area
G	Gippsland RFA
GLaWAC	Gunaikurnai Land and Waters Aboriginal Corporation
IFPS	Integrated Forest Planning System
LCC	Land Conservation Council
MIG	Montréal Process Implementation Group
NE	North East RFA
NRE	Department of Natural Resources and Environment (Victoria)
Period 1	Period of the first five-yearly review to 30 June 2004
Period 2	Period of second five-yearly review (1 July 2004 to 30 June 2009)
Period 3	Period of third five-yearly review (1 July 2009 to 30 June 2014)
Report of the Parties	<i>Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) Period 3: 2009-2014</i>
RFA	Regional Forest Agreement
RNE	Register of the National Estate
RSA	Recognition and Settlement Agreement
SFRI	State-wide Forest Resource Inventory
SFT Act	Sustainable Forests (Timber) Act 2004 (Vic)
SMZ	Special Management Zone
SPZ	Special Protection Zone
VEAC	Victorian Environmental Assessment Council
VicFISAP	Victorian Forest Industry Structural Adjustment Program
VFMP	Victorian Forest Monitoring Program
W	West Victoria RFA
Western Victoria	Area of Victoria west of the Hume Highway

## 1 Summary

This report presents the findings of an independent review of the report on progress with the implementation of the Victorian Regional Forest Agreements (RFAs) for the third five-year period (2009-2014)<sup>1</sup>, and public submissions received on that report.

The review has found that considerable progress has been made by Victoria towards the achievement of the commitments in the five RFAs. A total of 123 commitments was achieved or completed during the reporting period, 33 were partially achieved or in progress, 34 were not achieved, 67 were not relevant or applicable to Period 3 and 11 were categorised as “not demonstrated” due to a change in reporting methods or insufficient information.

A summary of progress with individual milestones and commitments in the Victorian RFAs is provided in Appendix 1 of this report. A summary of progress by major subject headings is provided in Table 1 below.

The Parties have made progress with the actions arising from the Joint Government Response to the 15 recommendations of the Independent Reviewer for Periods 1 & 2 as follows: nine actions were completed and six are not yet fully completed (see Table 2 below).

A total of 426 submissions was received from stakeholders. The majority of these submissions (80%) were based on form letters that were highly critical of the RFAs.

The Independent Reviewer has made 14 recommendations for the Parties to consider for the ongoing improvement of outcomes under current and any future Victorian RFAs.

The main issues raised in submissions and key findings of the review are summarised below.

### ***Main issues raised in public submissions***

The predominant issues raised in public submissions were as follows-

1. The Victorian RFAs have failed to protect the full range of environmental, social, economic and heritage values
2. The RFAs should not be extended
3. The five-yearly review is overdue
4. End native forest logging industry’s ‘exemption’ from the EPBC Act
5. Strengthen management prescriptions for threatened species
6. Make substantial additions to the formal reserve system
7. End native forest logging and transition the industry to plantations
8. Higher priority should be given to other forest uses, such as conservation, recreation, tourism, agriculture, water and carbon/climate change
9. Clearfelling has significant detrimental impacts on environmental and conservation values and the regeneration has higher risk of burning at significantly higher severity
10. The native forestry industry is not economically sustainable and survives through taxpayer subsidies

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<sup>1</sup> (DELWP, 2017)

11. The Mountain Ash forests and Leadbeater's Possums are critically endangered and the reserve system is inadequate
12. The Victorian government's reviews of forest management plans and zoning over the past 15 years have been inadequate
13. Logging exceeds sustained yield and the RFAs provide no flexibility to deal with the loss of timber resources through natural disturbances like fire
14. The native forest industry supports very few jobs
15. Victoria's procedures and practices are defective and non-compliant and enforcement is inadequate
16. Native forests are important for multiple use activities
17. Further reservation of forests has undermined the RFAs' objective of resource security.

### ***Key findings of the review***

#### **Potential extension of the RFAs**

- Extension of the RFAs was, in general, supported by the forest industry but strongly rejected by those opposed to the logging of native forests in its current form.
- There was a general view that if the RFAs are to be extended then greater weight must be given to the full range of environmental, social and economic benefits and impacts.

#### **The Agreement and Relationship to Statutory Obligations**

- Victoria has a comprehensive forest management system to implement the RFAs. However, the community has widely differing views with respect to desired outcomes from the native forests, and these competing views continue to cause debate and conflict over the management of the forests.
- There is a widely held perception that threatened species are not adequately protected because of the 'exemption' of RFA forestry operations from the requirements of the *Environment Protection and Biodiversity Conservation Act 1999*, with the implication that environmental protection is consequently set aside or inadequate.
- Some significant changes have been made without formal amendment of the RFAs, including provisions that relate to National Estate; the CAR Reserve System; threatened species; sustained yield; forest planning and inventory; management of data; and pest control. The RFAs should be kept up to date in relation to new information, policies and priorities. However, changes to the agreed provisions of the RFAs without a formal, transparent process of amendment only serve to undermine the confidence and trust that stakeholders may have in the integrity and security of the agreements.

### **Five yearly review/report on performance**

- The Report of the Parties for Period 3 is comprehensive and it provides an accurate account of progress against the milestones and commitments within the RFAs. There are some information gaps in the Report and differences between the Parties and the Independent Reviewer with respect to the assessment of performance. These matters can be transparently addressed through the Joint Government Response to the review.
- Concerns continue to be raised about the failure to meet the reporting timelines in the RFAs.

### **Ecologically sustainable forest management**

- Many submissions contended that the Victorian RFAs have failed to achieve acceptable environmental, social and economic outcomes. Those opposed to the logging of native forests raised concerns about its impacts on threatened species, wildfire risk and other values such as tourism and climate change mitigation. There were also concerns that the native forest industry employed few people, was heavily subsidised and was not economically viable. In contrast, those in support of native forest logging argued that the RFAs have delivered a reasonable balance, although the industry submitted that the RFAs have not delivered resource security, which has constrained investment.
- Many submissions advocated that higher priority should be given to the management of forests for non-timber services and uses such as conservation, recreation, tourism, agriculture, water and carbon.

### **Governance and implementation**

- Victoria continued to make changes to the governance arrangements for public native forestry in Period 3.
- Many stakeholders hold the view that the planning and enforcement framework is not adequate, particularly in relation to the management of threatened species. Stakeholders also expressed concerns that VicForests has little flexibility to negotiate with local communities and amend logging schedules, particularly in areas where there is local opposition to logging.
- Some submissions contended that the current arrangements presented a conflict of interest between DELWP as a government regulator and VicForests as a government-owned business.

### **Monitoring and Reporting**

- Victoria has a comprehensive system for reporting on sustainability indicators under the Montréal Process, including the monitoring of forest biodiversity and condition.
- Effective systems are in place for monitoring forestry operations, including regeneration activities. However, the format for reporting on regeneration outcomes has been inconsistent and confusing.

- There is no systematic process for monitoring and reporting the extent to which the objectives of management within the CAR reserves are being achieved.

#### **Private Land**

- The Report of the Parties explains how the code of practice is applied to timber production activity on private land. However, there is little information in relation to the extent and effectiveness of other mechanisms for the protection of nature conservation values on private land, such as programs to maintain or enhance the condition and health of private forests and their associated biodiversity and catchment values.
- In general, the Report presents very little information on the role and relative contribution of private forests to ESFM and the broader objectives of the RFAs.

#### **Threatened Flora and Fauna**

- The commitments relating to threatened flora and fauna were largely achieved.
- However, most submissions contended that the planning processes used to protect threatened species, in particular Leadbeater's Possum, were not adequate.
- The timber industry submitted the view that the current coupe-based management approach for threatened species was inefficient, with serious implications for access to resource. It advocated a landscape approach to the management of biodiversity.
- Additional Action Statements and Recovery plans were completed in Period 3 but the Report of the Parties does not provide a summary of overall progress with the completion of statements and plans for listed species. Similarly, the Report does not contain information on the extent to which the recommended actions in Actions Statements and Recovery Plans were completed or significantly advanced in the reporting period.

#### **The CAR Reserve System**

- The CAR Reserve System increased by 45 000 hectares in the East Gippsland RFA region and 170 hectares in the North East RFA region in Period 3. Whilst the additional reservation may be viewed in a positive light as an 'over-achievement' for the CAR Reserve System, it is technically non-compliant with the RFAs since there was no formal agreement between the Parties to amend the relevant clauses of the RFAs.
- The majority of submissions called for more forests to be placed in reserves. However, there was no information in the Report of the Parties or submissions about whether management objectives were being effectively achieved within the existing forest reserves.

### **Supply of timber resources**

- From the Report of the Parties it is not possible to clearly compare levels of supply in Period 3 with those prescribed in the RFAs. This is due to changes in the previous period to the allocated quantity and method of allocating supply, neither of which were subject to agreement in writing by the Parties and formal amendment of the RFAs.

### **Industry Development**

- The Report of the Parties provides evidence of a continuing commitment to the development of the timber industry. However, the objective of providing enhanced resource security was undermined by continuing uncertainty over the supply of timber due to a number of factors, including wildfires and further reduction in the area of State forest available for wood production in East Gippsland and North East.

### **Cultural Heritage**

- Processes are in place for consultation with the Aboriginal community and for the management of Aboriginal and non-Aboriginal heritage. However, the Report of the Parties contains no information on how the outcomes achieved through these processes are assessed and reported.

### **Research**

- The Report of the Parties provides evidence of a continuing commitment to research and development.

**Table 1. Summary of progress with the implementation of the RFAs in Period 3<sup>2</sup>**

Provisions of RFA	Achieved	Partially achieved <sup>3</sup>	Not achieved	NA <sup>4</sup>	ND <sup>5</sup>
Duration of Agreement		5			
Relationship to statutory obligations	18		12	7	
Milestones				5	
Five-yearly review		5			
Ecologically sustainable forest management	5				
Monitoring, reporting and consultative mechanisms	17		4	12	6
Development of sustainability indicators				5	
Private land	5				
Threatened flora and fauna	7	14	5		
Water				2	
CAR Reserve System	6	1	4	8	
Industry development	16	4	3	7	5
Indigenous heritage	1	4			
Plantations				1	
Other forest uses	20			3	
Competition principles	5				
Research	5				
Funding	2				
Data agreement			4	1	
Legally binding provisions	16		2	16	
<b>TOTAL</b>	<b>123</b>	<b>33</b>	<b>34</b>	<b>67</b>	<b>11</b>

<sup>2</sup> The number of commitments, as assessed for each RFA by the Independent Reviewer.

<sup>3</sup> Includes obligations that are in progress and/or not completely met

<sup>4</sup> NA – not applicable (previously met in Periods 1 & 2 and/or not relevant or applicable in Period 3)

<sup>5</sup> ND – not demonstrated due to a change in reporting methods or insufficient information in the Report of the Parties

**Table 2. Summary of progress with the implementation of the Joint Government Response to the recommendations of the Independent Reviewer for Periods 1 & 2**

<b>Rec. No.</b>	<b>Joint Gov't response/action</b>	<b>Progress</b>
C1	The Parties will make any required amendments of the RFAs as part of the process for extending the Victorian RFAs	Not yet achieved
C2	The Parties will extend the RFAs, to provide resource security and a stable investment environment for the forest industry and establish appropriate and timely reporting arrangements.	Not yet achieved
C3	The Parties will determine the mechanism and timing for the five-yearly reviews before the end of the five-year period	Not fully achieved
C4	The Parties will make any required changes to the West Victoria RFA as part of the process for extending the Victorian RFAs	Not yet achieved
C5	The Victorian Government will give priority to monitoring and measuring the sustainability indicators that are most practical, cost-effective and capable of being implemented at the regional level	Achieved
C6	The Victorian Government will continue to assess and improve its sustainability indicators	Achieved
C7	The Parties will endeavour to finalise the development of outstanding recovery plans required for listed species	Achieved in part
C8	[Pest plant and pest animal control programs - The Parties agreed that no action was required for this recommendation]	No additional action required
C9	The Victorian Government will consider release of the sustainability assessment for Melbourne's water catchment following review of the impacts of the 2009 fires.	Achieved
C10	The Victorian Government will review and publish the Portland-Horsham Forest Management Plan	Achieved
C11	The Parties affirm that the Victorian RFAs will provide the framework for the growth and development of forest-based industries and the basis for resource security and a stable investment environment for the forest industry	Achieved
C12	The Victorian Government will continue to pursue opportunities to complete regeneration activities and will continue to make information available to the public on those activities.	Achieved in part
C13	The Parties note that formal consultation mechanisms with Aboriginal communities in the RFA regions have been addressed through various legislative and administrative mechanisms.	No additional action required
C14	The Parties note that Victoria's legislation requires surveys for Aboriginal sites to be undertaken across all public land	No additional action required
C15	The Australian Government agrees to the continued provision of assistance to the Victorian Government through technical support from its agencies working co-operatively with Victorian agencies in the development of sustainability indicators which are practical, measurable, cost effective and capable of being implemented at the regional level.	Achieved

## 2 Recommendations

Recommendation	Section(s) of this report
Recommendation 1. The Parties consider that the versions of the RFAs and associated documents on the Commonwealth's RFA website should be copies of the signed and dated documents.	4.2.1
Recommendation 2. The Parties re-affirm their commitment to deliver transparency and certainty of outcomes under the RFAs, noting that (1) the RFAs should be regularly updated as required in response to new information and changes to operating environments; (2) all changes should follow a formal amendment process; (3) all proposed changes should be publicly released for comment; and (4) the Parties should formally consider and respond to any submission from a person who can demonstrate a direct and material disadvantage from the proposed changes.	4.2.1
Recommendation 3. The Parties consider that future reports on progress with the implementation of the RFAs should contain a summary of major changes to Victoria's forest management system, including the legislative, policy and institutional framework, and an evaluation of the impact of the changes on the provisions of the RFAs, including the Commonwealth's accreditation of Victoria's forest management system.	4.2.1, 4.20.9
Recommendation 4. The Parties seek to clarify, through the terminology in legislation and any future RFAs, the processes by which forestry operations conducted in accordance with an RFA are deemed to meet the relevant objectives of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .	4.2.5
Recommendation 5. The Parties consider amending the timeframe for completing the five-yearly reviews of the RFAs to ensure that there is sufficient time to complete the work and to report in a practical and timely manner.	4.4
Recommendation 6. The Parties address all recommendations and comments of the Independent Reviewer for the current and future five-yearly reviews by way of the Joint Government Response rather than by way of a revised progress report. The Parties consider attaching a label to the on-line versions of the progress reports to briefly explain their status, the process of review (including submissions on the report and the independent review), and to clarify that any additional information or amendments to the report are detailed in the Joint Government Response to each report.	4.4
Recommendation 7. The Parties ensure that the joint authorship of future five-yearly reports is explicitly attributed on the cover page of each report and in a suggested citation for each report.	4.4

Recommendation	Section(s) of this report
Recommendation 8. Victoria considers mechanisms to clarify, in law, policy and public information, the role and contribution of forests outside of reserves (on both public and private land) to the conservation of biodiversity.	4.5, 4.8
Recommendation 9. The Victorian Government considers how it may improve the quality assurance system used for the management of forests in reserves to ensure that the objectives of forest management are being systematically monitored, evaluated and reported.	4.5, 4.6.4, 4.6.7
Recommendation 10. The Parties consider including in future five-yearly reports a summary of cumulative progress with completion of Action Statements and Recovery Plans for species and ecological communities found in the Victorian RFA regions that are listed under both the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwth) and the <i>Flora and Fauna Guarantee Act 1988</i> (Vic).	4.9.3
Recommendation 11. The Parties consider a mechanism for transparent periodic reporting on the extent to which the recommended actions in Actions Statements and Recovery Plans are implemented.	4.9.4
Recommendation 12. Victoria considers ways to improve the manner in which regeneration success is reported, including ensuring that coupe-level information is transparently available to the public.	4.12.8
Recommendation 13. The Parties consider providing a more systematic report on work done and changes to the relative priority of research themes and topics identified in the RFAs, as well as new priorities.	4.17
Recommendation 14. Noting that (1) the data layers used to develop the RFAs have not been archived and managed in accordance with the provisions of the RFAs, other than for the East Gippsland RFA; and (2) the Parties have reported that it is not possible to achieve this commitment for the four outstanding RFAs; the Parties consider removing this requirement by amending the RFAs.	4.19

### 3 Background and process for the third five-yearly review

The State of Victoria and the Commonwealth of Australia (the Parties) entered into five Regional Forest Agreements (RFAs) between February 1997 and March 2000, as follows-

East Gippsland (EG) <sup>6</sup>	3 February 1997 <sup>7</sup>
Central Highlands (CH) <sup>8</sup>	27 March 1998
North East (NE) <sup>9</sup>	9 August 1999
West Victoria (W) <sup>10</sup>	31 March 2000
Gippsland (G) <sup>11</sup>	31 March 2000

These 20 year agreements establish the framework for the conservation and sustainable management of forests within each of the five Victorian RFA regions. The main objectives of the Victorian RFAs are:

- to identify a Comprehensive, Adequate and Representative (CAR) reserve system and provide for the conservation of those areas
- to provide for the ecologically sustainable management and use of forests in each RFA region, and
- to provide for the long-term stability of forests and forest industries.

The RFAs provide that the Parties will undertake joint five-yearly reviews of performance against the milestones and commitments made in the Agreement. No review was undertaken at the end of the first five-year period of each RFA. Instead, a combined review was undertaken to cover the first and second five-year periods (i.e. between the date the RFAs were signed and 30 June 2004 (Period 1), and between 1 July 2004 and 30 June 2009 (Period 2)<sup>12</sup>. The draft report, and comments received on the draft report, were subject to an independent review by Ms Leanne Wallace. Ms Wallace's report<sup>13</sup> was tabled in the Parliament of Australia on 28 September 2010. The Joint Government Response<sup>14</sup> to the recommendations in her report was tabled in the Parliament of Australia on 16 April 2015.

The process for conducting the third five-yearly review was agreed by the Parties under a Scoping Agreement signed on 7 May 2016<sup>15</sup> (see Attachment 1 of this report). In summary, the process involves the following steps-

- The Parties prepare a report on (1) progress with implementation of the Victorian RFAs for those milestones and commitments that are ongoing or had not been completed prior to Period 3 of the RFAs (1 July 2009 to 30 June 2014); and (2)

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<sup>6</sup> (Commonwealth of Australia and the State of Victoria, 1997)

<sup>7</sup> The RFA for East Gippsland was amended on 20 January 2017 to extend the duration of the Agreement to 27 March 2018

<sup>8</sup> (Commonwealth of Australia and the State of Victoria, 1998)

<sup>9</sup> (Commonwealth of Australia and the State of Victoria, 1999)

<sup>10</sup> (Commonwealth of Australia and the State of Victoria, 2000b)

<sup>11</sup> (Commonwealth of Australia and the State of Victoria, 2000a)

<sup>12</sup> (State of Victoria and Commonwealth of Australia, 2009), (DEPI, 2014d)

<sup>13</sup> (Wallace, 2010)

<sup>14</sup> (DEPI, 2014e)

<sup>15</sup> (The Commonwealth of Australia and the State of Victoria, 2016)

progress with the implementation of the Joint Government Response to the recommendations of the Independent Reviewer<sup>16</sup> on the report of progress with implementation of the RFAs in Periods 1 and 2.

- Public submissions are sought on the report
- The Parties appoint an Independent Reviewer to review the report and the public submissions and to provide a report to the Parties; the report is tabled in the Australian Parliament
- The Parties prepare a Joint Government Response to the report of the Independent Reviewer and the response is tabled in the Australian Parliament.

The third five-yearly report<sup>17</sup> was released for public comment for an eight-week period, from 6 December 2017 to 29 January 2018. A total of 426 submissions was received (see section 6 of this report).

The Parties jointly appointed Mr Graham Wilkinson to undertake the independent review according to the terms of reference laid down in Attachment 2 of the Scoping Agreement. In summary, the role of the Independent Reviewer was to-

- Review the report prepared by the Parties on progress with the implementation of the Victorian RFAs for Period 3 (2009-2014) with respect to the agreed milestones, commitments and obligations
- Review submissions from the public relevant to the progress report
- Provide a written report to the Australian and Victorian ministers responsible for RFAs, which-
  - Provides comment on the progress report for Period 3 and any specific recommendations on implementation of the Victorian RFAs
  - Summarises the key issues identified in the public submissions and lists the names/organisations who made public submissions, where consent to do so is provided.
  - Noting the policy framework as established by the National Forest Policy Statement, identify any additional issues that could be considered for the continued implementation of the Victorian RFAs.

The Independent Reviewer used the following sources of information to undertake the review-

1. The progress report by the Parties for Period 3 (Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) Period 3: 2009-2014)<sup>18</sup>.
2. Public submissions received (section 6 of this report)

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<sup>16</sup> (Wallace, 2010)

<sup>17</sup> (DELWP, 2017)

<sup>18</sup> (DELWP, 2017)

3. Other documents as cited in this report (section 7 of this report)
4. Internal guidelines, procedures etc. available via departmental websites
5. Information provided by officers of the Commonwealth and Victorian Governments in response to requests for clarification of items in the progress report. This information was largely gathered during a meeting with officers on 8 February 2018.

Progress with each of the commitments and milestones in the RFAs was assessed as follows-

- Achieved
- Achieved in part (incomplete, achieved outside of the timeframe, or still in progress)
- Not achieved
- NA (not applicable - includes obligations that were previously met in Periods 1 & 2 and/or are not relevant, applicable or invoked in Period 3)
- ND (not demonstrated due to a change in reporting methods or insufficient information in the Report of the Parties)

Differences between the assessments made by the Parties and the Independent Reviewer (and, in some cases, differences between the Independent Reviewer for Period 1&2 and the Independent Reviewer for Period 3) are largely a matter of technical interpretation, as noted in the comments for individual milestones/commitments.

## 4 Progress with milestones and obligations

### 4.1 Duration of Agreement

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The process for extending the Agreement for a further period will be determined jointly by the Parties as part of the third five yearly review.	EG - 5 CH - 6 NE - 6 W - 6 G - 6	In progress	In progress

#### Report of the Parties

This commitment is in progress. Implementation of this commitment will be addressed bi-laterally by the Parties during this third five-yearly review of implementation of the Victorian RFAs. During this five-yearly review, the Parties amended the East Gippsland RFA to extend it for 13 months to 27 March 2018, which lines up the expiry date with the Central Highlands RFA.

#### Issues raised in public submissions

Many submissions argued that the RFAs should not be extended (Issue 2), with several echoing the view of submission 309 that “the public has lost confidence in RFA agreements”.

In contrast, eight submissions (373, 387, 391, 394, 418, 419, 423, 424) supported the extension of the RFAs as a means as a means of clarifying the roles and responsibilities of parties and providing security for investment and regional employment. These submissions were mainly from industry groups and two local government bodies (it was notable that no local government bodies made representations opposed to the extension of RFAs).

Virtually all submissions that commented on the potential extension of the RFAs argued that if they are to be extended then greater weight must be given to the full range of environmental, social and economic factors, as well as other conditions, including –

- a rigorous, robust, transparent and independent review of the effectiveness of the RFAs against the objectives of the EPBC Act ( Submission 376)
- a guarantee of no net reduction in resource volumes (Submission 387)
- an assessment of performance across all relevant land tenures (including National Parks) (Submissions 387 and 394)
- a single system for regulatory obligations and compliance (Submissions 394 and 420).
- Provision for addressing the costs and benefits of other sectors, including tourism (Submissions 418 and 424).

Submission 419 provided a comprehensive set of recommendations to improve the effectiveness of future RFAs, covering issues such as- investment in silvicultural research; extending the mandate of VicForests to allow it to manage for a wider range of benefits; creating new partnerships between forest managers, researchers and policy makers to better manage climate change; increased investment in the Victorian Forest Monitoring System; better public communication strategies for forest management; improved arrangements for collaborative management with aboriginal communities; investment in farm forestry; investment in plantation forestry to meet climate policy objectives; focus biodiversity conservation efforts on dynamic approaches that recognise climate change impacts and that integrate with timber and agricultural production and other uses; and increase investment in forest research and higher education to ensure that Victoria has the knowledge base for future management and the capacity for innovation and professional management of future forests.

### **Comments of the Independent Reviewer**

The commitment to extend the RFAs is in progress. Specific recommendations are made elsewhere in this report to improve the integrity and effectiveness of any future RFAs and associated performance reports.

## 4.2 Relationship to statutory obligations

### 4.2.1 Changes to the Agreements

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
This Agreement may only be amended with the consent, in writing, of both Parties. Parties agree to work cooperatively to address any differences between them as to the interpretation or implementation of the Agreement. [EG - 24 only- Such differences will be raised in writing by the concerned party. The Agreement will cease to operate only on notification in writing]	EG - 24 CH - 8 NE - 8 W - 8 G - 8	No report	Not achieved

#### Report of the Parties

The Report of the Parties does not cover these clauses.

#### Issues raised in public submissions

No relevant comments were submitted.

#### Comments of the Independent Reviewer

This obligation has not been achieved.

Some key changes have been made during the life of the RFAs<sup>19</sup> without formal amendment, including the following-

1. *National Estate* – Relevant clauses of the RFAs (see section 4.11.3 of this report) prescribe that the National Estate will be managed as detailed in the attachments to each RFA. The Report of the Parties notes that the provisions laid down in the attachments were “overtaken by events” as a result of changes to heritage protection agreed by the Council of Australian Governments (COAG) in 1997, which led to changes to Commonwealth legislation. However, the progress reports for Periods 1 & 2 and 3 do not state whether these changes delivered outcomes consistent with the provisions of the RFAs. The setting aside of these clauses does not appear to have been done through amendment of the RFAs pursuant to Clause 8 (CH, NE, W, G) and Clause 24 (EG) and is therefore, in the opinion of the Independent Reviewer, technically non-compliant with the RFAs.
2. *Additions to the CAR Reserve System* - In Period 3, the Victorian Government enacted the *Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009* to add over 45 000 hectares of State forest to the conservation reserve system in East Gippsland. A further 170 hectares of State forest and public land was added to the

<sup>19</sup> Most of these changes were initiated in Periods 1 & 2 however they are relevant to Period 3 because they have ongoing implications for compliance with the provisions of the RFAs

'Dedicated Reserves' component of the CAR reserve system in the North East RFA region. Further additions to the CAR Reserve System were agreed by the Victorian Government in April 2014, although these were made subsequent to Period 3. Whilst the additional reservation may be viewed in a positive light as an 'over-achievement' for the CAR Reserve System, it is technically non-compliant with the RFAs since there was no agreement between the Parties pursuant to Clauses EG – 24 and NE – 8 to amend the CAR Reserve System defined in Clauses EG – 48 & Attachment 1 and NE - 62 & Attachment 1 (see section 4.11.2 of this report).

3. *Threatened Fauna and Flora* - The intent of clauses EG43, CH55, NE55, W56 and G56 was set aside by virtue of the replacement of the *Endangered Species Act 1992* (Cwth) with the more onerous *Environment Protection and Biodiversity Conservation Act 1999* (Cwth)<sup>20</sup> (see section 4.9 of this report). The action by one party to introduce such changes undermines the degree of certainty originally intended by the RFAs with respect to these matters. For clarity, the RFAs should have been amended to formally address the requirements of new legislation, especially where the new legislation is potentially at odds with the intent of the RFAs and specifically Clause 19 (G, CH, NE and W) and Clause 10 (EG) (*Neither Party will seek to use existing or future legislation to undermine or impede this Agreement*).
4. *Basis for sustained yield* - Since the signing of the RFAs, Victoria has replaced the volume-based timber allocation system with an area-based allocation system. This constitutes a significant change to the manner in which the sustained yield is prescribed and monitored. Such changes should have been addressed through formal amendment of the RFAs (see section 4.12.5).
5. *Implementation of the Integrated Forest Planning System and State-wide Forest Resource Inventory in the West Victoria RFA region* - The Report of the Parties explains that governmental policy changes in 2002 "negated the value of implementing the Integrated Forest Planning System and SFRI in the West Victoria RFA region". However, the setting aside of this milestone for the West Victoria RFA appears to have been made without agreement in writing between the Parties and without amendment of the RFA (see sections 4.6.9, 4.12.7 and 4.20.6 of this report).
6. *Omission to archive and manage the data layers used to develop the RFAs* – The data layers have not been archived and managed in accordance with the RFAs, other than for the East Gippsland RFA. The Parties have reported that this milestone (which was due within six months of the signing of the RFAs) for the four outstanding RFAs is not possible. The inability to achieve this provision of the RFAs should have been formally acknowledged by the Parties by way of amendment of the RFAs (see section 4.19 of this report).
7. *Adoption of an alternative approach for pest control* - The Report of the Parties notes that "the Victorian Government is applying a new approach to protecting key natural

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<sup>20</sup> The Report of the Parties states – "In 1999, the EPBC Act introduced altered and additional requirements for national Recovery Plans compared to the superseded Endangered Species Protection Act. As a consequence, the Action Statements prepared under the FFG Act could no longer meet the requirements of Commonwealth environmental law".

assets on public land from invasive plants and animals”. It is not clear from the documentation whether the new approach is consistent with the Clauses EG-46, CH-59, NE-59, W-60 and G-60 with respect to being “in accordance with the relevant Forest Management Plan” or “within the framework established by the relevant Catchment Management Authority”. If not, then amendment of these clauses by the Parties would have provided greater clarity and transparency (see section 4.9.5 of this report).

It is inevitable over the time span of 20-year agreements that amendments will be required to reflect new information and changes in legal, socio-political and administrative frameworks. It is also acknowledged that not all of the provisions of the RFAs are ‘legally binding’. However, changes to the agreed provisions of the RFAs without a formal, transparent process of amendment only serve to undermine the confidence and trust that stakeholders may have in the integrity and security of the agreements.

The Independent Reviewer commends the very comprehensive resource of all RFA documents on the Commonwealth’s RFA website. However, it is noted that the web-based copies of the Agreements are not signed and dated versions. This situation applies not only to the Victorian RFAs but also to the RFAs for the other States. In a similar vein, the website copy of Amendment No. 1 to the EG RFA<sup>21</sup> shows that it was dated and signed by the Commonwealth but there is no signature for Victoria. In contrast, the website provides the fully signed and dated copy of the Scoping Agreement for the third five-yearly review<sup>22</sup>. In the interests of transparency and to remove doubt, it would be desirable for the Commonwealth’s RFA website to provide copies of the signed and dated documents.

**Recommendation 1. The Parties consider that the versions of the RFAs and associated documents on the Commonwealth’s RFA website should be copies of the signed and dated documents.**

**Recommendation 2. The Parties re-affirm their commitment to deliver transparency and certainty of outcomes under the RFAs, noting that (1) the RFAs should be regularly updated as required in response to new information and changes to operating environments; (2) all changes should follow a formal amendment process; (3) all proposed changes should be publicly released for comment; and (4) the Parties should formally consider and respond to any submission from a person who can demonstrate a direct and material disadvantage from the proposed changes.**

**Recommendation 3. The Parties consider that future reports on progress with the implementation of the RFAs should contain a summary of major changes to Victoria’s forest management system, including the legislative, policy and institutional framework, and an evaluation of the impact of the changes on the provisions of the RFAs, including the Commonwealth’s accreditation of Victoria’s forest management system.**

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<sup>21</sup> (State of Victoria and Commonwealth of Australia, 2017)

<sup>22</sup> (The Commonwealth of Australia and the State of Victoria, 2016)

#### 4.2.2 Existing and future legislation not to impede Agreement

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Neither Party will seek to use existing or future legislation to undermine or impede this Agreement.	EG - 10 CH - 19 NE - 19 W - 19 G - 19	Not reported	Partially achieved

#### Report of the Parties

This commitment was not addressed in the report of the Parties.

#### Issues raised in public submissions

This commitment was not specifically raised in any submissions.

#### Comments of the Independent Reviewer

This commitment was met in Period 3 for the RFAs for Central Highlands, West Victoria and Gippsland but it can be argued that it was not met for East Gippsland and North-East because Victoria used legislation (*Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009*) to add over 45 000 hectares of State forest to the conservation reserve system in East Gippsland. A further 170 hectares of State forest and public land was added to the 'Dedicated Reserves' component of the CAR reserve system in the North East RFA region. The reduction in the area of State forest available for wood production potentially undermines or impedes the achievement of other commitments in the RFAs, notably the security of supply to the timber industry as laid down in Clauses EG – 53<sup>23</sup> and NE- 68<sup>24</sup> (see sections 4.11 and 4.12 of this report).

#### 4.2.3 National Estate

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties will manage their respective responsibilities with regard to the National Estate in accordance with the provisions of this Agreement as detailed in the RFA Attachment.	EG - 12 CH - 21 NE - 21 W - 21 G - 21	This commitment has been overtaken by events	Partially achieved

<sup>23</sup> "Parties will facilitate industry development through enhanced resource certainty, recognising that a purpose of this Agreement is to provide long term stability of forests and forest industries...."

<sup>24</sup> "....The Parties intend that this Agreement will enhance opportunities for further growth and development of forest-based industries in the RFA region and provide long term stability for these industries. The Parties therefore acknowledge that this Agreement must provide enhanced security of access to resources on forested land for the life of the Agreement...."

## Report of the Parties

This commitment has been overtaken by events. In 2003, the then Australian Government repealed the *Australian Heritage Commission Act 1975* (Cwth) and amended the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth) (EPBC Act) to provide for a National Heritage List to replace the Register of the National Estate (RNE).

## Issues raised in public submissions

This commitment was not specifically raised in any submissions.

## Comments of the Independent Reviewer

This commitment has been partially achieved.

Progress towards the obligations in the RFAs is provided in Appendix 3 of the Report of the Parties and can be summarised as follows-

- Ten provisions constitute statements for which no update is necessary (provisions 1, 2, 3, 8, 10, 12, 13, 14, 15, 16)
- Four provisions have been “overtaken by events” (i.e. changes to the legislative framework for National Estate/national heritage values) and are therefore no longer strictly relevant or capable of being implemented (provisions 4, 6, 7, 9)
- One provision has not been fully implemented (provision 5<sup>25</sup>).

The setting aside of Clause 21 (CH, NE, W and G) and Clause 12 (EG) do not appear to have been done through amendment of the RFAs pursuant to Clause 8 (CH, NE, W and G) and Clause 24 (EG) respectively. This, in the opinion of the Independent Reviewer, constitutes a technical non-compliance with the provisions of the RFAs (see comments relating to the amendment of the RFAs under section 4.2.1 of this report).

### 4.2.4 Endangered species

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Commonwealth notes that its obligations to promote endangered species protection will involve ongoing cooperative work with Victorian agencies concerning the RFA region.	EG - 15 CH - 25 NE - 25 W - 25 G - 25	Achieved	Achieved

## Report of the Parties

This ongoing commitment was met during Period 3.

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<sup>25</sup> State-wide guidelines for the management of cultural heritage values in forests, parks and reserves have not been jointly agreed.

### **Issues raised in public submissions**

Many submissions called for strengthened management prescriptions for threatened species (Issue 5), with several raising specific concerns about the ongoing threat to specific species such as Leadbeater's Possum (Issue 11). Eight submissions (74, 120, 228, 311, 325, 327, 328, 380) argued that most assessments are based on desktop surveys with inadequate field checks. Submission 380 stated that communities are being relied upon to undertake biodiversity conservation studies that should be done by the state government and VicForests. Submissions CTS 3 and 228 contended that the recommendations relating to improved threatened species outcomes, from the previous RFA five-yearly review in 2009, have still not been adopted. Submission 24 alleged "systemic failure by VicForests to apply the mandatory actions of the Code given the recorded number of breaches of logging protected forests and logging where endangered and vulnerable species are present".

Industry groups (Submissions 387, 394) raised concerns about the current approach to the management of threatened species, advocating a change to a landscape approach rather than a coupe by coupe detection-based conservation strategy.

### **Comments of the Independent Reviewer**

This ongoing commitment was met during Period 3 to the extent that the Parties report that there has been ongoing cooperative work through specific statutory mechanisms (EPBC Act) and through the funding of more broadly-based programs such as Caring for Our Country (2008 – 2013) and the Biodiversity Fund of the Clean Energy Future Initiative (2011 – 2013). The Report of the Parties does not provide detailed information on the extent and effectiveness of the cooperative arrangements for the protection of endangered species within each of the RFA regions.

Several submissions contended that the planning and management processes for threatened species are defective and that enforcement is inadequate. These issues were considered in the review conducted by Victoria's Auditor-General in 2013<sup>26</sup>, which concluded "VicForests has been responsive in protecting forest values and addressing and correcting problems as they arise. DEPI has not effectively delivered all the actions it committed to for planning, delivering and reviewing its protection approach. Until recently DEPI did not have reliable information and data on how well forest values were being protected. DEPI is now seeking to address these issues". The review also reported that in relation to the protection of forest values, "VicForests is substantially complying with its regulatory obligations".

Progress with the response of the Parties to the recommendations from the independent review for Periods 1 & 2 is provided in section 5 of this report.

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<sup>26</sup> (VAGO, 2013) p. 31

#### 4.2.5 Environment Protection and Biodiversity Conservation Act 1999

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
<p><b>Milestone</b>            The Commonwealth undertakes to use its best endeavours to secure the enactment of legislation which amends the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwth) by inserting definitions of 'Forestry Operations', 'RFA Forestry Operations' and 'RFA or Regional Forest Agreement' identical to those contained in the Regional Forest Agreements Bill (Cwth) and introduce such legislation into the Parliament of the Commonwealth by 30 June 2000. The purpose of these amendments is to give effect to the Commonwealth Government's intention that Forestry Operations in RFA regions may be undertaken without approval under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwth).</p>	<p>W - 26            G - 26</p>	<p>Achieved in Period 1</p>	<p>No action required in Period 3</p>

#### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

Numerous submissions called for an end to the native forest industry's 'exemption' from national environment laws, specifically the EPBC Act (Issue 4). Several submissions argued that the critically endangered state of Leadbeater's Possum was a direct consequence of RFAs being exempt from the EPBC Act (Issue 11).

Submission 376 argued that the rationale for, and basis of, the EPBC Act "exemption" are flawed and that the RFAs have not been effective in achieving the objectives of the EPBC Act, notably in relation to the protection of threatened species.

#### Comments of the Independent Reviewer

The intent of this provision was to avoid duplication between the Commonwealth and the State of Victoria, by formally recognising the role of the RFAs in meeting the relevant objectives of the EPBC Act. However, it continues to be widely misinterpreted and criticised by some groups as providing an 'exemption' for forestry operations from the requirements of the Act, with the implication that environmental protection is therefore consequently set aside or inadequate.

The incorrect use of the term 'exemption' is acknowledged in Submission 376, which notes "technically, logging activities do not have the benefit of an exemption under the EPBC Act", the arrangement is "akin to a licence .....granted on the basis that the RFAs, CAR reserves and State forest management systems provide for ecologically sustainable timber harvesting". However, the submission goes on to use the term 'exemption' "for convenience, and because that term reflects the special treatment given to logging operations under sections 38.....".

The problematic nature of the exemption terminology was noted in the Hawke Report of 2009 (*The Australian Environment Act – Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999*)<sup>27</sup> (see Box 1). Dr Hawke recommended that the current mechanisms contained in the Act for RFAs be retained. He did not suggest any specific action to address the perception of ‘exemptions’, other than more rigorous independent performance auditing, reporting and sanctions for serious non-compliance.

**Recommendation 4. The Parties seek to clarify, through the terminology in legislation and any future RFAs, the processes by which forestry operations conducted in accordance with an RFA are deemed to meet the relevant objectives of the *Environment Protection and Biodiversity Conservation Act 1999*.**

**Box 1. Extract from the Hawke Report on the interaction between the EPBC Act and RFAs**

*10.10 The interaction between the EPBC Act and forestry operations is often referred to as an ‘exemption’. This term does not, however, accurately reflect the relationship. The rationale for the RFA provisions in the Act recognises ‘that in each RFA region a comprehensive assessment has been undertaken to address the environmental, economic and social impacts of forestry operations’. Rather than being an exemption from the Act, the establishment of RFAs (through comprehensive regional assessments) actually constitutes a form of assessment and approval for the purposes of the Act.*

*10.11 Correspondingly, like other activities assessed and approved under the Act, RFAs should be regularly monitored and audited to ensure they continue to meet the agreed conditions of that approval. The weakness in this area needs to be rectified.*

*10.12 The RFA exemption terminology is problematic. Although the RFA provisions of the Act read like an exemption, they operate akin to a licence. The problem has been that the approval has continued to operate irrespective of the extent to which the commitments contained within the agreements have been implemented, particularly in relation to environmental outcomes. The absence of transparent mechanisms to test non-compliance with RFAs and assess governments’ performance on RFA obligations causes community concern and mistrust. The lack of transparency also limits the ability of parties to verify whether core environmental commitments or ‘license conditions’ of the RFAs are being met. In the absence of such verification, the credibility and sustainability of RFAs is at risk.*

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<sup>27</sup> (Hawke, 2009)

#### 4.2.6 World Heritage

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties agree to actively investigate, and participate in, World Heritage assessment of the Australia-wide Eucalypt theme, including any potential contribution from the RFA region.	EG - 16 CH - 26 NE - 26 W - 27 G - 27	Achieved	Not invoked or required
Parties note that in order to progress work and then proceed to World Heritage nomination, the agreement of all relevant governments will be required.	EG - 17 CH - 27 NE - 27 W - 28 G - 28	Achieved	Not invoked or required
Parties agree that any potential nomination for World Heritage involving areas in the RFA region could be achieved from within the CAR reserve system.	EG - 18 CH - 28 NE - 28 W - 29 G - 29	Achieved	Not invoked or required
The Commonwealth agrees that it will give full consideration to the potential socio-economic consequences of any World Heritage nomination of places in the RFA region and that any such nomination will only occur after the fullest consultation and with agreement of the State.	CH - 29 NE - 29 W - 30 G - 30	Achieved	Not invoked or required
The Parties agree that before any World Heritage nomination is made: all necessary management arrangements, including joint policy coordination arrangements will be agreed; and all related funding issues will be resolved to the satisfaction of both Parties.	CH - 30 NE - 30 W - 31 G - 31	Achieved	Not invoked or required

#### Report of the Parties

The ongoing commitments were met during Period 3. No World Heritage nomination involving Victorian RFA regions was made during Period 3.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

These commitments were not invoked or required during Period 3.

Clause numbers EG – 16, CH – 26, NE – 26, W – 27, G – 27 were met during Periods 1 and 2 and reported on in the combined first and second five-yearly review. The remaining clauses were not required because there was no World Heritage nomination involving Victorian RFA regions made during Period 3.

#### 4.2.7 Export of hardwood woodchips or unprocessed wood

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
<p>Milestone</p> <p>The Commonwealth will, subject to the passage of amendments to the relevant regulations under the <i>Export Controls Act 1982</i>, ensure that no controls under that Act will apply to the export of hardwood woodchips or unprocessed wood sourced from the East Gippsland region while this Agreement is in place. The Commonwealth will seek passage of the relevant amendments by 30 June 1997. In the interim, licences will be issued to applicants seeking to export hardwood woodchips or unprocessed wood derived from areas within the East Gippsland region. The licences will be valid while this Agreement is in place and will not include an export volume constraint.</p>	EG - 20	Achieved in Period 1	Achieved
Parties note that no controls under the <i>Export Control Act 1982</i> will apply to hardwood woodchips or unprocessed wood sourced from the RFA region while this Agreement is in place.	CH - 32 NE - 32 W - 33 G - 33	Achieved	Achieved

#### Report of the Parties

This milestone for East Gippsland was achieved in Period 1 (April 1997) and reported on in the combined first and second five-yearly review. The ongoing commitment was met for all RFAs during Period 3

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

#### 4.2.8 Governance and implementation

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Commonwealth notes Victoria's intention to separate more clearly its commercial forestry activities within native State forests from the broader policy, strategic planning and regulatory functions associated with the management of those forests. Victoria also confirms its commitment to the ongoing implementation of its plans, codes and prescriptions relevant to the achievement of Ecologically Sustainable Forest Management (ESFM).	EG - 21 CH - 33 NE - 33 W - 34 G - 34	Achieved	Achieved

#### Report of the Parties

These ongoing commitments were met during the Period 3.

## **Issues raised in public submissions**

Several submissions contended that Victoria's procedures and practices were defective and enforcement was weak (issue 15). VicForests was criticised for a lack of compliance with legislation and regulation; a disregard for proper community consultation; a lack of public accountability; and improper practices, particularly in relation to the assessment and management of threatened species.

Several submissions called for strengthened regulatory controls, particularly in relation to the management of threatened species (Issue 5 – see section 4.2.4 of this report). Submission 228 stated that there had been “ an extraordinary number of breaches of State legislation, Code of Practice for Timber Production 2014 and Management Standards and Procedures 2014 have been recorded and reported by community groups over many years yet are not reflected in the Review”. Submission 333 advocated “the establishment of a new forest management planning division of the Victorian Civil and Administrative Tribunal with powers to modify, or order a halt to forest operations found to be non-compliant with this system”. Submission 376 argued that non-compliances with the terms of the RFAs or the objectives of the EPBC Act should result in the suspension of the ‘exemption’ under s 38 of the EPBC Act (see section 4.2.5 of this report).

Seven submissions commented on the regulatory roles and responsibilities within government. Three submissions (Submissions 297, 325, 356) contended that the current arrangements between DELWP and VicForests amounted to a conflict of interest. Submission 423 called for improved governance, arguing that “ the failure of the Victorian Government to complete their obligations can have a negative impact on the industry through public perception of the industry and its practices, as the public are not going to distinguish between industry and government responsibilities”. Submission 419 argued that the mandate for VicForests should be extended to better cater for its multiple-use responsibilities. Submissions 394 and 420 advocated a single regulator to provide a more efficient and independent system, similar to the approach used in Tasmania. Submission 114 suggested that the EPA should be given regulatory oversight of the logging sector.

Submissions CTS 1, CTS 2, 9 and 120 stated that the Victorian government's reviews of forest management plans and zoning over the last 15 years were inadequate (Issue 12). Little was provided in terms of specific deficiencies other than by Submissions 9 and 24 , which presented information and interactions with government regarding a campaign to create a large national park in the Strzelecki Ranges (Issue 6).

Submission 63 criticised the practice of leaving visual buffers along roads as dishonest and deceptive. Submission 228 stated that forest industry had no regard for the visual management guidelines.

Four submissions (256, 303, 322 and 324) alleged that forest policy in Victoria was unduly influenced by unions and political expediency.

Submission 419 contended that Victorian public native and private plantation forests are well-managed, but the management arrangements are not well understood by the public, and political leaders have failed to generate a clear and consistent narrative about the value of our forests, the benefits they provide or their future management arrangements. The submission goes on to say “Few federal or state policy makers understand the sector and often see forests in terms of conflict, either with environmental interests, or with

agriculture. In the absence of a clear policy framework, governments are making ad-hoc, and poorly-informed decisions”.

### Comments of the Independent Reviewer

These ongoing commitments were met during the Period 3.

Victoria continued to make changes to the governance arrangements for public native forestry in Period 3. The submissions indicate continuing opposition by some stakeholders to the continued management of native forests for the harvesting of timber (see section 4.5 of this report) and to issues related to the adequacy of planning and management of threatened species (see also section 4.2.4) and compliance (see also sections 4.6.3 and 4.6.4).

The Independent Reviewer notes that the Victorian Auditor-General found that “VicForests largely complies with environmental regulations and requirements. DEPI’s approach to managing forest compliance is largely sound and it is further improving it”<sup>28</sup>.

### 4.3 Milestones

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone and Obligation This Agreement establishes milestones and Parties will report annually on their achievement for the first five years, and then as they fall due and as part of the 5 yearly review, using an appropriate public reporting mechanism.	EG – 25 CH - 35 NE - 35 W - 36 G - 36	Achieved	Largely not applicable to Period 3

### Report of the Parties

This milestone and obligation was met for Period 3.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

The milestone to provide five-yearly reports in the attachments to clauses CH – 35, NE – 35, G – 36 and W – 36 is in progress for Period 3. All of the other milestones and obligations under these clauses are not relevant to Period 3, as the timelines specified in the relevant attachments expired during Periods 1 and 2.

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<sup>28</sup> (VAGO, 2013) section 4.4

#### 4.4 Five-yearly review

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Within each five year period, a review of the performance of the Agreement will be undertaken. The purpose of the five-yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include: the extent to which milestones and obligations have been met including management of the National Estate; the results of monitoring of sustainability indicators; and invited public comment on the performance of the Agreement.	EG - 30 CH - 36 NE - 36 W - 37 G - 37	In progress	In progress
Each review will be scheduled concurrent with the five-yearly reviews required for the East Gippsland RFA.	CH - 36	In progress	Achieved
While the review process will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the review.	EG - 31 CH - 37 NE - 37 W - 38 G - 38	In progress	In progress
Milestone and Obligation The outcomes of the review will be made public. The mechanism for the review will be determined by both Parties before the end of the five year period and the review will be completed within three months.	EG - 32 CH - 38 NE - 38 W - 39 G - 39	In progress	Achieved in part. The third five-yearly review process is in progress but is well outside of the prescribed timeline for completion.

#### Report of the Parties

This milestone and obligation is in progress for Period 3.

#### Issues raised in public submissions

Several submissions commented that the current five-year review is overdue (Issue 3). Submission 309 found the “inability to meet basic 5 year reviews” symptomatic of “the haphazard way our national estate is being mismanaged by both state and federal levels of government”. Submission 326 stated that “A review that ignores the immediately preceding five years in order to report on the five years before that is worthless as a measure of performance”. Submissions 335 and 380 criticised the timing of release of the Report of the Parties and the inadequate time allowed for submissions.

Submission 228 expressed concern about amalgamating all the Victorian RFAs into one report, arguing that this makes assessment of the process very difficult as each of the RFAs has completely different environments and issues. This submission and others (120, 235 and 326) also commented that the Report of the Parties is largely descriptive and does not provide critical monitoring data and evaluation criteria against which it can be quantitatively assessed, without having to constantly refer to the various related documents. Submission

376 argued that the five-yearly review is limited to an assessment of implementation of the commitments and it does not assess the effectiveness of the actions taken.

Submissions 309 and 385 argued that reviews should be more frequent; Submission 309 proposed annual reviews and Submission 385 advocated additional reviews following major events such as the 2009 bushfires.

### **Comments of the Independent Reviewer**

Achieved in part.

The Independent Reviewer of the report for Periods 1 & 2 noted the extended delay in completing the progress reports and she recommended that the Parties include a more detailed explanation for the delay of the five yearly reviews in the final Report on Progress (Recommendation R2) and that the Parties commence planning for the next five yearly review due by June 2014 (Recommendation C3)<sup>29</sup> (see section 5 of this report).

The third five-yearly review of the Victorian RFAs did not commence until May 2016 with the signing of the Scoping Agreement<sup>30</sup>, which has an anticipated timeframe as follows-

- preparation of the report of Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) for Period 3 - 2009-2014 by the end of 2016
- public comment on the report and independent review (approximately 4.5 months)
- preparation of a joint government response to the report prepared by the Independent Reviewer (3 months).

This timeframe is outside of the requirement in the above clauses of the RFAs for “The mechanism for the review will be determined by both Parties before the end of the five year period and the review will be completed within three months”.

Priority should be given to timely reporting, however, the timeframe prescribed for the review in the RFAs is very short given the weight and complexity of the information and the requirements for public comment and independent review.

**Recommendation 5. The Parties consider amending the timeframe for completing the five-yearly reviews of the RFAs to ensure that there is sufficient time to complete the work and to report in a practical and timely manner.**

The Independent Reviewer notes that the process followed for the previous (combined) five-yearly review was as follows-

1. Preparation of a draft report on progress with implementation of the RFAs<sup>31</sup> (December 2009)
2. Public submissions on the draft report and independent review of the draft report<sup>32</sup> (May 2010)

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<sup>29</sup> (Wallace, 2010)

<sup>30</sup> (The Commonwealth of Australia and the State of Victoria, 2016)

<sup>31</sup> (State of Victoria and Commonwealth of Australia, 2009)

3. Final report on progress with implementation of the RFAs - An update to the December 2009 Draft Report on Progress including additional information as recommended by the Independent Reviewer (2014)<sup>33</sup>
4. Joint Government Response to the report of the Independent Reviewer (October 2014).

The above process of “updating” the report on progress with implementation of the RFAs is potentially confusing and misleading. It is noted that the “draft” report on progress was revised in response to the “R” recommendations of the Independent Reviewer. The revision of the report introduces new information, which has not been subject to public comment and independent review. It is further noted that the Joint Government Response to the review for Periods 1 & 2 is incorrectly titled as “Australian and Victorian Government Response to the *Independent Review on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) FINAL REPORT May, 2010*”<sup>34</sup>, which erroneously implies that the comments of the Independent Reviewer refer to the final report on progress.

In the opinion of the current Independent Reviewer, it would have been more transparent for any response to the recommendations of the Independent Reviewer to be transparently dealt with by way of the Joint Government Response. This approach would help to preserve the context and integrity of the review process. However, it would be beneficial if a label was attached to the progress reports to briefly explain their status and the process of review and to provide links to the report of the relevant Independent Reviewer and any new information/corrections to the progress report as detailed in the Joint Government Responses.

The report on progress for Period 3 is not labelled as a “draft” and presumably this means that it will not be revised on the basis of comments received from the reviewer.

**Recommendation 6. The Parties address all recommendations and comments of the Independent Reviewer for the current and future five-yearly reviews by way of the Joint Government Response rather than by way of a revised progress report. The Parties consider attaching a label to the on-line versions of the progress reports to briefly explain their status, the process of review (including submissions on the report and the independent review), and to clarify that any additional information or amendments to the report are detailed in the Joint Government Response to each report.**

The RFAs are agreements between two parties (the Commonwealth of Australia and the State of Victoria) and the five-yearly reviews, including the reports on progress and the governments’ responses, are joint exercises as laid down in the relevant Scoping

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<sup>32</sup> (Wallace, 2010)

<sup>33</sup> (DEPI, 2014d)

<sup>34</sup> (DEPI, 2014e)

Agreements. At present, the attribution of authorship of the progress reports is inconsistent and potentially misleading, as follows-

- The draft report on progress for Periods 1 and 2 states that “ This report has been coordinated by the Forests and Parks Division of the Victorian Government Department of Sustainability and Environment”<sup>35</sup>. The copyright is assigned to the State of Victoria and Commonwealth of Australia. However, the report contains no suggested citation.
- The copyright for the final report on progress for Periods 1 & 2 is assigned solely to the State of Victoria Department of Environment and Primary Industries and the authorship is explicitly given as the State of Victoria, although (again) there is no suggested citation<sup>36</sup>. It is noted that the Commonwealth’s RFA website does not contain the final report on progress for Periods 1 & 2, rather it contains a link to the Victorian Government website of DELWP, within which the reader is required to navigate to find the report.
- The copyright for the report on progress for Period 3 is assigned solely to the State of Victoria Department of Environment, Land, Water and Planning and the authorship is explicitly given as the State of Victoria. There is no suggested citation.

The above does not reinforce the principle that the five-yearly reports are joint exercises by the Parties.

**Recommendation 7. The Parties ensure that the joint authorship of future five-yearly reports is explicitly attributed on the cover page of each report and in a suggested citation for each report.**

#### 4.5 Ecologically sustainable forest management

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Parties agree that ESFM is an objective which requires a long term commitment to continuous improvement and that the key elements for achieving it are: the establishment of a CAR reserve system; the development of internationally competitive forest products industries; and a fully integrated and strategic forest management system capable of responding to new information.	EG – 33 CH – 39 NE – 39 W – 40 G – 40	Agreed	Achieved
The Parties agree that Victorian processes and systems provide for ecologically sustainable management of forests in the region and that these processes and systems are accredited in this Agreement.	EG - 35; 36 CH - 40 NE – 40 W - 41 G - 41	Agreed	Achieved

<sup>35</sup> (State of Victoria and Commonwealth of Australia, 2009)

<sup>36</sup> (DEPI, 2014d)

## Report of the Parties

The Parties agree with these clauses.

### Issues raised in public submissions

Many submissions contended that the Victorian RFAs have failed to achieve acceptable environmental, social and economic outcomes (Issue 1). Some submissions argued that poor environmental outcomes were directly attributable to the 'exemption' of RFAs from the EPBC Act (see section 4.2.5). Other submissions contended that Victoria's reviews of forest management processes were inadequate (Issue 12) and others were critical of Victoria's procedures and practices (Issue 15) (see sections 4.2.8 and 4.6.3).

Many submissions called for an end to the logging of native forests and a transition of the industry to plantations (Issue 7), although Submission 24 also queried the sustainability of plantations, citing concerns about monocultures, privatisation of public assets and the encroachment of plantation activities into adjoining lands.

Specific concerns were raised about the detrimental impact of clearfelling on environmental and conservation values and the higher risk of wildfires in forests regenerated from clearfells (Issue 9).

Many submissions contended that the native forest industry is not economically viable, alleging that it is driven by low value pulp (not sawlog) and only survives through taxpayer subsidies (Issue 10) and it supports very few jobs (Issue 14). Most of these submissions advocated that higher priority should be given to the management of forests for non-timber services and uses such as conservation, recreation, tourism, agriculture, water and carbon/climate change (Issue 8).

Other submissions were more positive about the outcomes under the RFAs. Submissions 354 and 373 argued that the RFA had delivered a sustainable framework for multiple use activities, including economic and recreational pursuits, while maintaining the conservation values of public land. Submission 387 reported that in Victoria (in 2016-17<sup>37</sup>) the industry contributed \$7.3 billion to the state economy, directly employed 20,000, and supported an additional 40,000 to 50,000 jobs, many of them in regional and rural areas. Submissions 418 and 424 noted the importance of the forestry and wood sector to the economy of the Gippsland region.

Two submissions (387 and 419) queried the relative contribution of formal reserves to ESFM. Submission 419 noted " There are ongoing calls for new forest parks and conservation reserves on public land, but management resources for the current conservation estate are declining. It is also questionable whether new, publicly-managed parks are the most effective or efficient way to achieve forest conservation objectives".

Other comments relating to Victoria's ESFM framework are detailed in the relevant sections of this report. Specific comments regarding the accreditation of Victoria's forest management system are provided in section 4.20.9.

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<sup>37</sup> These data are outside of the reporting period for Period 3

## Comments of the Independent Reviewer

These obligations have been achieved to the extent that the Parties have continued to affirm these clauses.

The submissions reflect the widely differing views that the community has with respect to the values, use and management of forests, and the widely differing expectations that the community has with respect to desired outcomes under the Victorian RFAs. The purpose of the RFAs was to seek a resolution to the long-standing debate over the use and management of forests. However, the RFAs and subsequent policy changes by the Victorian Government have not fully resolved the debate over the use of native forests within the RFA regions.

As noted in the independent review of the progress report for Period 3 of the RFA for the South-West Forest Region of Western Australia<sup>38</sup> “Forest management involves trade-offs between the differing expectations and competing interests of the community. This principle seems to be broadly understood and accepted where forests are set aside for conservation, and other uses such as timber harvesting are excluded. However, the principle is less understood or accepted where forests are designated for resource use. The *National Forest Policy Statement*<sup>39</sup> provides that forests outside of reserves should contribute to values such as nature conservation through ‘complementary management’. However, the level of contribution is an ill-defined and contentious issue. On one hand, some people argue that resource use has priority in such forests and economic activity should not be unduly constrained by restrictions to protect biodiversity etc. On the other hand, some people believe that the protection of values such as biodiversity should not be compromised, regardless of any impacts on resource use. These competing views continue to cause ongoing debate over the management of forests”.

The differing expectations of the community with respect to the use of native forests is not helped by a lack of clarity and consistency within the legislative, policy and institutional framework with respect to the relative contribution that forests outside of reserves should make to the maintenance of biodiversity. A report of the Victorian Auditor-General’s Office in 2013<sup>40</sup> noted that “DEPI has not established progress measures, targets or time lines for how it expects state forest management activities to contribute to achieving the criteria and indicators for sustainable forest management” (p.13.) The report recommends “That the Department of Environment and Primary Industries and VicForests improves and better documents the assessment of threats and consequences that biodiversity management decisions in timber production areas may have on forest environmental, economic and social values, and more transparently manage risks and trade-offs involved” (p.31).

Although most submissions called for more forest reservation and greater emphasis on managing native forests for non-timber uses, there were no comments about the relative impacts and sustainability of other uses. Whilst the majority of submissions called for more forests to be placed in reserves, there no comments about whether management objectives were being effectively achieved within the existing forest reserves. This situation is not

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<sup>38</sup> (Wilkinson, 2017)

<sup>39</sup> (Commonwealth of Australia, 1992)

<sup>40</sup> (VAGO, 2013)

helped by a paucity of information within the Report of the Parties with respect to how the objectives of management within forest reserves are systematically monitored and evaluated (see comments in section 4.6.4 of this report).

The Report of the Parties contains very little information relating to the role and relative contribution of private forests to ESFM and this important sector was virtually ignored in the public submissions (other than Submission 419, which advocated more support for farm forestry) (see section 4.8 of this report).

**Recommendation 8. Victoria considers mechanisms to clarify, in law, policy and public information, the role and contribution of forests outside of reserves (on both public and private land) to the conservation of biodiversity.**

**Recommendation 9. The Victorian Government considers how it may improve the quality assurance system used for the management of forests in reserves to ensure that the objectives of forest management are being systematically monitored, evaluated and reported.**

The economics of native forest logging remain a contentious issue. In the submissions, those opposed to the harvesting and processing of wood products from native forests argued that the industry is rapidly shedding jobs and is an overall drain on the public purse. In contrast, the industry argues that it continues to make important direct and indirect contributions to the economy, particularly in regional areas.

It is beyond the scope of this review to resolve this complex matter. However, the Independent Reviewer notes the following findings of the Victorian Auditor-General’s Office<sup>41</sup> – “VicForests has demonstrated that it balances the need to operate profitably with the need to support industry and socio-economic sustainability.....DEPI and VicForests are adequately supporting socially and economically viable forest industries, in line with their legislative commitments”.

## 4.6 Monitoring, reporting and consultative mechanisms

### 4.6.1 Sustainability indicators

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria will report on the results of monitoring of sustainability indicators.	EG - 26 CH - 41 NE - 41 W - 42 G - 42	Achieved	Achieved

<sup>41</sup> (VAGO, 2013) p. 41

### Report of the Parties

This ongoing commitment was met during the Period 3.

### Issues raised in public submissions

Submissions 235 and 326 criticised the lack of useful data on ecological condition and trends for the indicators in the State of the Forests Report<sup>42</sup>.

### Comments of the Independent Reviewer

This ongoing commitment was met during the Period 3.

The State of the Forests Report fulfils the requirement in the Victorian RFAs to report on the results of monitoring of sustainability indicators.

#### 4.6.2 Public participation and consultation

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Comprehensive Regional Assessments and the development of this Agreement have provided extensive opportunities for public participation and reporting. Parties recognise that the public reporting activities and on-going opportunities for public participation and consultation associated with existing Victorian and Commonwealth processes and instruments will continue. These processes are listed in the RFA Attachment.	EG - 27 CH - 42 NE - 42 W - 43 G - 43	Achieved	Achieved

### Report of the Parties

This ongoing commitment was met during Period 3.

### Issues raised in public submissions

As noted in section 4.2.8 of this report, several submissions stated that the Victorian government's reviews of forest management plans and zoning over the last 15 years were inadequate (Issue 12).

Submission 228 noted that there was a lack of genuine community consultation throughout all stages of the Review and RFA process. Submissions 24, 303 and 309 were critical of community consultations conducted by VicForests (issue 15).

### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3 as detailed in Appendix 4 of the Report of the Parties.

VicForests maintained its commitment to independent certification during Period 3 through continued accreditation under the *Australian Standard for Sustainable Forest Management*

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<sup>42</sup> *Victoria's State of the Forests Report 2013* (DEPI, 2014c)

and by commencing a preliminary assessment of its systems and operations against the *FSC International Controlled Wood Standard for Forest Management Enterprises* and the *SCS Interim Standard for Forest Management Certification in Australia*<sup>43</sup>. Both of these certification systems require forest managers to demonstrate, *inter alia*, proactive stakeholder engagement by having processes in place to engage with stakeholders and address issues and seek resolution of any concerns, noting that it is not always possible to fully meet the expectations of all stakeholders.

#### 4.6.3 Publication of internal audits of compliance

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
In addition to these activities, Victoria agrees to publish future reports of internal audits of compliance with the Code of Forest Practices for Timber Production. Supporting documents will also be publicly available.	EG - 28 CH - 43 NE - 43 W - 44 G - 44	Achieved	Achieved

#### Report of the Parties

This ongoing commitment was met during Period 3.

#### Issues raised in public submissions

As noted in section 4.2.8 of this report, many submissions contended that Victoria's forest management processes were not adequately enforced (Issue 15), however, few of these submissions specifically commented on the effectiveness or otherwise of Victoria's compliance audit and reporting framework.

#### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

Victoria transparently publishes comprehensive reports of its audit program for commercial timber harvesting in its State forests.

#### 4.6.4 Transparency and accountability of forest management processes

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria will further develop the transparency and accountability of its forest management processes through the implementation of an on-going quality	EG - 29 CH - 44 NE - 44	Achieved in Period 1	No comment required

<sup>43</sup> (VicForests, 2014a)

assurance program. The program will be implemented, within three years, utilising expertise external to the forest agency in the Department of Natural Resources and Environment or its equivalent.			
Parties note that to develop the transparency and accountability of its forest management processes, Victoria is implementing an on-going quality assurance program utilising, as appropriate, expertise external to the forest agency in the Department of Natural Resources and Environment or its equivalent.	Clause numbers W - 45 G - 45	Achieved	Achieved

### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review. The ongoing commitment was met during Period 3.

### Issues raised in public submissions

Submissions 24, 303 and 355 contended that Victoria’s forest management systems lacked accountability (Issue 15).

### Comments of the Independent Reviewer

The ongoing commitment was met during Period 3, through internal management systems supplemented by various audits by external parties.

It is noted that there is no definition or elaboration of the term ‘quality assurance’ in the above clauses of the RFAs, although the clauses make reference to a requirement for ‘expertise external to the forest agency’. Independent, external audit is a standard requirement of formal programs for quality assurance (QA) and environmental management systems (EMS) (e.g. ISO9001 (Quality Management) and ISO 14001 (Environmental Management Systems))<sup>44</sup>. It is noted, however, that the Victorian RFAs make no explicit or implicit reference to such formal standards<sup>45</sup>.

It can be argued that the requirements of the above clauses for “transparency and accountability of its forest management processes through the implementation of an on-going quality assurance program” apply to all forests covered by the RFAs, including not only timber production areas but also forests in reserves. However, this interpretation is not evident in the subsequent progress reports of the Parties, as summarised below.

- The draft progress report for Periods 1 and 2 of the RFAs<sup>46</sup> indicated that Victoria was developing and implementing a variety of initiatives to improve its business practice processes and procedures, including the development of an EMS for State forests to “ provide a framework for quality assurance in DSE, and ... cover operational activities such as prescribed burning, road building, recreation services

<sup>44</sup> (ISO, 2015a), (ISO, 2015b)

<sup>45</sup> This is different to other RFAs, which contain an objective to develop and implement environmental management systems “comparable with the ISO14000 series” (e.g. Clauses 42 and 93 of the Western Australia RFA and Tasmanian RFA respectively).

<sup>46</sup> (State of Victoria and Commonwealth of Australia, 2009)

and timber harvesting". This report also notes that VicForests has a Sustainable Forest Management System (SFMS) and that VicForests was certified under the Australian Forest Certification Scheme (AFCS).

- The Independent Reviewer for the report for Periods 1 and 2<sup>47</sup> subsequently noted as a result of a recent internal review, "the EMS for State forest has been incorporated into a broader quality assurance program that will cover both forests and parks. The quality assurance program will integrate the State forest EMS obligations into a broader quality management framework. Full integration into the quality assurance program will begin in 2010/11, with a two year timeframe to produce a single system across forests and parks".
- The final report on progress for Periods 1 & 2<sup>48</sup> makes no mention of the broader quality management framework (other than by way of general reference to the 2002 *Our Forests, Our Future* policy of the Victorian Government). The report states that "the development and implementation of an Environmental Management System (EMS) for State forests" was achieved through VicForests' SFMS and certification under the AFCS.
- The Report of the Parties for Period 3 advises that VicForests' SFMS is an internal management framework, which includes external audits required as part of Vicforests' certification to the Australian Forestry Standard; financial audits by the Victorian Auditor General's Office; and audits of its forest management operations by the Department of Environment and Primary Industries through the Forest Audit Program. The report also notes that significant improvements were made in Victorian forest management processes including programs for the collection and analysis of data for detecting trends in the extent, state and condition of Victoria's public forests and for monitoring the impact of planned burning and wildfires on biodiversity.

Overall, the Report of the Parties focusses, understandably, on the quality assurance programs in place for forests subject to timber harvesting, with less focus on forest management processes in other forests. It is not evident from the report or from the information and publications on the website of the Victorian Department of Natural Resources and Environment as to whether there is a comprehensive and integrated quality assurance system in place for the management of forests in reserves (see Recommendation 9).

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<sup>47</sup> (Wallace, 2010)

<sup>48</sup> (DEPI, 2014d)

#### 4.6.5 Regional prescriptions for timber production

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria undertakes to: complete and publish regional prescriptions for timber production by the end of 1997(EG)/ 1998(CH);	EG - 34 CH - 45(a)	Achieved in Period 1	No comment required

##### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

No relevant comments were submitted.

##### Comments of the Independent Reviewer

No comment required.

#### 4.6.6 Management plans for National and State Parks

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria undertakes to: use its best endeavours to complete and publish management plans for all National and State Parks by the end of 1998;	EG - 34 CH - 45(b)	Achieved in Period 1	No comment required

##### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

No relevant comments were submitted.

##### Comments of the Independent Reviewer

No comment required.

#### 4.6.7 Management of CAR Reserves

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria undertakes to: continue to manage the Dedicated Reserves within the CAR reserve system in accordance with the relevant government approved recommendations of the Land Conservation Council or Environment Conservation Council	EG - 34 CH - 45(c) NE - 45(a) W - 46(a) G - 46(a)	Achieved	Insufficient information provided

#### Report of the Parties

This ongoing commitment was met during Period 3.

#### Issues raised in public submissions

As noted in section 4.5 of this report, whilst the majority of submissions called for more forests to be placed in reserves, there were no comments about whether management objectives were being effectively achieved within the existing forest reserves, other than two submissions (387 and 419), which queried the relative contribution of formal reserves to ESFM.

#### Comments of the Independent Reviewer

The Parties report that this ongoing commitment was met during Period 3. However, the report contains no information to explain how this assessment was made.

Note comments in section 4.6.4 of this report and Recommendation 9.

#### 4.6.8 Management of cultural heritage

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria undertakes to: manage cultural values, both Aboriginal and non-Aboriginal, in East Gippsland, based on the Guidelines for the Management of Cultural Heritage Values in Forests, Parks and Reserves in East Gippsland which will be jointly agreed;	EG – 34	Achieved	Insufficient information provided
Victoria undertakes to: manage cultural values, both Aboriginal and non-Aboriginal, in the RFA region, based on State-wide Guidelines for the Management of Cultural Heritage Values in Forests, Parks and Reserves which will be jointly agreed.	CH - 45(d) NE - 45(b) W - 46(b) G - 46(b)	Not achieved	Not achieved

#### Report of the Parties

The Parties report that the ongoing commitment was met for East Gippsland but not for the other RFA regions in Period 3.

### **Issues raised in public submissions**

Submission 85 noted that treatment of Cultural Heritage Values in isolation of Traditional Owner Country Plans is an outdated concept in terms of holistic landscape management. The Corporation queried the purpose of the *State-wide Guidelines for the Management of Cultural Heritage Values in Forests, Parks and Reserves*. It noted that the legal requirements for the management of cultural heritage are laid down in legislation and that if guidelines are intended to improve the understanding of compliance requirements then they need to be audited.

Submission 40 noted that the Report of the Parties acknowledged that the above commitment had not been achieved. Submission 45 contended that the RFAs have failed to consider the significance of forest lands to Australia's indigenous heritage. Submission 228 queried whether field surveys and consultation had occurred with the Taugurong Clans, the traditional owners of most of the Central Highlands FMA or the Victorian Land Council.

Submission 315 noted that there has been no engagement with Aboriginal People in the preparation of Management Plans for Tallageira NCR and Jilpanger NCR or with Barengi Gadjin Land Council regarding the implementation of Forest Management Plans or the RFA more generally.

Submission 374 noted that the RFAs offer opportunities for Traditional Owners in an ongoing capacity-building role with the Department, VicForests and Parks Victoria in how to respectfully and meaningfully engage with Traditional Owners and their representative bodies as partners in policy development, program co-design and implementation.

Submission 191 stated that RFAs gave no authority to exploit the land as a continuation of a "violent colonial process".

### **Comments of the Independent Reviewer**

The Parties report that the ongoing commitment was met was met for East Gippsland. However, the report contains no information to explain how this assessment was made.

The ongoing commitment was not met for the other RFA regions because State-wide guidelines for the management of cultural heritage values in forests, parks and reserves have not been jointly agreed. The Report notes that Victoria will consider the need for the development of State-wide guidelines for the management of cultural heritage values following recent amendments to the *Aboriginal Heritage Act 2006* and *Heritage Act 1995* and the government response to VEAC's *Historic Places Investigation Final Report* (VEAC 2016). Notwithstanding the lack of agreed State-wide guidelines, the Parties report that Victoria manages both Aboriginal and non-Aboriginal cultural heritage values in forests, parks and reserves through legislation, relevant regulations, plans, procedures, guidelines, agreements and partnerships. However, the report contains no information on how the outcomes achieved through these mechanisms are assessed and reported.

#### 4.6.9 Integrated Forest Planning System and the State-wide Forest Resource Inventory

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria undertakes to: implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory in East Gippsland in time for the next review of sustainable yield due in 2001.	EG – 34	Achieved during previous review periods	Not applicable to Period 3
Milestone Victoria undertakes to: implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory (SFRI) in the Central Highlands in time for the next review of sustainable yield due in 2001.	CH - 45(e)	Achieved during previous review periods	Not applicable to Period 3
Milestone Victoria undertakes to: implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory (SFRI) in the North East region in time for the next review of sustainable yield due in 2001.	NE - 45(c)	Achieved during previous review periods	Not applicable to Period 3
Milestone Victoria undertakes to: implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory (SFRI) across Victoria in accordance with the schedule set out in the RFA Attachment.	W - 46(c) W – Attachment 10 G - 46(c) G – Attachment 10	Reported as not achieved in the review for Periods 1 & 2	Not applicable to Period 3

#### Report of the Parties

Milestones were achieved in all Victorian RFA regions except the West Victoria RFA region during the previous review periods and were reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

Submission 394 advocated a comprehensive resource assessment across all state forests, including: planning based on updated State Forest Inventory data; assessment of all State forest resources, including currently under-utilised areas; and assessment of supply capacity from forest management practices such as thinning for fire risk reduction.

#### Comments of the Independent Reviewer

These milestones are covered by the report for Periods 1 & 2, noting that the milestones were achieved in all Victorian RFA regions except for West Victoria. The Report of the Parties for Period 3 explains that governmental policy changes in 2002 “negated the value of implementing the Integrated Forest Planning System and SFRI in the West Victoria RFA region”. However, the setting aside of this milestone for the West Victoria RFA appears to have been done without agreement in writing between the Parties and without amendment of the RFA (see section 4.2.1 of this report).

## 4.7 Development of sustainability indicators

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
<p><b>Milestone and Obligation</b> Parties agree that the current forest management system could be enhanced by further developing appropriate mechanisms to monitor and review the sustainability of forest management practices. To ensure that this occurs, Parties agree to establish an appropriate set of sustainability indicators to monitor forest changes. Any indicators established will be consistent with the Montréal Process Criteria (as amended from time to time), the current form of which is specified in the RFA Attachment, and will take into account the framework of regional indicators developed by the Montréal Process Implementation Group (MIG). Indicators will be practical, measurable, cost-effective and capable of being implemented at the regional level.</p>	EG - 37 CH - 48 NE - 48 W - 49 G - 49	Achieved in previous review period	Not applicable to Period 3
<p><b>Milestone</b> Parties will assess the outcomes of the Montréal Process Implementation Group (MIG) process by the end of 1997. After considering the extent to which the MIG process provides, or is likely to provide, relevant indicators, the process to be used in developing indicators for application in East Gippsland will be determined. Any process adopted will provide for appropriate public consultation and determine the frequency of reporting.</p>	EG - 38	Achieved in previous review period	Not applicable to Period 3
<p>In developing effective indicators, Parties agree to take into account the results of the Forest and Wood Products Research and Development Corporation's pilot studies for the development of effective regional indicators.</p>	EG - 39 CH - 49 NE - 49 W - 50 G - 50	Achieved in previous review period	Not applicable to Period 3
<p><b>Milestone</b> Development of indicators, and collection of results for those indicators which can be readily implemented, will be completed in time to enable assessment during the first review of this Agreement.</p>	EG - 40 CH - 50 NE - 50 W - 51 G - 51	Achieved in previous review period	Not applicable to Period 3

### Report of the Parties

These milestones and obligations were completed during Periods 1 and 2 and reported on in the combined first and second five-yearly review.

### Issues raised in public submissions

Submission 326 argued that Victoria's 2013 State of the Forests Report does not adequately provide indicators and data that are consistent with the Montreal Process Criteria and capable of being implemented at the regional level.

### Comments of the Independent Reviewer

Covered by the report for Periods 1 & 2 - not applicable to Period 3.

## 4.8 Private land

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria will continue to encourage private forest owners to ensure that their management operations are consistent with the Code of Forest Practices for Timber Production, and to have in place adequate mechanisms to protect nature conservation and catchment values.	EG - 42 CH - 52 NE - 52 W - 53 G - 53	Achieved	Achieved

### Report of the Parties

This ongoing commitment was met during Period 3.

### Issues raised in public submissions

Submission 419 observed that most of the conservation priorities in Victoria are in forests on private land and that national programs such as *Caring for Country* and conservation research programs are generally poorly targeted and have had limited impact.

Submission 10 argued that timber production should be banned from public forests and transferred to plantations on private land (note that many submissions called for a transition from native forests to plantations ( Issue 7) but these submissions did not state whether the plantations should occur on public or private land).

Other than the above submissions, it is notable that no other submissions commented on the role and contribution of private forests to ESFM and the broader objectives of the RFAs.

### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

The Report of the Parties explains how the code of practice is applied to timber production activity on private land. However, the report provides no information with respect to the relative importance of natural and cultural values in private forests and their role in contributing to ESFM within the context of the National Forest Policy Statement.<sup>49</sup>

The report briefly explains that Victoria continues to use a range of mechanisms to protect biodiversity on private land, including: conservation covenants under the *Victorian Conservation Trust Act 1972* (Vic); Land Management Cooperative Agreements under the *Conservation Forests and Lands Act 1987* (Vic); critical habitat provisions under the *Flora and Fauna Guarantee Act 1988* (Vic); and provisions of the *Planning and Environment Act 1987* (Vic). However, there is no information presented in relation to the extent and effectiveness

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<sup>49</sup> The National Forest Policy Statement provides that the objectives of nature conservation in relation to private native forests are “to encourage the maintenance of the existing private native forest cover and to facilitate the ecologically sustainable management of such forests for nature conservation, catchment protection, wood production or other economic pursuits”. (Commonwealth of Australia, 1992)

of these or other mechanisms for the protection of nature conservation and catchment values.

See Recommendation 8.

## 4.9 Threatened flora and fauna

### 4.9.1 Action statements

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Parties agree that the CAR reserve system, actions under the <i>Flora and Fauna Guarantee Act 1988</i> (Vic) and the <i>Endangered Species Protection Act 1992</i> (Cwth), and the application of the strategies in the RFA Attachment provide for the protection of rare or threatened flora and fauna species and ecological communities. These will guide the development of the range of management strategies to be included in future Forest Management Plans.	W - 55 G - 55	Achieved	Achieved
Milestone and Obligation Where threatened species, ecological communities and threatening processes restricted to Victoria are listed under both the <i>Flora and Fauna Guarantee Act 1988</i> and the <i>Endangered Species Protection Act 1992</i> , any new or revised Action Statements will be jointly prepared to meet the requirements of both acts. Where the Action Statements meet the requirement of the <i>Endangered Species Protection Act 1992</i> , the Commonwealth agrees to adopt Action Statements as Recovery Plans under Section 46 of the <i>Endangered Species Protection Act 1992</i> .	EG – 43 CH – 55 NE - 55 W - 56 G - 56	Achieved	Not achieved

#### Report of the Parties

This commitment was met during Period 3.

#### Issues raised in public submissions

See comments under section 4.2.4 of this report.

#### Comments of the Independent Reviewer

This commitment was met during Period 3 with respect to the agreement of the Parties laid out in Clauses W55 and G55. However, the commitment was not met with respect to Clauses EG43, CH55, NE55, W56 and G56.

The Report of the Parties states – “In 1999, the EPBC Act introduced altered and additional requirements for national Recovery Plans compared to the superseded Endangered Species Protection Act. As a consequence, the Action Statements prepared under the FFG Act could no longer meet the requirements of Commonwealth environmental law”. These changes undermine the degree of certainty originally intended by the RFAs with respect to these matters. For clarity, the RFAs should have been amended to formally address the

requirements of new legislation, especially where the new legislation is potentially at odds with the intent of the RFAs and specifically Clause 19 (G, CH, NE and W) and Clause 10 (EG) (“Neither Party will seek to use existing or future legalisation to undermine or impede this Agreement”) (see section 4.2.1 of this report).

#### 4.9.2 Recovery Plans

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone and Obligation Recovery Plans for items listed under both Acts and extending beyond Victoria will be prepared jointly with Victoria and other relevant governments, and incorporate the agreed Action Statement as the Victorian component of the National Recovery Plan.	EG - 44 CH - 56 NE - 56 W - 57 G - 57	Achieved	Achieved in part

#### Report of the Parties

This commitment was met during Period 3.

#### Issues raised in public submissions

See comments under section 4.2.4 of this report.

Submissions 40 and 120 criticised delays in developing recovery plans due to resourcing issues, the time taken for formal endorsement of plans, and a lack of available expertise or baseline data. Submission 392 specifically criticised the failure of the Victorian Government to endorse a recovery plan for the South-Eastern Red-tailed Black-Cockatoo.

#### Comments of the Independent Reviewer

This commitment was met in part during Period 3.

Recovery plans for species and ecological communities occurring across State boundaries have been jointly developed by the Australian Government and other relevant governments. Action Statements have been used to inform development of National Recovery Plans but they have not been incorporated as a separate “Victorian component”.

The Report of the Parties provides information on progress with implementation of each of the priorities identified in the RFAs. The report is somewhat inconsistent in terms of providing an overall summary of cumulative progress with the completion of the Action Statements and Recovery Plans (see also section 5 of this report).

#### 4.9.3 Listing of threatened species

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Parties will continue to consult on the priorities for listing threatened species, ecological communities and threatening processes, and the preparation of Action Statements and Recovery Plans, recognising that priorities can change in the light of new	EG - 45 CH - 57 NE - 57 W - 58 G - 58	Achieved	Achieved

information. Currently agreed priorities and commitments for the next five years are outlined in the RFA Attachment.			
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### Report of the Parties

This milestone was achieved during Period 3.

### Issues raised in public submissions

See comments under sections 4.2.4 and 4.9.2 of this report.

### Comments of the Independent Reviewer

This milestone was achieved during Period 3.

The Report of the Parties provides information on progress with implementation of each of the priorities identified in the RFAs. The report is somewhat inconsistent in terms of providing an overall summary of cumulative progress with the completion of the Action Statements and Recovery Plans (e.g. in the form of Table 3 below). See also comments relating to Recommendation C7 of the Independent Reviewer for Periods 1 & 2 in section 5 of this report.

**Table 3. Derived Progress with Recovery Plans\***

RFA region	Total no. of dual listed species and communities <sup>50</sup>	Recovery Plans completed in Period 3	Recovery Plans completed in Periods 1 & 2	Total completed no. (%)
EG	25	7	8	15 (32%)
CH	23	6	8	14 (61%)
NE	23	7	10	17 (74%)
W	41	18	22	40 (54%)
G	30	8	11	19 (37%)
Total	142	46	59	105 (74%)

(\*Information derived from the Reports of the Parties on progress with the completion of Recovery Plans for species and ecological communities listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth) and the *Flora and Fauna Guarantee Act 1988* (Vic), found in the Victorian RFA regions and outside Victoria.)

<sup>50</sup> This information is not provided in the Report of the Parties for Period 3 and is derived from the final Report of the Parties for Periods 1 & 2 and the report of the Independent Reviewer for Periods 1 & 2. It does not reflect any changes to the number of listed species and ecological communities in Period 3.

**Recommendation 10. The Parties consider including in future five-yearly reports a summary of cumulative progress with completion of Action Statements and Recovery Plans for species and ecological communities found in the Victorian RFA regions that are listed under both the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth) and the *Flora and Fauna Guarantee Act 1988* (Vic).**

#### 4.9.4 Completion of recommended actions in Recovery Plans and Action Statements

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties reaffirm their commitment that species in the RFA region for which Recovery Plans or Action Statements have already been prepared will have all recommended actions completed or significantly advanced in accordance with the timelines specified in the Recovery Plans or Action Statements.	CH - 58 NE - 58 W - 59 G - 59	Achieved	Achieved in part

#### Report of the Parties

This ongoing commitment was met during Period 3.

#### Issues raised in public submissions

See comments under section 4.2.4 of this report.

Submissions 40 and 120 criticised the “failure to complete actions in Action Statements and Recovery Plans”.

#### Comments of the Independent Reviewer

This ongoing commitment was met in part.

The Report of the Parties states that Victoria continued to implement Action Statements and Recovery plans in Period 3 “but this did not extend to all recommended actions being completed or significantly advanced”. Victoria uses a database (*Actions for Biodiversity Conservation*) to prioritise and follow progress of the intended management actions identified in Action Statements. In contrast to the Report of the Parties for Periods 1 & 2, the report for Period 3 does not contain a summary of the extent to which the recommended actions in Actions Statements and Recovery Plans were completed or significantly advanced in the reporting period.

**Recommendation 11. The Parties consider a mechanism for transparent periodic reporting on the extent to which the recommended actions in Actions Statements and Recovery Plans are implemented.**

#### 4.9.5 Pest control programs

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Parties agree that within five years pest plant and pest animal control programs will be developed in accordance with the relevant Forest Management Plan.	EG - 46 CH - 59 NE - 59	Achieved in Periods 1 & 2	Not fully achieved (alternative approach used)
Milestone Parties agree that within five years pest plant and pest animal control programs will be developed within the framework established by the relevant Catchment Management Authority.	W - 60 G - 60	Achieved in Periods 1 & 2	Not fully achieved (alternative approach used)

#### Report of the Parties

These milestones were met during Periods 1 and 2 and reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

Submission 342 contended that the milestone to develop pest plant and pest animal control programs has not been achieved, citing inadequate measures in Wombat State Forest.

Submissions 45 and 333 argued that the RFAs have failed to ensure that businesses and government abide by environmental laws, including the control of weeds.

#### Comments of the Independent Reviewer

The final report on progress for Periods 1 & 2 provides evidence of a continuing commitment to the purpose of these milestones, albeit through an alternative approach as reported in the Joint Government Response and in section 4.6 of the report on progress for Period 3 (“the Victorian Government is applying a new approach to protecting key natural assets on public land from invasive plants and animals”). It is not clear from the documentation whether the new approach is consistent with the above clauses with respect to being “in accordance with the relevant Forest Management Plan” or “within the framework established by the relevant Catchment Management Authority”. If not, then amendment of these clauses would have provided greater clarity and transparency (see comments relating to the amendment of the RFAs under section 4.2.1 of this report). See also comments relating to the recommendations of the Independent Reviewer for Periods 1 & 2 in section 5 of this report.

#### 4.10 Water

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties agree that the provision of adequate flows of high quality surface water and maintenance of groundwater processes is a fundamental goal of forest management and note that a range of measures (in the RFA Attachment) have been implemented through the Victorian Forest	W - 61 G - 61	Achieved in Periods 1 & 2	Not applicable to Period 3

Management System to address the issues associated with water supply, water quality and groundwater processes in forests. As part of the Forest Management System, Victoria proposes to conduct hydrological research on the impacts of timber harvesting on water quality and yield.			
Victoria will develop a project brief for this research which will include the Otway Ranges, in consultation with industry and community stakeholders, by 30 June 2000.	W - 61	Achieved in Periods 1 & 2	Not applicable to Period 3

### Report of the Parties

These milestones were met during Periods 1 and 2 and reported on in the combined first and second five-yearly review.

### Issues raised in public submissions

Several submissions advocated that higher priority should be given to the management of forests for non-timber services and uses, including water catchments and supply (Issue 8). Submissions 372 and 373 raised concerns about the potential impact of logging on the quality and quantity of water in a local catchment.

### Comments of the Independent Reviewer

Covered by the report for Periods 1 & 2.

## 4.11 CAR Reserve System

### 4.11.1 Implementation of the CAR reserve system

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone and Obligation Victoria agrees to implement the CAR reserve system, including the required public land tenure changes, described in the Attachment and identified on the RFA Maps.	EG - 49 CH - 62 NE - 62 W - 64 G - 64	Achieved in Periods 1 & 2	Achieved for CH, W and G. Not achieved for EG and NE

### Report of the Parties

This milestone and obligation was achieved in Periods 1 and 2 and reported on in the combined first and second five-yearly review.

### Issues raised in public submissions

Several submissions advocated substantial additions to the reserve system (Issue 6). The submissions were not supported by specific analyses or proposals, other than Submissions 9 and 24, which presented information regarding a campaign to create a large national park in

the Strzelecki Ranges. Submission 9 also contended that the JANIS<sup>51</sup> criteria and targets for reservation had not been achieved in some bioregions. Submission 228 contended that the five yearly reviews lack details of the methodology to determine reserve selection, particularly in the Central Highlands, and the outcomes are not consistent with the CAR system or the JANIS criteria.

Submission 386 argued that the Comprehensive Regional Assessment (CRA) process undertaken for the Victorian RFAs specifically mapped 'disturbed' old growth that does not meet the official 'negligible disturbance' definition of old growth. The submission also contended that the informal reserve system has been eroded over time and is not effective in preventing the decline of species.

Submission 392 contended that the West Victoria RFA had failed to identify a CAR reserve system.

### Comments of the Independent Reviewer

This commitment was met in Period 3 for the RFAs for Central Highlands, West Victoria and Gippsland but it was not met for East Gippsland and North-East because Victoria implemented a CAR Reserve System that exceeds the system described in the attachments to the clauses (see comments for Clause numbers EG – 50 and NE – 63 below and comments regarding changes to the Agreements in section 4.2.1 of this report).

#### 4.11.2 Changes to the CAR Reserve System

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties agree that changes to that component of the CAR reserve system in State forest will only occur in accordance with this Agreement, will not lead to a net deterioration in the protection of identified CAR values, and will be publicly available.	EG - 50 CH - 63 NE - 63 W - 65 G - 65	Achieved	Achieved for CH, W and G. Not achieved for EG and NE

#### i) Changes to that component of the CAR reserve system in State forest will only occur in accordance with this Agreement

##### Report of the Parties

This ongoing commitment was met during Period 3.

##### Issues raised in public submissions

Four submissions noted that additional reservation had serious implications for providing the timber industry with resource security (Issue 17).

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<sup>51</sup> (JANIS, 1997)

### **Comments of the Independent Reviewer**

This commitment was met in Period 3 for the RFAs for Central Highlands, West Victoria and Gippsland but it was not met for East Gippsland and North-East because Victoria implemented a CAR Reserve System that exceeds the system described in the attachments to the clauses.

In Period 3, the Victorian Government enacted the *Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009* to add over 45 000 hectares of State forest to the conservation reserve system in East Gippsland. A further 170 hectares of State forest and public land was added to the 'Dedicated Reserves' component of the CAR reserve system in the North East RFA region. Further additions to the CAR Reserve System were agreed by the Victorian Government in April 2014, although these were made subsequent to Period 3. The Report by the Parties does not acknowledge that these changes to the CAR Reserve System were made without amendment of the RFAs.

Whilst the additional reservation may be viewed in a positive light as an 'over-achievement' for the CAR Reserve System, it is technically non-compliant with the RFAs since there was no agreement between the Parties pursuant to Clauses EG – 24 and NE – 8 to amend the CAR Reserve System defined in Clauses EG – 48 & Attachment 1 and NE - 62 & Attachment 1 (see comments regarding changes to the Agreements in section 4.2.1 of this report).

Furthermore, the unilateral action of the Victorian Government to extend the CAR Reserve System could be construed as contrary to Clauses NE - 19 and EG - 10 of the RFAs<sup>52</sup> (see section 4.2.2 of this report).

**ii) Changes to that component of the CAR reserve system in State forest will not lead to a net deterioration in the protection of identified CAR values, and will be publicly available**

### **Report of the Parties**

The changes to the CAR reserve system in State forest in Period 3 did not lead to a net deterioration in the protection of identified CAR values during Period 3.

### **Issues raised in public submissions**

No specific comments were submitted.

### **Comments of the Independent Reviewer**

This ongoing commitment was met to the extent that, intuitively, additions to the CAR Reserve System should not lead to a net deterioration in the protection of identified CAR values.

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<sup>52</sup> "Neither party will seek to use existing or future legislation to undermine or impede this Agreement"

#### 4.11.3 Protection of National Estate values

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties agree that best endeavours will be used to maintain the levels of protection of national estate values in a regional context; however, minor changes to the levels of protection of individual values may occur as a result of changes to the CAR reserve system in State forest.	CH - 64 NE - 64 W - 66 G - 66	This commitment has been overtaken by events	The Report of the Parties does not adequately address these clauses.

#### Report of the Parties

This commitment has been overtaken by events as reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

The Report of the Parties does not adequately address these clauses.

The setting aside of clauses relating to National Estate values does not appear to have been done through formal amendment of the RFAs (see section 4.2.1 of this report). The Report of the Parties notes that the means of protecting National Estate values has changed since the RFAs were signed and that the National Estate values identified under the RFA process “will be protected under these new arrangements”. However, the Report contains no information as to how the values are protected.

See also section 4.2.3 of this report.

#### 4.11.4 Amendment of East Gippsland Forest Management Area Plan

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria agrees to produce and publish by June 1997 an amendment to the East Gippsland Forest Management Area Plan that describes the changes to management zones and protection levels to different values brought about by this Agreement. In addition the amendment will: explain the role of the JANIS Reserve Criteria in attaining a CAR reserve system; and amend the ‘Guidelines for Reviewing Management Strategies and Zones’ on page 79 of the Forest Management Area Plan as described in Box 1 in Attachment 5.	EG - 51	Achieved in Period 1	Not applicable to Period 3

#### Report of the Parties

This milestone was achieved during Period 1 and reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

Covered by the report for Periods 1 & 2 - not applicable to Period 3.

#### 4.11.5 Central Highlands Forest Management Plan

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria agrees to produce and publish by 30 June 1998 the Central Highlands Forest Management Plan that reflects the outcomes of this Agreement.	CH - 65	Achieved in Period 1	Not applicable to Period 3

#### Report of the Parties

This milestone was achieved during Period 1 and reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

Covered by the report for Periods 1 & 2 - not applicable to Period 3.

#### 4.11.6 North East Forest Management Plan

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria agrees to produce and publish by 30 June 2000 the North East Forest Management Plan that reflects the outcomes of this Agreement.	NE - 65	Achieved in Period 1	Not applicable to Period 3

#### Report of the Parties

This milestone was achieved during Period 1 and reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

Covered by the report for Periods 1 & 2 - not applicable to Period 3.

#### 4.11.7 Forest Management Plans for Portland, Horsham, Midlands and Otways

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone and obligation Victoria agrees to: produce and publish a Forest Management Plan for the Portland and Horsham FMAs by 30 June 2002; and review and where appropriate update forest management plans for the Midlands and Otway FMAs by 2005. to reflect the outcomes of this Agreement. The RFA Attachment provides further details on the Forest Management Plan process and other relevant forest management issues.	W – 67 W – Attachment 9	Achieved in part	Achieved in part

##### Report of the Parties

The milestone was achieved and the obligation was partly achieved in Period 3.

##### Issues raised in public submissions

No specific comments were submitted.

##### Comments of the Independent Reviewer

The commitments were achieved in part.

The obligation to produce/update forest management plans was achieved for Clause W67 (a) (Portland and Horsham FMAs) and for part of Clause W67(b) (Otway FMA) although the milestones for completion were not met. The obligation to review/update the forest management plan for the Midlands (Clause W67(b)) was not achieved.

#### 4.11.8 Gippsland Forest Management Plan

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria agrees to produce and publish by 31 December 2001 the Gippsland Forest Management Plan that reflects the outcomes of this Agreement. Attachment 9 provides further details on the Forest Management Plan process and other relevant forest management issues.	G – 67 G – Attachment 9	Achieved in Period 1	Not applicable to Period 3

##### Report of the Parties

This milestone was achieved during Period 1 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

No specific comments were submitted.

## Comments of the Independent Reviewer

Covered by the report for Periods 1 & 2 - not applicable to Period 3.

## 4.12 Industry development

### 4.12.1 Timber harvesting outside of the CAR Reserve System

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Parties agree that State Forest outside the CAR reserve system is available for timber harvesting in accordance with the Victorian Forest Management System.	CH - 67 NE - 66 W - 68 G - 68	Achieved	Achieved in part
Victoria also confirms that the Sustainable Yield for forests for the RFA region will continue to be based on areas available for timber harvesting outside the CAR reserve system.	EG - 23 CH - 67 NE - 66 W - 68 G - 68	Achieved	Achieved in part

#### Report of the Parties

These ongoing commitments were met during Period 3.

#### Issues raised in public submissions

Four submissions noted that additional reservation had occurred in Period 3, with implications for the supply of timber (Issue 17).

Several submissions clearly disagreed with the intent of these provisions and called for an end to harvesting in native forests (Issue 7, see section 4.5) and alleged that the forests outside of reserves were being overcut (Issue 13, see section 4.12.5).

#### Comments of the Independent Reviewer

The obligations were met in Period 3 for the RFAs for Central Highlands, West Victoria and Gippsland but were not met for Clause EG – 23 of the RFA for East Gippsland and Clause NE – 66 of the RFA for North-East. The Independent Reviewer has taken this view on the following basis-

- Clauses EG – 48 and 49 and NE – 62 provides that the CAR Reserve System is as described in Attachment 1 and identified in Map 1<sup>53</sup> of the respective RFAs
- Victoria in Period 3 made additions to those areas shown in the Attachments and Maps; these additions were not made through formal amendment of the RFA (see comments in section 4.11 above) with the effect that not all areas outside of the

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<sup>53</sup> It is noted that the RFAs provide for Victoria to amend the informal reserves (i.e. State forest Special Protection Zones) in accordance with the guidelines in Attachment 1 and the RFAs

CAR Reserve System as identified in the RFA were available as a basis for sustained yield (EG – 23 and NE – 66) and timber harvesting (NE - 66).

#### 4.12.2 Timber production capacity of State forest

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties agree that any changes to the area of State forest will not lead to a net deterioration in the timber production capacity of those areas available for harvesting in terms of volume, species and quality.	CH - 68 NE - 67 G - 69	Achieved	Achieved in part
Obligation Parties agree that any changes to the area of State forest available for timber harvesting will not lead to a net deterioration in the timber production capacity of the forest.	W - 69	Achieved	Achieved in part

#### Report of the Parties

This ongoing commitment was met during Period 3.

#### Issues raised in public submissions

Four submissions argued that this obligation has not been met because the timber supply capacity had been significantly reduced as a consequence of the additional reservation of forests (Issue 17), and extended buffers for Leadbeater’s Possum within wood production zones.

Submission 391 questioned the statement in the Report of the Parties that the additional reservation of 41,000 (sic) hectares of State forest in East Gippsland was achieved without any net job losses or reduction in available timber resources. The submission argued that no proof was given to support this statement and that “it is clear that timber resources were reduced and jobs [were] lost”.

#### Comments of the Independent Reviewer

See comments above in section 4.12.1.

#### 4.12.3 Enhanced resource security

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties will facilitate industry development through enhanced resource certainty, recognising that a purpose of this Agreement is to provide long term stability of forests and forest industries. The Commonwealth will facilitate industry development by not preventing enterprises obtaining, using or exporting timber, woodchips or unprocessed wood products sourced from the East Gippsland region. In addition, Parties will encourage:	EG - 53	Achieved	Achieved in part

introduction of new technology; value adding; utilisation of regrowth timber for sawn products; thinning of regrowth forests; and extraction of residual wood.			
The Parties acknowledge that the forest-based industries in the RFA region make a significant contribution to both the regional and State economies and are an essential component of many communities in the region. The Parties intend that this Agreement will enhance opportunities for further growth and development of forest-based industries in the RFA region and provide long term stability for these industries. The Parties therefore acknowledge that this Agreement must provide enhanced security of access to resources on forested land for the life of the Agreement. This, in turn will facilitate industry development through: new investment, plantation development, reforestation, downstream processing, value-adding and jobs growth in forests-based industries; further introduction of new technology, enhanced utilisation of regrowth timber for sawn products, thinning of regrowth forests and more efficient utilisation of residual wood; investment in mineral exploration and mining; and tourism and recreation investment.	CH - 69 NE - 68 W - 70 G - 70	Achieved	Achieved in part

### Report of the Parties

These ongoing commitments were met during Period 3.

### Issues raised in public submissions

Many submissions, from all sectors including conservation and industry organisations, commented that the RFAs had failed to provide resource security to industry.

Submission 387 contended that industry development had been constrained by resource reductions that were not in accordance with the RFAs and that the lack of certainty of supply had caused the closure (across Australia) of more than 75% of the sawmills that existed at the start of the RFAs.

Submission 394 acknowledged that “The primary drivers of the decline in resource availability have been fire and changes to sustainable yield outlook methodologies. However, supply reductions are also driven by the continued political willingness to create new reserve areas outside of the agreed RFA framework”.

### Comments of the Independent Reviewer

The Report of the Parties provides evidence of a continuing commitment to the development of the timber industry. However, the objective of providing enhanced resource security was undermined by uncertainty over the supply of timber due to a number of factors, including further reduction in the area of State forest available for wood production in East Gippsland and North East during Period 3 (see comments in sections 4.2.2 and 4.12.1 of this report).

#### 4.12.4 Woodchips and unprocessed wood products

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
As part of providing greater security of access to forest resources, the Commonwealth will not prevent enterprises obtaining, using or exporting timber, woodchips or unprocessed wood products sourced from the RFA region in accordance with this Agreement.	CH - 70 NE - 69 W - 71 G - 71	Achieved	Achieved

#### Report of the Parties

This ongoing commitment was met during Period 3.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

#### 4.12.5 Supply of sawlogs

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Parties acknowledge that this Agreement is expected to provide as a minimum the current legislated sustainable yield of D+ sawlogs (415 000 m <sup>3</sup> per annum) from the Dandenong, Central and Central Gippsland Forest Management Areas (FMAs) for the next twenty years, but recognise that sustainable yield levels in Victoria are subject to periodic review. Economic and social issues have been taken into account in providing a land base that is expected to deliver these yields. Sustainable yield levels in these FMAs will be reviewed when new resource information becomes available from the State-wide Forest Resource Inventory (SFRI) which should be completed by the end of 1999. When the sustainable yield for these FMAs is confirmed following this review, Victoria agrees to supply the revised sustainable yield level from these FMAs to the industry, in accordance with the requirements of the Forests Act. However, the Parties note that Victoria is committed to supply, as a minimum, the current licensed volume of D+ sawlogs (345 000 m <sup>3</sup> per annum) for the next twenty years from these FMAs.	CH - 71	Achieved	Not demonstrated
The Parties acknowledge that this Agreement is expected to provide as a minimum the current level of supply of D+ sawlogs (68 000 m <sup>3</sup> per annum) from the North East region (comprising the Benalla/Mansfield and Wangaratta FMAs and part of the Wodonga FMA)	NE - 70	Achieved	Not demonstrated

<p>for the next twenty years, but recognise that timber supply levels in Victoria are subject to change based on periodic review of sustainable yield.</p> <p>Economic and social issues have been taken into account in providing a land base that is expected to deliver these yields. Sustainable yield levels in this region will be reviewed based on new resource information now available from the State-wide Forest Resource Inventory (SFRI). Victoria will make available to industry any additional timber volumes identified through periodic reviews, in accordance with relevant legislation.</p>			
<p>The Parties:</p> <p>(a) acknowledge that this Agreement is expected to provide 77 900 m<sup>3</sup> per annum of D+ sawlogs from the West Victoria region comprising:</p> <p style="padding-left: 40px;">(i) the Midlands FMA (40 000 m<sup>3</sup> per annum subject to Clause 72(c)),</p> <p style="padding-left: 40px;">(ii) the Otway FMA (27 000 m<sup>3</sup> per annum),</p> <p style="padding-left: 40px;">(iii) the Portland FMA (10 000 m<sup>3</sup> per annum)</p> <p>and</p> <p style="padding-left: 40px;">(iv) the Horsham FMA (900 m<sup>3</sup> per annum)</p> <p>but recognise that timber supply levels in Victoria are subject to change based on periodic review of Sustainable Yield and that Sustainable Yield estimates are based on the full extent of FMAs;</p> <p>(b) acknowledge that completion of SFRI will result in updated datasets which will form the basis of Sustainable Yield forecasts for each FMA, and agree that when these datasets become available during the course of this Agreement, Sustainable Yield will be reviewed in consultation with industry and community stakeholders and that, following this, Sustainable Yield rates are likely to change;</p> <p>(c) agree that, in particular, the Sustainable Yield rate for Midlands FMA will be reviewed by 31 December 2003, in consultation with industry and community stakeholders, following completion of SFRI for this area. It should be noted that SFRI data were not available at the time of the Timber Resource Analyses used to develop the RFA;</p> <p>(d) recognise that the expected available volume of D+ sawlogs referred to in Clause 72(a) includes a component of forest stands which may be less desirable to harvest under existing market conditions, due to low yields, accessibility and product distribution but not areas which are considered unproductive for sawlogs, for example less than 22 metre stand height. The available volume is dependent on the capacity of the timber industry to harvest all areas contributing to the estimate;</p> <p>(e) agree that economic and social issues have been taken into account in providing a land base that is expected to deliver the yields in Clause 72(a).</p>	W - 72	Achieved	Not demonstrated
<p>The Parties:</p> <p>(a) acknowledge that this Agreement is expected</p>	G - 72	Achieved	Not demonstrated

<p>to provide 115 000 m<sup>3</sup> per annum of D+ sawlogs from the Gippsland region comprising:</p> <ul style="list-style-type: none"> <li>(i) the Tambo FMA (62 000 m<sup>3</sup> per annum),</li> <li>(ii) eleven blocks of the Wodonga FMA (13 000 m<sup>3</sup> per annum) and</li> <li>(iii) the eastern part of the Central Gippsland FMA (40 000 m<sup>3</sup> per annum of the expected 175 000 m<sup>3</sup> from the whole FMA)</li> </ul> <p>but recognise that timber supply levels in Victoria are subject to change based on periodic review of Sustainable Yield and that Sustainable Yield estimates are based on the full extent of the FMAs;</p> <p>(b) recognise that the expected available volume of D+ sawlogs referred to in Clause 72 (a) includes forest stands which may be less desirable to harvest under existing market conditions, due to low yields, accessibility and product distribution. The available volume is dependent on the capacity of the timber industry to harvest these areas. Timber Resource Analyses identified that approximately 8 per cent of the total Gippsland resource and 20 per cent of the mixed species resource is sourced from forest stands which fall into this category;</p> <p>(c) agree that economic and social issues have been taken into account in providing a land base that is expected to deliver the yields in Clause 72 (a).</p>			
<p>The Parties agree that Victoria will manage the forest estate in the Central Highlands, North East, Gippsland and West Victoria RFA region to at least maintain its timber production capacity in terms of volume, species and quality.</p>	<p>CH - 71 NE - 70 G - 75</p>	<p>Achieved</p>	<p>Not demonstrated</p>
<p>The Parties agree that Victoria will continue to implement silvicultural programs that aim to at least maintain its timber production capacity in terms of volume, species and quality.</p>	<p>W - 75</p>	<p>Achieved</p>	<p>Not demonstrated</p>

### Report of the Parties

These ongoing commitments were met during Period 3.

### Issues raised in public submissions

Several submissions contended that logging exceeds the sustained yield and that the RFAs do not adequately take account of the loss of resources through natural disturbances such as wildfire (Issue 13).

Submission 394 reported that over the life of the RFAs, the total volume of production from Victorian State forests has consistently decreased from a peak of 2.2 million m<sup>3</sup> in 2000-01, to 1.2 million m<sup>3</sup> in 2015-16. During the review period, 2009-2014, volume fell from 1.81 million m<sup>3</sup> to 1.27 million m<sup>3</sup>.

Submissions 380 and 388 argued that the procedures for allocating timber resources in Victorian relies upon outdated and inadequate surveys and a simplistic Allocation Order methodology which produces a figure that fails to take account of losses due to environmental buffers and wildfire.

## Comments of the Independent Reviewer

These commitments have been changed in two related ways without agreement in writing and amendment of the RFAs by the Parties. First, it is evident that the total volume of supply has significantly decreased; and second, the method of allocating supply has substantially changed.

### 1. Volume of supply

The RFAs acknowledge that the timber supply levels in Victoria are subject to change based on periodic review of Sustainable Yield and that the available volume is dependent on the capacity of the timber industry to harvest areas that include forest stands which may be less desirable to harvest under prevailing market conditions, due to low yields, accessibility and product distribution.

The progress report for Periods 1 & 2 noted that timber harvesting in Victoria's State forests was reduced by about a third following the State-wide Forest Resource Inventory (SFRI) and timber resource review in 2001. The Victorian Auditor-General noted a "continuation in the overall decline in availability since 2002. The reasons for this decline include increases in conservation reserves and fire impacts, as well as VicForests' improved understanding of which forest areas can be harvested and sold profitably and sustainably"<sup>54</sup>.

Whilst it appears that the availability of supply continued to decline in Period 3 any such decline is difficult to quantify because the method of allocation has changed (see below).

### 2. Allocation of supply

During Period 1 & 2 the volume-based timber allocation system was replaced with an area-based allocation system, whereby the Victorian Government allocates areas of State forest to VicForests through an Allocation Order and it is the responsibility of VicForests to determine the volume of timber that can be sustainably harvested within the allocated area. VicForests uses new growth models derived from long-term permanent growth plot data and estimates of product yield based on ten years of harvesting activity across a wide range of forest types in eastern Victoria. The Victorian Auditor-General has reported that timber is being harvested within the estimated sustainable harvesting rate and within the allowed areas<sup>55</sup>.

It is beyond the scope of the current review to examine the virtues or otherwise of replacing the volume-based allocation system with an area-based system. However, the change in the manner in which the sustainable yield is prescribed and monitored represents a major change to the RFAs. This change does not appear to have been subject to agreement in writing by the Parties and formal amendment of the RFAs (see section 4.2.1 of this report) and it would therefore appear to constitute a technical non-compliance with the RFAs.

The Report of the Parties does not appear to directly address Clauses CH – 71, NE – 70, G – 75 and W – 75 above.

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<sup>54</sup> (VAGO, 2013)

<sup>55</sup> (VAGO, 2013)

#### 4.12.6 Adjustment of industry to revised timber resource availability

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
It will be necessary to provide industry with sufficient time to adjust to the revised timber resource availability resulting from the West Victoria and Gippsland RFA outcomes. The Parties agree that this adjustment will take place within two years of the date of signing this agreement in conjunction with the actions in Clause 77 of the West Victoria and Gippsland RFAs.	W – 73 W – Attachment 11 G – 73 G – Attachment 11	Achieved in Period 1	No comment required

##### Report of the Parties

This obligation was met in Period 1 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

##### Comments of the Independent Reviewer

Not relevant to Period 3.

#### 4.12.7 Review of sustainable yield

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria agrees that Sustainable Yield levels will be reviewed based on new resource information from the SFRI when available, and the use of IFPS.	W - 74 G - 74	Achieved in part	Achieved in part

##### Report of the Parties

This obligation was met in the Gippsland RFA region, but not the West Victoria RFA region during the previous review period and was reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

No comments were directly relevant to this commitment, although several submissions argued in general that logging was exceeding a sustainable yield (see section 4.12.5 above).

##### Comments of the Independent Reviewer

These milestones are covered by the report for Periods 1 & 2, noting that the milestone was achieved for the Gippsland RFA region but not for the West Victoria RFA region. The Report of the Parties for Period 3 explains that governmental policy changes in 2002 “negated the value of implementing the Integrated Forest Planning System and SFRI in the West Victoria RFA region”. However, the setting aside of this milestone for the West Victoria RFA appears to have been done without agreement in writing between the Parties and without amendment of the RFA (see section 4.2.1 of this report).

#### 4.12.8 Silvicultural programs and reforestation works

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Wherever possible Victoria will enhance State-wide silvicultural programs and reforestation works to improve the productive capacity of State forests.	CH - 72 NE - 71 W - 76 G - 76	Achieved	Achieved

#### Report of the Parties

This obligation was met during Period 3.

#### Issues raised in public submissions

Six submissions (40, 228, 241, 356, 391 and 423) expressed concern about poor regeneration outcomes, including the outstanding backlog of pre-2004 regeneration.

Submission 85 noted that under its Recognition and Settlement Agreement (RSA) an Aboriginal Corporation has managed a number of coupes for DELWP and it is keen to apply landscape management goals of creating open woodland.

#### Comments of the Independent Reviewer

This obligation was met during Period 3. However, much of the information provided in the Report of the Parties refers to the assessment and treatment of a backlog of potentially under-stocked stands arising from previous wildfires and harvesting operations conducted prior to the establishment of Vic Forests in 2004. The Report refers to the requirements for the effective regeneration of harvested areas, as laid down in the *Sustainability Charter for Victoria's State forests*<sup>56</sup> and the code of practice for timber production<sup>57</sup> and the associated management standards and procedures<sup>58</sup>. However, the Report contains no data to show the effectiveness or otherwise of regeneration treatments undertaken in harvested forests during Period 3.

It is noted that Victoria has comprehensive systems in place for monitoring the success of regeneration, including audits by third parties. However, the format for reporting on regeneration outcomes during Period 3 has been inconsistent and confusing (see Box 2). The relevant publicly available reports (Report by the Parties for Period 3, State of the Forests Report, and VicForests Annual Sustainability Reports) provide summary data but are lacking more detailed quantitative data. It is acknowledged that such reports cannot be unduly loaded with too much detail. However, given that the successful regeneration of forests is arguably the most important indicator of sustainable forest management, the records of progress with regeneration (on a coupe-by-coupe basis) should be transparently available to the public.

A similar finding to the above was reached in 2013 by the Victorian Auditor General's Office<sup>59</sup>, which concluded that "VicForests' regeneration activities are meeting DEPI's standards for successful regeneration. However, VicForests' sources of regeneration data are

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<sup>56</sup> (DSE, 2006)

<sup>57</sup> (DSE, 2007) (DEPI, 2014a)

<sup>58</sup> (DEPI, 2014b)

<sup>59</sup> (VAGO, 2013)

not all consistent, making it difficult to accurately reconcile whether it is regenerating at a similar rate to which it is harvesting. ....DEPI's audit program also does not reconcile the cumulative regenerated area against the cumulative harvest area, even though this is critical to sustainability. The agencies need to address these issues to improve public accountability".

## **Box 2 – Public reporting of regeneration outcomes in Victoria**

Victoria's State of the Forests Report 2013<sup>60</sup> notes that "Harvesting, managed by DEPI in western Victoria, under single-tree selection silviculture has been followed by almost 100 per cent regeneration success. The area of coupes successfully regenerated each year in eastern Victoria by VicForests increased over the reporting period from 1,620 hectares in 2007/08 to 6,320 hectares in 2011/12. As at 30 June 2012 VicForests was within 1,100 hectares (or 9%) of its target to have no more than three years harvest area not adequately regenerated at any point in time".

The VicForests Sustainability Reports provide information relating to the annual regeneration programs. These reports mainly deal with the area treated by methods of site preparation (viz. natural regeneration; burnt and mechanical), site establishment (viz. natural, aerially sown, hand sown and planted) and chemical use. The reporting of regeneration outcomes in these reports has varied considerably over time, as noted below.

- The report for 2008-2009 states that "Once the required standards are met the coupes are nominated to DSE for finalisation, at which time they are audited for process and quality, and either accepted and removed from VicForests' management, or rejected due to the need for further work". The report shows that of 96 coupes 'handed back' to DSE, 77 were 'accepted', meaning that 20% of coupes were deemed to require further work.

- The reports for 2009-2010, 2010-2011 and 2011-2012 simply present a chronological sequence of areas harvested v areas 'handed back'. The report for 2011-2012 notes that stakeholders have queried the difference between annual harvesting activity and the area submitted to DSE for coupe finalisation.

- The report for 2012-2013 omits the chronological sequence and states that it has been difficult to report on regeneration success because regeneration data are stored in two databases – tabular data (such as dates and the type of site establishment) in a textual database and spatial data (such as the area and location of the regenerating coupe) in a spatial database. The report states that VicForests "plans to commence a project in 2013-14 to reconcile every hectare of forest that has been harvested from 1 August 2004 until 30 June 2013" with the aim to produce "a correct and consistent record of VicForests' regeneration activities".

- The report for 2013-14<sup>61</sup> does not address these issues and it simply states "Following preparation of the seedbed, all sites are regenerated". This bland statement is not supported by any evidence.

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<sup>60</sup> (DEPI, 2014c)

<sup>61</sup> (VicForests, 2014)

**Recommendation 12. Victoria considers ways to improve the manner in which regeneration success is reported, including ensuring that coupe-level information is transparently available to the public.**

**4.12.9 Hardwood Timber Industry Development and Restructuring Program**

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Both Parties are committed to the implementation of a Hardwood Timber Industry Development and Restructuring Program for Victoria. Parties agree to develop a Memorandum of Understanding for a joint Commonwealth-Victorian Hardwood Timber Industry Development and Restructuring Program which will establish the respective roles and responsibilities of the two governments in administering the program. The Parties further agree that a total of \$27.6 million is available to implement the program across the five Victorian RFA regions (refer RFA Attachment).	CH - 73 NE - 72	Achieved in Period 1	Not applicable to Period 3
The Parties agree that the funding available through the joint Commonwealth-Victorian Hardwood Timber Industry Development and Restructuring Program (VicFISAP) has been increased to \$42.6 million across the five Victorian RFA regions. The Parties agree to review the Memorandum of Understanding for the VicFISAP which establishes the respective roles and responsibilities of the two governments in administering the program to take into account the outcomes of this Agreement. The Parties acknowledge that Victoria will provide an additional \$20 million dollars to facilitate improvements in the productive capacity of public native forests, establish hardwood plantations, and other forest-based initiatives that will generate significant employment opportunities in regional Victoria. This brings the total funding package associated with the five Victorian RFAs to \$63 million. RFA Attachment provides details.	W – 77 G – 77	Achieved in Period 1	Not applicable to Period 3

**Report of the Parties**

These commitments were met during Period 1 and reported on in the combined first and second five-yearly review.

**Issues raised in public submissions**

No specific comments were submitted.

**Comments of the Independent Reviewer**

These commitments were completed in Periods 1 & 2 and are not applicable to Period 3.

### 4.13 Indigenous heritage

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria will, in accordance with the East Gippsland Forest Management Area Plan, formalise a consultation, participation and negotiation mechanism with the relevant Aboriginal groups in East Gippsland to ensure the appropriate management of Aboriginal heritage, including the maintenance of traditional and historic uses and values, in East Gippsland.	EG - 54	Achieved	Achieved
<b>Milestone and Obligation</b> The Parties agree to develop a package of measures that will be implemented by Victoria to ensure the appropriate management of Aboriginal heritage including the maintenance of traditional historic uses and values, in the RFA region. These measures are the development of: State-wide guidelines for the management of cultural heritage values; provision for participation and negotiation through the establishment of formal consultation mechanisms with local Aboriginal communities; modelling to establish priority areas for future surveys of Aboriginal sites; and training of staff. These measures are further outlined in the RFA Attachment.	CH - 74 NE - 73 W – 78 G – 78	Partially achieved	Partially achieved

#### Report of the Parties

The milestone to develop State-wide guidelines for the management of cultural heritage values was not achieved in Period 3. The obligation to ensure appropriate management of Aboriginal heritage values was met in Period 3.

#### Issues raised in public submissions

In relation to Clause EG – 54, Submission 85 noted that Traditional Owner Agreements can be contractual in nature (for example, the Dja Dja Wurrung RSA) and non-compliance is subject to commercial law. The Corporation submitted that the previous *Indigenous Partnership Framework (2007-2010)* produced very poor outcomes and that future policies need to be more enabling.

For the remaining clauses, see section 4.6.8 of this report.

#### Comments of the Independent Reviewer

See section 4.6.8 of this report.

### 4.14 Plantations

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
<b>Milestone</b> The Commonwealth will seek to remove export controls on unprocessed timber sourced from Victorian plantations before the end of March 1997.	EG - 56	Achieved in Period 1	Not applicable to Period 3

### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

This milestone was achieved in Period 1 and is not applicable to Period 3.

## 4.15 Other forest uses

### 4.15.1 General

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties agree that forest uses other than timber production will be determined in accordance with Victorian legislation with due regard for protection of environmental and heritage values. In some limited circumstances that do not relate to the substance of this Agreement (for example foreign investment approval, export controls for non-forest products and major infrastructure developments) Commonwealth legislative provisions may also apply.	EG - 57 CH - 77 NE - 76 W - 83 G - 83	Achieved	Achieved

### Report of the Parties

This ongoing commitment was met during Period 3.

### Issues raised in public submissions

Many submissions advocated that higher priority should be given to the management of forests for non-timber services and uses such as conservation, recreation, tourism, agriculture, water and carbon/climate change (Issue 8).

### Comments of the Independent Reviewer

The Parties continued to agree with the intent of these clauses in Period 3.

### 4.15.2 Mining not permitted in National Parks, Wilderness Parks, State Parks and Reference Areas

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties recognise that under legislative provisions in Victoria, issuing of new exploration licences and subsequent mining is not permitted in National Parks, Wilderness Parks, State Parks and Reference Areas.	EG - 58 CH - 78 NE - 77 W - 84 G - 84	Achieved	Achieved

### Report of the Parties

This ongoing commitment was met during Period 3.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

#### 4.15.3 Exploration and mining in parts of the CAR reserve system

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Parties recognise that exploration and mining may be permitted in parts of the CAR reserve system, other than those identified in the previous clause, where the identified conservation values are not incompatible with exploration and mining. To this end, Victoria will ensure that in accordance with relevant Victorian legislation proposed Mining Operations in the CAR reserve system will be subject to an Environmental Effects Statement or planning permission (e.g. planning permit) as required. In the case of exploration, the provisions of the <i>Mineral Resources Development Act 1990</i> (Vic) require the application of conditions to protect environmental values, and may in the case of proposed road construction or bulk sampling require an exploration impact statement. Victoria will ensure these provisions apply to proposed exploration activities in the CAR reserve system. The Parties note that, in accordance with the relevant Forest Management Plan, no new activities under the <i>Extractive Industries Development Act 1995</i> (Vic) will be permitted in the State forest component of the CAR reserve system unless it will make a significant contribution to the regional economy and unless the values within the CAR reserve system can be maintained or provided for elsewhere.	EG - 59 CH - 79 NE - 78 W - 85 G - 85	Achieved	Achieved

### Report of the Parties

This ongoing commitment was met during Period 3.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

#### 4.15.4 Rehabilitation of mining sites

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Rehabilitation of any mining site will be in accordance with the provisions of the <i>Mineral Resources Development Act 1990</i> or the <i>Extractive Industries Development Act 1995</i> , and it will aim to achieve world's best practice.	EG - 60 CH - 80 NE - 79 W - 86 G - 86	Achieved	Achieved

##### Report of the Parties

This ongoing commitment was met during Period 3.

##### Issues raised in public submissions

No specific comments were submitted.

##### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

#### 4.15.5 Long term timber harvesting and water production strategy for the Thomson Reservoir catchment

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
<b>Milestone</b> The Parties recognise that the Central Highlands region is an important source of water, particularly for Melbourne. Victoria will develop a long term timber harvesting and water production strategy for the Thomson Reservoir catchment in accordance with the Central Highlands Forest Management Plan when timber resource data (SFRI) becomes available in 1999.	CH - 81	Achieved in Period 1	Not applicable to Period 3

##### Report of the Parties

This milestone and obligation was achieved in Period 1 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

No specific comments were submitted.

##### Comments of the Independent Reviewer

This milestone was achieved during the previous review periods and is not applicable to Period 3.

#### 4.15.6 Harvesting of firewood, posts and poles within CAR reserve system

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Parties agree that the harvesting of firewood, posts and poles, will be phased out within the CAR reserve system within three years of signing this Agreement.	W - 87 G - 87	Achieved	Not applicable to Period 3

##### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

No specific comments were submitted.

##### Comments of the Independent Reviewer

This milestone was achieved during the previous review periods and is not applicable to Period 3.

#### 4.16 Competition principles

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone and Obligation Parties recognise that under the Competition Principles Agreement, Governments aim to achieve more transparency and greater efficiency in Government owned business enterprises. The Commonwealth agrees that the day to day pricing and allocation arrangements for wood from public forests are matters for Victoria. Victoria confirms its commitment to the pricing and allocation principles set out in the National Forest Policy Statement. Victoria confirms that legislation and policies relevant to the allocation and pricing of hardwood logs from State forests will be reviewed as part of the Competition Principles Agreement before the end of 1999. Competitive neutrality principles will be taken into account in any changes following the review.	EG - 61 CH - 82 NE - 80 W - 88 G - 88	Achieved in Period 1 and the ongoing commitment was met in Period 3	Achieved

##### Report of the Parties

This milestone and obligation was achieved in Period 1 and reported on in the combined first and second five-yearly review. The ongoing commitment was met during Period 3.

##### Issues raised in public submissions

Many submissions argued that the native forest industry only survives through taxpayer subsidies (Issue 10).

##### Comments of the Independent Reviewer

This milestone and obligation was achieved in Period 1 and reported on in the combined first and second five-yearly review. The Parties continued to honour this commitment in Period 3.

In relation to the concerns of some stakeholders (above), the Victorian Auditor-General's Office concluded in its 2013 report<sup>62</sup> that VicForests operates profitably, without any government subsidies noting that "While sawlog sales drive VicForests' commercial operations, VicForests and the industry could not operate financially without complementary pulp log sales". The report found that "VicForests has managed contracts to produce a commercial return, provide a fair process for the mills and appropriately support the industry, despite changes to product availability and the industry over time".

#### 4.17 Research

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The results of the Comprehensive Regional Assessments of the forest values of the RFA region indicated a number of areas requiring further research. The <i>Compendium of Victorian Forest Research</i> (1998) provides a bibliography of research in progress as well as published and unpublished works. Parties have outlined State-wide research priorities in the RFA Attachment.	EG - 62 CH - 83 NE - 81 W - 89 G - 89	Achieved	Largely achieved
Parties agree to consult each other in the development of future research projects that may affect the Agreement and note that the subject areas and priorities may change throughout the duration of the Agreement.	EG - 63 CH - 84 NE - 82 W - 90 G - 90	Achieved	Achieved
Parties agree to make publicly available, wherever possible, research reports relevant to this Agreement.	EG - 64 CH - 85 NE - 83 W - 91 G - 91	Achieved	Achieved
<b>Milestone</b> In addition, Victoria agrees to publish its rainforest research by December 1998.	EG - 64	Achieved in Period 1	Not applicable to Period 3

#### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review. These ongoing commitments were met during Period 3.

#### Issues raised in public submissions

Submission 228 contended that "the [Report of the Parties] and current logging practices do not incorporate or adapt to new scientific information available for biodiversity conservation, forest management and values, or changes to the timber industry".

Submission 391 argued that "the many research topics listed look good on paper, but very little documentation is given to show what has actually been achieved, which we suspect is minimal, given that [we are] familiar with much of the scientific literature regarding forests

<sup>62</sup> (VAGO, 2013)

and forest management”. The submission criticised a national academic institution for attacking the timber industry whilst failing to produce reports for which it was funded.

Submission 419 advocated increased investment in forest research and higher education to ensure that Victoria has the knowledge base for future management and the capacity for innovation and professional management of future forests.

### **Comments of the Independent Reviewer**

The ongoing commitments appear to have been largely met in Period 3. The Report of the Parties provides evidence of a continuing commitment to research. However, it does not provide documentation in a form that systematically addresses the research priorities identified in the RFAs.

Attachment 6 of Clauses, CH – 83, NE – 81, W – 89, G – 89 and Attachment 7 of EG – 62 provide that “research will continue on the following major themes.

- Silviculture
- Flora and fauna conservation
- Soil and water conservation
- Fire ecology
- Wood quality in regrowth forests”.

The Attachments also list 10-11 specific topics for which the Parties “recognise the importance of continuing research”. Understandably, Clauses EG – 63, CH – 84, NE – 82, W – 90 and G – 90 recognise that “the subject areas and priorities may change throughout the duration of the Agreement”. The Report of the Parties states that “In addition to the themes listed in the RFAs, research during Period 3 has also continued on issues relating to climate change and carbon sequestration”. Appendix 2 of the Report identifies current research priorities and new research topics and it presents three case studies. However, there is no systematic reporting against each of the themes and topics identified in the RFAs in a form that summarises the work that has been done during the period for each theme and topic. Such reporting would provide a transparent record of changes in research priorities, including comments on any themes and topics that have been discontinued or downgraded in terms of relative priority.

**Recommendation 13. The Parties consider providing a more systematic report on work done and changes to the relative priority of research themes and topics identified in the RFAs, as well as new priorities.**

The report on sustainability indicators<sup>63</sup> provides information on expenditure in institutions that undertake research and development relating to forests. These data show a steady increase in expenditure in Victoria during Period 3, compared to a general decline in research capacity elsewhere in Australia<sup>64</sup>. It is not shown, however, how much of this expenditure is directly relevant to ESFM and other aspects of the RFAs.

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<sup>63</sup> (DEPI, 2014c)

<sup>64</sup> (Montréal Process Implementation Group for Australia and National Forest Inventory Steering Committee, 2013)

#### 4.18 Funding

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Parties agree that achieving the objectives of this Agreement will require the commitment of financial resources from both Governments.	EG - 65	Achieved	Achieved
The Commonwealth will consider assistance for the development of sustainability indicators and work on endangered species. Under these circumstances where possible and appropriate, Victoria will administer funds provided by, and on behalf of, the Commonwealth for projects agreed within the context of this Agreement. Where this occurs, Victoria will establish appropriate financial review and monitoring arrangements agreed by the Commonwealth.	EG - 66	Achieved	Achieved

#### Report of the Parties

These commitments were met during Period 3.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

These commitments were met during Period 3 through the funding of programs of relevance to biodiversity. Funding was not required for the development of sustainability indicators.

#### 4.19 Data agreement

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Parties agree to develop an agreement concerning the management of the data used to develop this Agreement within six months of signing. The data agreement will cover: ownership and custodianship; archival lodging and location and associated documentation standards; and access, use and maintenance of the data. Parties also agree to lodge archival copies of data within six months of signing this Agreement.	EG - 67	Achieved in Period 1	Not applicable in Period 3
Milestone Parties note the development of a State-wide data agreement. Both Parties agree to develop a schedule to the State-wide agreement concerning the management of the data used to develop this Agreement within six months of signing. The data agreement covers: ownership and custodianship; archival lodging and location and associated	CH - 86 NE - 84	Not achieved	Not achieved

documentation standards; and access, use and maintenance of the data. Parties also agree to lodge archival copies of data within six months of signing this Agreement.			
<p><b>Milestone</b></p> <p>Parties note the signing of a State-wide data agreement on 28 March 2000. Both Parties agree to develop a schedule to the State-wide agreement concerning the management of the data used to develop this Agreement by 30 June 2000. The data agreement covers:</p> <p>ownership and custodianship;  archival lodging and location and associated documentation standards; and  access, use and maintenance of the data.</p> <p>Parties also agree to lodge archival copies of data by 31 March 2001.</p>	W - 92 G - 92	Not achieved	Not achieved

### Report of the Parties

This milestone was achieved in the East Gippsland RFA region in Period 1. The milestone was not achieved in the other Victorian RFA regions during Period 3.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

This milestone was achieved in the East Gippsland RFA region in Period 1. The milestone has not been achieved in the other Victorian RFA regions.

The Report of the Parties states that “While the lodgement of archival copies of data is therefore not possible for the Central Highlands, North East, Gippsland and West Victoria RFA regions, the Comprehensive Regional Assessments (CRAs) are available and these contain the knowledge derived from the data layers. The CRAs are available on the Department of Agriculture and Water Resources website at: [www.agriculture.gov.au](http://www.agriculture.gov.au)”.

**Recommendation 14. Noting that (1) the data layers used to develop the RFAs have not been archived and managed in accordance with the provisions of the RFAs, other than for the East Gippsland RFA; and (2) the Parties have reported that it is not possible to achieve this commitment for the four outstanding RFAs; the Parties consider removing this requirement by amending the RFAs.**

## 4.20 Legally binding provisions

### 4.20.1 Regional prescriptions for timber production

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria will: Complete and publish regional prescriptions for timber production by the end of 1998.	CH – 88.1	Achieved in Period 1	Not applicable in Period 3

#### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

This milestone was achieved in Period 1 and is not applicable in Period 3.

### 4.20.2 Pricing of hardwood logs

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria will: Review legislation and policies relevant to the allocation and pricing of hardwood logs from State forest as part of the Competition Principles Agreement before the end of 1999.	CH – 88.4	Achieved in Period 1	Not applicable in Period 3

#### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

This milestone was achieved in Period 1 and is not applicable in Period 3.

#### 4.20.3 Publication of management plans for National and State Parks

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria will: Use its best endeavours to complete and publish management plans for all National and State Parks by the end of 1998.	CH - 88.5	Achieved in Period 1	Not applicable in Period 3

##### Report of the Parties

This milestone was achieved in Period 1 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

No specific comments were submitted.

##### Comments of the Independent Reviewer

This milestone was achieved in Period 1 and is not applicable in Period 3.

#### 4.20.4 Implementation of the CAR Reserve System

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria will: Implement the CAR reserve system, including any required public land tenure changes, described in the RFA Attachment and identified on RFA Maps.	NE - 86.1 W - 94.1 G - 94.1	Achieved in Periods 1 & 2	Achieved in part

##### Report of the Parties

This commitment was met during Periods 1 and 2 and reported on in the combined first and second five-yearly review.

##### Issues raised in public submissions

See sections 4.11.1 and 4.11.2 of this report.

##### Comments of the Independent Reviewer

This commitment has been met in Period 3 for the Gippsland and West Victoria RFAs but has not been met for the North-East RFA to the extent that Victoria has implemented a CAR Reserve System that exceeds the system described in the attachment to Clause NE – 86.1 (see sections 4.11.1 and 4.11.2 of this report).

#### 4.20.5 Publication of Forest Management Plans

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria will: Produce and publish by 30 June 2000 the North East Forest Management Plan that reflects the outcomes of this Agreement.	NE - 86.2	Achieved in Period 1	Not applicable to Period 3
Milestone Victoria will: Produce and publish by 30 June 2002 the Portland and Horsham Forest Management Plan that reflects the outcomes of this Agreement.	W - 94.2	Achieved in Period 3	Achieved, but outside of the prescribed timeline
Milestone Victoria will: Produce and publish by 31 December 2001 the Gippsland Forest Management Plan that reflects the outcomes of this Agreement.	G - 94.2	Achieved in Period 1	Not applicable to Period 3

#### Report of the Parties

The milestone was achieved in the Gippsland and North East RFA regions during Period 1 and reported on in the combined first and second five-yearly review. The milestone was achieved in the West Victoria RFA region during Period 3.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

The milestone was achieved in the Gippsland and North East RFA regions during Period 1 and is not applicable to Period 3.

The milestone was achieved in the West Victoria RFA region during Period 3, albeit much later than the scheduled milestone of 30 June 2002 (see also section 4.11.7).

#### 4.20.6 Implement the IFPS and SFRI

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Milestone Victoria will: Implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory (SFRI) in the North East region in time for the next review of sustainable yield due in 2001.	NE - 86.3	Achieved in Periods 1 & 2	Not applicable to Period 3
Milestone Victoria will: Implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory by 31 December 2003 for the Midland FMA, 30 June 2005 for the Otway FMA and 30 June 2006 for the Portland FMA.	W - 94.3	Policy changes negated the value of completing the SFRI and IFPS in the W RFA	Not achieved

Milestone Victoria will: Implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory (SFRI) in the Gippsland region by 31 December 2002.	G - 94.3	Achieved in Periods 1 & 2	Not applicable to Period 3
Milestone Victoria will: Implement the Integrated Forest Planning System and the State-wide Forest Resource Inventory (SFRI) in the Central Highlands in time for the next review of sustainable yield due in 2001.	CH – 88.2	Achieved in Period 1	Not applicable in Period 3

### Report of the Parties

This milestone was achieved in the Central Highlands, North East and Gippsland RFA regions, but not in the West Victoria RFA region, during the previous review periods and reported on in the combined first and second five-yearly review. Policy changes through the then Victorian Government's *Our Forests, Our Future* negated the value of completing the SFRI and Integrated Forest Planning System in the West Victoria RFA region.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

This milestone was achieved in the Central Highlands, North East and Gippsland RFA regions during the previous review periods and is not applicable to Period 3. The milestone was not achieved in the West Victoria RFA region and the setting aside of the milestone appears to have been done without agreement in writing between the Parties and without amendment of the RFA (see sections 4.6.9 and 4.2.1 of this report).

#### 4.20.7 Publish audits of compliance

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria will: Publish future reports of audits of compliance with the Code of Forest Practices for Timber Production.	CH – 88.3 NE - 86.4 W - 94.4 G - 94.4	Achieved	Achieved

### Report of the Parties

This ongoing commitment was met during Period 3.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3 (see section 4.6.3).

#### 4.20.8 Competitive neutrality principles

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Victoria will: Take into account competitive neutrality principles in any changes arising from the <i>Forest Act 1958</i> , National Competition Policy Review and Government Response (May 1999).	NE – 86.5	Achieved	Achieved

##### Report of the Parties

This ongoing commitment was met during Period 3.

##### Issues raised in public submissions

See section 4.16 of this report.

##### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

#### 4.20.9 Accreditation of Victoria’s forest management system

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Commonwealth will: Maintain accreditation of Victoria’s forest management system for the RFA region as amended by this Agreement providing changes to the system are consistent with the provisions of this Agreement.	CH – 89.1 NE – 87.1 W – 95.1 G – 95.1	Achieved	Achieved

##### Report of the Parties

This ongoing commitment was met during Period 3.

##### Issues raised in public submissions

Several submissions commented that Victoria’s forest management systems and the broader operating environment had changed since the inception of the RFAs and the original accreditation by the Commonwealth of Victoria’s system. Submission 333 contended that the RFAs had failed to deliver acceptable environmental, social and economic outcomes and the “Commonwealth Government has failed to abide by its undertakings agreed under the RFA, specifically by maintaining accreditation of Victoria’s forest management system”.

Submission 376 called for a “rigorous, robust, transparent and independent review of the effectiveness of the RFAs against the objectives of the EPBC Act” and recommended that the review should assess the full range of the environmental, economic and social impacts of logging activities as well as the CAR reserves and forest management systems accredited under the RFAs.

See other comments in section 4.5 of this report.

### Comments of the Independent Reviewer

The Report of the Parties identifies various changes to the legislative/policy/institutional framework during Period 3 and it is implicitly taken that these are in accordance with the above clauses of the RFAs, i.e. “changes to the system are consistent with the provisions of [these] Agreements”. The report does not contain a summary of major changes to Victoria’s forest management system and an assessment of their impacts on the implementation of the RFAs. As discussed in see section 4.2.1 of this report, major changes to the system have not been subject to formal amendment of the RFAs.

See Recommendation 10.

#### 4.20.10 Trade in woodchips and unprocessed wood products

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Commonwealth will: Not prevent enterprises obtaining, using or exporting timber, woodchips or unprocessed wood products sourced from the RFA region in accordance with this Agreement.	CH – 89.2 NE – 87.2 W – 95.2 G – 95.2	Achieved	Achieved

#### Report of the Parties

This ongoing commitment was met during Period 3.

#### Issues raised in public submissions

No specific comments were submitted.

#### Comments of the Independent Reviewer

This ongoing commitment was met during Period 3.

#### 4.20.11 Compensation

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
Detail of the provisions for compensation are in Part 3 of the Central Highlands, North East, West Victoria and Gippsland RFAs.	CH - 90 NE - 88 W - 96 G - 96	Achieved	Not invoked in Period 3

#### Report of the Parties

These ongoing commitments continued to apply in Period 3.

#### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

These provisions were not invoked during Period 3 (there were no claims under the compensation provisions of the RFAs).

#### 4.20.12 Industry development funding

Obligation	Clause numbers	Report of the Parties	Independent Reviewer
The Commonwealth will, subject to the terms and conditions under any Commonwealth Act which appropriates money, provide an amount of \$13.8 million and Victoria will provide \$13.8 million to implement a Hardwood Timber Industry Development and Restructuring Program subject to the development of a Memorandum of Understanding between the two Parties which establishes the respective roles and responsibilities of the two governments in administering the Program.	CH - 91	Achieved in Period 1	Not applicable to Period 3
As provided for in the Memorandum of Understanding for a Hardwood Timber Industry Development and Restructuring Program for Victoria (refer clause 72) the Commonwealth will, subject to the terms and conditions under any Commonwealth Act which appropriates money, provide an amount of \$13.8 million and Victoria will provide \$13.8 million to implement a Hardwood Timber Industry Development and Restructuring Program subject to the provisions of the Memorandum of Understanding between the two Parties which established the respective roles and responsibilities of the two governments in administering the Program.	NE - 89	Achieved in Period 1	Not applicable to Period 3
The Commonwealth will, subject to the terms and conditions under any Commonwealth Act which appropriates money, provide an amount of \$18.8 million and Victoria will provide \$23.8 million to implement a Hardwood Timber Industry Development and Restructuring Program across the five Victorian RFA regions. A revision of the Memorandum of Understanding between the two Parties which established the respective roles and responsibilities of the two governments in administering VicFISAP will be required to take into account the outcomes of this Agreement.	W - 97 G - 97	Achieved in Period 1	Not applicable to Period 3

### Report of the Parties

These commitments were met during Period 1 and reported on in the combined first and second five-yearly review.

### Issues raised in public submissions

No specific comments were submitted.

### Comments of the Independent Reviewer

These commitments were met during Period 1 and are not applicable to Period 3.

## 5 Progress with implementation of the Joint Government Response to recommendations from Periods 1 & 2

The report of the Independent Reviewer<sup>65</sup> of the draft Progress Report for Periods 1 & 2<sup>66</sup> contained 28 recommendations, comprising 13 'R' recommendations for improvements to be made to content of the draft report in preparing the final report<sup>67</sup>, and 15 'C' recommendations concerning the ongoing implementation of the Victorian RFAs. The 'R' recommendations were addressed in the final report and the response of the Parties to the 'C' recommendations was articulated in a Joint Government Response<sup>68</sup>. The Report of the Parties for Period 3 provides the status of progress with the implementation of the actions in the Joint Government Response relating to the 'C' recommendations. The current Independent Reviewer has reviewed the Report of the Parties and provided comments as detailed below and summarised in

Table 4.

It is noted that in two cases (Recommendations C8 and C14), the Joint Government Response indicates that the Parties did not consider that any action was necessary because procedures or circumstances had changed subsequent to the date of the report of the Independent Reviewer.

In two other cases (Recommendations C2 and C3), the current Independent Reviewer is of the view that Joint Government Response did not specifically address the key elements of the recommendations.

**Table 4. Summary of Recommendations of the Independent Reviewer for Periods 1 & 2 and progress with the implementation of the Joint Government Response**

Recommendation of Independent Reviewer (Periods 1 & 2)		Essence of Joint Govt Response	Progress with implementation	
			Report of the Parties	Independent Reviewer
<b>C1</b>	That the Parties consider amending the RFAs to reflect any administrative or legislative changes including the changes made to the <i>Environment Protection and Biodiversity Conservation Act 1999</i> in 2006.	Consider as part of RFA extension process	In progress	Not yet achieved
<b>C2</b>	That the Parties consider strengthened public reporting of progress in implementing the RFAs consistent with the Australian Government's response to the Hawke review.	Not specifically addressed	In progress	Not specifically addressed

<sup>65</sup> (Wallace, 2010)

<sup>66</sup> (State of Victoria and Commonwealth of Australia, 2009)

<sup>67</sup> (DEPI, 2014d)

<sup>68</sup> (DEPI, 2014e)

Recommendation of Independent Reviewer (Periods 1 & 2)		Essence of Joint Govt Response	Progress with implementation	
			Report of the Parties	Independent Reviewer
C3	That the Parties commence planning for the next five-yearly review due by June 2014. The Parties should also commence development of the criteria which they will consider in making recommendations about any extensions to the RFAs. These criteria should be made publicly available as part of the next review process.	Not specifically addressed	In progress	Not fully achieved
C4	That the Parties consider cancelling the West Victoria Regional Forest Agreement or substantially amending the RFA given the significant additions to reserves and reduction in timber availability made since the agreement was signed.	Retain the West Victoria RFA and consider any changes as part of extension process for the Victorian RFAs.	In progress	Not yet achieved
C5	That the Victorian Government give priority to monitoring of sustainability indicators to enable comprehensive reporting in the next State of the Forests Report due in 2013.	Agreed	Achieved	Achieved
C6	That the Victorian Government undertake a review of the current Victorian sustainability indicators and complete this review by the end of 2011. The review should be guided by the milestone and obligation that <i>"the indicators will be practical, measurable, cost effective and capable of being implemented at the regional level."</i>	Agreed	Achieved	Achieved
C7	That the Parties give priority to development and review of recovery plans for species listed under both the EPBC and FFG, taking into account the reviews of both Acts.	Agreed	In progress	Achieved in part
C8	That the Victorian Government give priority to completion of all outstanding pest plant and pest animal control programs.	Not required due to the adoption of an alternative approach	No action required	No action required
C9	That the Victorian Government considers release of the sustainability assessment for Melbourne's water catchment following review of the impacts of the 2009 fires.	The Victorian Government made a considered decision not to release the report.	Achieved	Achieved

Recommendation of Independent Reviewer (Periods 1 & 2)		Essence of Joint Govt Response	Progress with implementation	
			Report of the Parties	Independent Reviewer
<b>C10</b>	That the Victorian Government review and publish the Portland-Horsham Forest Management Plan by December 2010.	The plan was completed and released prior to the release of the Joint Gov't Response	Achieved	Achieved
<b>C11</b>	That the Parties, through the Agreements, continue to enhance opportunities for further growth and development of forest-based industries in the RFA regions and provide long term stability for these industries.	Agreed	Achieved	Achieved
<b>C12</b>	That the Victorian Government give priority to completion of regeneration activities and to improvements to the timeliness of reporting on those activities.	Agreed	In progress	Achieved in part
<b>C13</b>	That the Victorian Government include consideration of the milestones and obligations for establishment of formal consultation mechanisms with Aboriginal communities in the RFA regions in the revised Indigenous Partnership Framework.	Addressed through various legislative and administrative mechanisms.	Achieved	Achieved
<b>C14</b>	That the Victorian Government complete modelling by December 2011 to establish priority areas for future surveys of Aboriginal sites in the RFA regions (noting that this work has already been undertaken in the North East).	Not required as surveys across all public land are prescribed in legislation	Achieved	No action required
<b>C15</b>	That, in accordance with the obligation (EG-66), the Australian Government continues to consider assistance for the development of sustainability indicators.	Agreed	In progress	Achieved

**Recommendation C1**

That the Parties consider amending the RFAs to reflect any administrative or legislative changes including the changes made to the *Environment Protection and Biodiversity Conservation Act 1999* in 2006.

**Joint Government Response**

The Parties acknowledge that there have been a number of legislative changes since the signing of the Victorian RFAs. The Parties agree that the RFAs will be administered by the Parties within the context of these changes and further agree to consider the need to amend the Victorian RFAs to reflect these changes.

The Parties acknowledge that the process for extending the Victorian RFAs will be jointly determined by the Parties as part of the third five-yearly review. The Parties agree that any required amendments to the Victorian RFAs should be made as part of this extension process to ensure the RFAs are relevant and current, considering legislative and administrative changes, learnings from the first 15 years of the Victorian RFAs and other relevant matters.

#### **Status of implementation of the Joint Government Response**

Underway. Implementation of the Joint Government Response is in progress.

#### **Issues raised in public submissions**

Submissions were not specifically relevant to this recommendation.

#### **Comments of the Independent Reviewer**

Not yet achieved. The Parties have agreed that the RFAs will be administered within the context of the changes to legislation and they have agreed to make any required amendments as part of the process for the extension of the RFAs. The current Independent Reviewer has reservations about this approach. As discussed in section 4.2.1 of this report, major changes that are not made by way of formal amendment of the RFAs raise doubts about the overall currency, integrity and certainty of the agreements and the degree to which the Parties may unilaterally or mutually set aside previously agreed commitments, either by conscious action or by default (see Recommendation 2 of this report).

#### ***Recommendation C2***

That the Parties consider strengthened public reporting of progress in implementing the RFAs consistent with the Australian Government's response to the Hawke review.

#### **Joint Government Response**

The Australian Government supports long-term RFAs and will work cooperatively with the Victorian Government, through the process to extend the RFAs, to provide resource security and a stable investment environment for the forest industry and establish appropriate and timely reporting arrangements.

#### **Status of implementation of the Joint Government Response**

Underway. Implementation of the Joint Government Response is in progress.

#### **Issues raised in public submissions**

Submissions were not specifically relevant to this recommendation, although comments were made with respect to the lateness of the five year reviews and the level of detail (see section 4.4 of this report).

#### **Comments of the Independent Reviewer**

This recommendation has not been specifically addressed by the Parties.

The Independent Reviewer for Period 1 & 2 noted that – “The Hawke review also makes a number of recommendations relevant to the RFAs including that the current mechanisms contained in the EPBC Act for Regional Forest Agreement (RFA) forest management be retained but be subject to rigorous independent performance auditing, reporting and sanctions for serious non-compliance”. The Reviewer’s recommendation specifically refers to consideration of “strengthened public reporting of progress in implementing the RFAs” however neither the Joint Government Response nor the Report of the Parties specifically address this matter.

### **Recommendation C3**

That the Parties commence planning for the next five-yearly review due by June 2014. The Parties should also commence development of the criteria which they will consider in making recommendations about any extensions to the RFAs. These criteria should be made publicly available as part of the next review process.

### **Joint Government Response**

The Australian Government remains committed to the Victorian RFAs and to establishing a 20-year rolling life, to each RFA. This will be achieved by extending the RFAs for five years following the successful completion and implementation of each agreement’s five-yearly review.

The Victorian Government is committed to renewing the Victorian RFAs every five years to provide 20-year resource security.

The RFAs require the Parties to determine the mechanism and timing for the five-yearly reviews before the end of the five-year period.

### **Status of implementation of the Joint Government Response**

Underway. Implementation of the Joint Government Response is in progress (the Commonwealth of Australia and State of Victoria signed a Scoping Agreement for the review of progress with implementation of the Victorian Regional Forest Agreements, Third Five-yearly Review in May 2016).

### **Issues raised in public submissions**

Comments were made with respect to the lateness of the five year reviews (see section 4.4 of this report).

### **Comments of the Independent Reviewer**

Not fully achieved.

The Report of the Parties does not indicate whether planning for the third five year review was commenced by June 2014 as recommended by the reviewer for Periods 1 & 2. The Joint Government Response and the Report of the Parties do not specifically address the previous reviewer’s recommendation for the Parties “to commence development of the criteria which they will consider in making recommendations about any extensions to the RFAs”.

#### **Recommendation C4**

That the Parties consider cancelling the West Victoria Regional Forest Agreement or substantially amending the RFA given the significant additions to reserves and reduction in timber availability made since the agreement was signed.

#### **Joint Government Response**

The Parties recognise that there have been a number of changes to forest management in the West Victoria RFA region since the signing of the agreement in 2000. The Parties recognise that the West Victoria RFA is still serving its overarching purpose in relation to conservation and multiple use forests.

The Parties agree that the West Victoria RFA will be administered by the Parties within the context of these changes and further agree to consider the need to amend the West Victoria RFA to reflect these changes.

The Parties agree that any required amendments to the West Victoria RFA will be made as part of extension process for the Victorian RFAs. See Recommendation C1.

#### **Status of implementation of the Joint Government Response**

Underway. Implementation of the Joint Government Response is in progress.

#### **Issues raised in public submissions**

Submissions CTS 3 and 45 [incorrectly] contended that this recommendation called for the West Victoria RFA to be cancelled and they expressed concern that logging plans were still being approved. Six other submissions (45, 55, 75, 235, 325 and 392) called for the RFA to be revoked.

#### **Comments of the Independent Reviewer**

Not yet achieved – see comments for Recommendation C1 above.

#### **Recommendation C5**

That the Victorian Government give priority to monitoring of sustainability indicators to enable comprehensive reporting in the next State of the Forests Report due in 2013.

#### **Joint Government Response**

The Victorian Government recognises that many of its sustainability indicators are difficult and/or costly to monitor and measure. For this reason, the Victorian Government will give priority to monitoring and measuring the sustainability indicators that are most practical, cost-effective and capable of being implemented at the regional level to inform the sustainable management of Victoria's public native forests. The Victorian Government is also assessing the measurability of its sustainability indicators to determine which, if any, of the reported data gaps can be addressed over time.

The Victorian Government has established a Victorian Forest Monitoring Program. Its purpose is to assess and monitor the extent, state and condition of Victorian public forests

(State forests, national parks and other conservation reserves) in a timely and accurate manner to inform sustainable forest management. The Victorian Forest Monitoring Program will be used for reporting in the Victorian and Australian State of the Forests Reports in 2013. At this stage, priority indicators are being included on all public land tenures.

The Parties are mindful that the detection of trends in sustainability indicators over time is an important element of sustainable forest management, and that the continuity of certain datasets is important to many stakeholders.

The Parties agree that the Victorian Government's focus on monitoring and measuring sustainability indicators is intended to demonstrate continual improvement in providing meaningful information on the sustainable development of Victorian forests.

#### **Status of implementation of the Joint Government Response**

Complete. Implementation of the actions in the Joint Government Response are complete.

#### **Issues raised in public submissions**

Submissions 235 and 326 criticised the lack of useful data on ecological condition and trends for the indicators in the State of the Forests Report.

Submission 419 advocated an increased investment in the Victorian Forest Monitoring System to provide clear signals of change and to provide more accurate and comprehensive estimates of change in key indicators at a regional scale

#### **Comments of the Independent Reviewer**

Achieved (see section 4.6 of this report).

#### **Recommendation C6**

That the Victorian Government undertake a review of the current Victorian sustainability indicators and complete this review by the end of 2011. The review should be guided by the milestone and obligation that *"the indicators will be practical, measurable, cost effective and capable of being implemented at the regional level."*

#### **Joint Government Response**

See Recommendation C5.

Under the Ecologically Sustainable Forest Management objective which requires a long-term commitment to continuous improvement, the Victorian Government is assessing the measurability of its sustainability indicators to determine which, if any, of the reported data gaps can be addressed over time. A formal review of the *Criteria and Indicators for Sustainable Forest Management in Victoria* (DSE 2007a) is not underway at this time. However, it has always been a clear intention by the Victorian Government that the *Criteria and Indicators for Sustainable Forest Management in Victoria* would be subject to continuous improvement.

#### **Status of implementation of the Joint Government Response**

Complete. Implementation of the actions in the Joint Government Response are complete.

During the 2013 State of the Forest reporting, the then Victorian Government assessed the measurability of its sustainability indicators to determine which, if any, of the reported data gaps can be addressed over time.

#### **Issues raised in public submissions**

Submissions 235 and 326 criticised the lack of useful data on ecological condition and trends for the indicators in the State of the Forests Report.

#### **Comments of the Independent Reviewer**

Achieved.

#### **Recommendation C7**

That the Parties give priority to development and review of recovery plans for species listed under both the EPBC and FFG, taking into account the reviews of both Acts.

#### **Joint Government Response**

As indicated in Recommendation R6<sup>69</sup>, the Australian and Victorian Governments will endeavour to finalise development of those outstanding recovery plans required for species listed under both the EPBC and FFG Acts before the end of the third five-yearly period.

#### **Status of implementation of the Joint Government Response**

Underway. Implementation of the actions in the Joint Government Response is in progress.

The Australian Government continued to finalise the development of recovery plans for species listed under both the EPBC Act and FFG Act.

#### **Issues raised in public submissions**

Submission CTS 3 contended that the “recommendations relating to improved threatened species outcomes, from the previous RFA five-yearly review in 2009, have still not been complied with”.

#### **Comments of the Independent Reviewer**

Achieved in part.

The target of finalising all outstanding recovery plans for dual listed species was not achieved in Period 3. The Report of the Parties provides information on progress with implementation of each of the priorities identified in the RFAs. The report is somewhat inconsistent in terms of providing an overall summary of cumulative progress with the completion of the Action Statements and Recovery Plans (see comments in section 4.9.3 and Recommendation 10 in this report ).

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<sup>69</sup> Recommendation R6: “That the Parties include a timeframe for development and review of recovery plans for species listed under both the EPBC and FFG Acts in the final Report on Progress”.

### **Recommendation C8**

That the Victorian Government give priority to completion of all outstanding pest plant and pest animal control programs.

### **Joint Government Response**

As indicated in Recommendation R7, based on the Victorian Government application of a new approach to protecting key natural assets on public land from invasive plants and animals, there are no outstanding pest plant and pest animal control programs requiring completion.

### **Status of implementation of the Joint Government Response**

Complete. No further action was required to implement the Joint Government Response to this recommendation.

### **Issues raised in public submissions**

Submissions 45 and 333 argued that weed control programs were not being legally enforced (see section 4.9.5).

Submission 342 contended that the milestone to develop pest plant and pest animal control programs has not been achieved, citing inadequate measures in Wombat State Forest.

### **Comments of the Independent Reviewer**

This recommendation was addressed by way of the Parties noting that the Victorian Government adopted a new approach to pest plant and pest animal control programs, as evidenced by the following chronology-

- The draft progress report for Periods 1 & 2 stated that “Progress towards these milestones was achieved in Periods 1 and 2”.
- The Independent Reviewer for Periods 1 & 2 reported that “ I have been advised that the milestone in each RFA to develop pest plant and pest animal control programs has yet to be achieved as priorities have changed over the last 10 years. DSE is currently seeking to quantify the investment in invasive species in preparation for a new planning approach for forests”. The reviewer recommended “That the Victorian Government include a timeframe for completion of all outstanding pest plant and pest animal control programs in the final Report on Progress” (Recommendation R7) and “That the Victorian Government give priority to completion of all outstanding pest plant and pest animal control programs” (Recommendation C8).
- The final report on progress for Periods 1 & 2 provided additional details on pest control programs and stated that “These milestones were met during Periods 1 and 2” and “There are no outstanding pest plant and pest animal control programs requiring completion”.
- The Joint Government Response to the report of the Independent Reviewer subsequently noted that “The Final Report clarifies that there are no outstanding pest plant and pest animal control programs requiring completion and that the

Victorian Government is applying a new approach to protecting key natural assets on public land from invasive plants and animals”.

- The progress report for Period 3 states “based on the Victorian Government application of a new approach to protecting key natural assets on public land from invasive plants and animals, there are no outstanding pest plant and pest animal control programs requiring completion”.

See also, comments of the current Independent Reviewer under section 4.9.5 of this report.

#### **Recommendation C9**

That the Victorian Government considers release of the sustainability assessment for Melbourne’s water catchment following review of the impacts of the 2009 fires.

#### **Joint Government Response**

The Victorian Government has considered the release of the sustainability assessment for Melbourne’s water catchments. Due to the 2009 bushfires, which affected about one-third of Melbourne’s water supply catchments, the sustainability assessment will not be released. As outlined in the *Timber Industry Action Plan* (DPI 2011), the Victorian Government supports the development of evidence-based, economically efficient and environmentally sustainable approaches to timber harvesting in Melbourne’s water catchments.

#### **Status of implementation of the Joint Government Response**

Complete. No further action was required to implement the Joint Government Response to this recommendation.

#### **Issues raised in public submissions**

No specific comments were submitted.

#### **Comments of the Independent Reviewer**

Achieved, to the extent that the Parties report that the Victorian Government gave consideration to this matter.

#### **Recommendation C10**

That the Victorian Government review and publish the Portland-Horsham Forest Management Plan by December 2010.

#### **Joint Government Response**

The Secretary to the Victorian Government Department of Sustainability and Environment approved the *Portland and Horsham forests: Forest Management Plan 2010* (DSE 2011) on 26 November 2010, and the plan was officially released on 7 April 2011.

The plan is available at the DEPI website: [www.depi.vic.gov.au/forestry-and-land-use](http://www.depi.vic.gov.au/forestry-and-land-use).

### **Status of implementation of the Joint Government Response**

Complete. No further action was required to implement the Joint Government Response to this recommendation.

### **Issues raised in public submissions**

No specific comments were submitted.

### **Comments of the Independent Reviewer**

Achieved.

### ***Recommendation C11***

That the Parties, through the Agreements, continue to enhance opportunities for further growth and development of forest-based industries in the RFA regions and provide long term stability for these industries.

### **Joint Government Response**

The Victorian Government's forest industry policy for the RFA regions is focussed on providing industry with secure access to native forest wood resources. Key elements of this policy include commitments to:

- guarantee long-term access to current supplies of native timber;
- place VicForests under the sole direction of the Victorian Minister for Agriculture;
- restructure the board of VicForests to include industry stakeholders;
- review harvesting rotations for faster growing native species such as mountain ash; and
- renewing the Victorian RFAs every five years to provide 20-year resource security.

Together with the Victorian 2011 *Timber Industry Action Plan*, which builds on the 2009 *Victoria's Timber Industry Strategy*, these initiatives will assist industry to increase the economic value to Victoria from timber production and processing in a socially and environmentally sustainable manner. They will enable ongoing investment in a productive, competitive and sustainable timber industry that ensures our forest industries continue to provide jobs and income for regional families and communities, as well as high quality forest products for future generations.

The Victorian RFAs are an important part of achieving the Victorian Government's policy. The Australian Government remains committed to the Victorian RFAs as providing the framework for the growth and development of forest-based industries and to provide the basis for resource security and a stable investment environment to the forest industry.

### **Status of implementation of the Joint Government Response**

Complete. Implementation of the actions in the Joint Government Response are complete.

The Victorian Government has focussed on providing industry with secure access to native forest resources. Within Period 3, the then Victorian Government amended the *Sustainable Forests (Timber) Act 2004* recognising Victoria's native forestry industry required greater resource security and certainty to facilitate long-term industry investment. The amendments enable longer term allocation of timber resources to VicForests and the issuing of longer term contracts to industry.

The Australian Government is committed to supporting long-term RFAs and establishing a 20-year rolling life to each RFA in order to provide resource security and a stable investment environment to the forest-based industries.

### **Issues raised in public submissions**

Several submissions argued that the native forest industry was unsustainable and that RFAs had failed to provide security for the industry (see sections 4.5 and 4.12.3 of this report).

### **Comments of the Independent Reviewer**

Achieved.

### **Recommendation C12**

That the Victorian Government give priority to completion of regeneration activities and to improvements to the timeliness of reporting on those activities.

### **Joint Government Response**

The Victorian *Code of Practice for Timber Production (Code)* includes requirements for the regeneration of harvested coupes. Compliance with the Code is required under the *Sustainable Forests (Timber) Act 2004 (Vic)*.

VicForests is responsible for regenerating coupes that it has harvested. The majority of forest coupes with regeneration requiring re-treatment were harvested prior to 1 August 2004, and were therefore the Victorian Department of Environment and Primary Industries' (DEPI) responsibility to regenerate. DEPI is progressively addressing this issue.

The Victorian Government recognises that substantial resources are required to complete all the outstanding regeneration surveys and re-treatment works on harvested coupes. The department will continue to pursue opportunities to complete these regeneration activities and will continue to make information available to the public on regeneration activities.

### **Status of implementation of the Joint Government Response**

Underway. Implementation of the actions in the Joint Government Response are in progress.

The Victorian *Code of Practice for Timber Production 2007*, along with new *Code of Practice for Timber Production 2014*, include requirements for the regeneration of harvested coupes. Compliance with the Code is required under the *Sustainable Forests (Timber) Act 2004*.

VicForests is responsible for regenerating coupes that it has harvested and has a proven record of successfully regenerating its harvested areas. The majority of forest coupes with

regeneration requiring re-treatment were harvested prior to VicForests' establishment in August 2004 and are the responsibility of DEDJTR to regenerate.

The Victorian Government has made significant progress on better understanding its outstanding regeneration responsibilities and recognises that substantial resources are required to complete the outstanding regeneration surveys and re-treatment works on harvested coupes. The Victorian Government will continue to explore opportunities to prioritise the outstanding pre-2004 regeneration.

#### **Issues raised in public submissions**

Six submissions (40, 228, 241, 356, 391 and 423) expressed concern about poor regeneration outcomes, including the outstanding backlog of pre-2004 regeneration.

#### **Comments of the Independent Reviewer**

Achieved in part. The Parties have provided information that demonstrates a commitment to completing outstanding regeneration activities, however, the consistency and timeliness of reporting on those activities is still an issue (see section 4.12.8 of this report).

#### **Recommendation C13**

That the Victorian Government include consideration of the milestones and obligations for establishment of formal consultation mechanisms with Aboriginal communities in the RFA regions in the revised Indigenous Partnership Framework.

#### **Joint Government Response**

The *Native Title Act 1993* (Cwth), the *Aboriginal Heritage Act 2006* (Vic) and the *Traditional Owner Settlement Act 2010* (Vic) contain specific requirements for formal consultation and/or engagement between the Victorian Government and traditional owners on native title and cultural heritage matters. The *Aboriginal Heritage Act 2006* (Vic) and the *Traditional Owner Settlement Act 2010* (Vic) were passed by the Victorian Parliament after the signing of the Victorian RFAs.

The *Indigenous Partnership Framework 2007-2010* (DSE 2007d) described how the Victorian Government Department of Environment and Primary Industries engaged broadly with indigenous communities across the State.

In October 2010, the Victorian Government entered into the first Recognition and Settlement Agreement under the *Traditional Owner Settlement Act 2010* (Vic) with the Gunaikurnai people. This agreement recognises their Native Title Rights and interest over parts of the East Gippsland, Gippsland, North East and Central Highlands RFA regions. The Victorian Government is currently working with the Gunaikurnai people to develop agreed consultation and engagement processes relating to land management and other activities in their Native Title area.

The Victorian Government has also entered into a Recognition and Settlement Agreement with the Dja Dja Wurrung people in March 2013 which covers a part of the West Victoria RFA region. The Victorian Government is also working with the Dja Dja Wurrung people to

develop agreed consultation and engagement processes relating to land management and other activities in their Native Title area.

Additional information is at Section 5.12 (pages 61-63) in the Final Report. The additional information is also provided in Appendix A of the Joint Government Response.

#### **Status of implementation of the Joint Government Response**

Complete. Implementation of the actions in the Joint Government Response are complete.

The Victorian Government established consultation and engagement processes with the Gunaikurnai people and continued to work with the Dja Dja Wurrung people to develop and implement agreed engagement and participation processes relating to land management and other activities in their Recognition and Settlement Agreement areas.

Following the review of the Indigenous Partnership Framework the Victorian Government developed the *Meerreeeng Wanga Aboriginal Inclusion Plan 2014-2019* (DEPI 2014f) during Period 3. Since the creation of DELWP in 2015, which is outside of Period 3, the DEPI Meerreeeng Wanga plan has been superseded by *Munganin–Gadhaba ‘Achieve Together’ DELWP Aboriginal Inclusion Plan 2016-2020* (DELWP 2016).

#### **Issues raised in public submissions**

See comments in section 4.6.8 of this report.

#### **Comments of the Independent Reviewer**

Achieved, through various legislative and administrative mechanisms.

#### **Recommendation C14**

That the Victorian Government complete modelling by December 2011 to establish priority areas for future surveys of Aboriginal sites in the RFA regions (noting that this work has already been undertaken in the North East).

#### **Joint Government Response**

Surveys for Aboriginal sites occur across all public land in Victoria as part of requirements of the *Aboriginal Heritage Act 2006* (Vic). This legislation defines sensitive areas in the landscape and requires cultural heritage management plans, including surveys, to be undertaken when activities that may impact cultural heritage are proposed. The Victorian Government Response to the review of the *Aboriginal Heritage Act 2006* (Vic) includes support for further country mapping.

Additional information is at Section 5.12 (pages 61-63) in the Final Report. The additional information is also provided in Appendix A of the Joint Government Response.

#### **Status of implementation of the Joint Government Response**

Complete. No further action was required to implement the Joint Government Response to this recommendation.

### **Issues raised in public submissions**

No specific comments were submitted.

### **Comments of the Independent Reviewer**

The Joint Government Response implies, but does not explicitly state, that the modelling work was not required because surveys are mandatory across all public land when activities that may impact cultural heritage are proposed.

The Response and the Report of the Parties does not specifically comment on the extent to which Recommendation C14 is applicable to private land.

### ***Recommendation C15***

That, in accordance with the obligation (EG-66), the Australian Government continues to consider assistance for the development of sustainability indicators.

### **Joint Government Response**

The Australian Government agrees to the continued provision of assistance to the Victorian Government through technical support from its agencies working co-operatively with Victorian agencies in the development of sustainability indicators which are practical, measurable, cost effective and capable of being implemented at the regional level.

### **Status of implementation of the Joint Government Response**

Underway. Implementation of the Joint Government Response is in progress.

The Australian Government reaffirms it agrees to the continued provision of assistance to the Victorian Government through technical support from its agencies working co-operatively with Victorian agencies in the development of sustainability indicators which are practical, measurable, cost effective and capable of being implemented at the regional level.

### **Issues raised in public submissions**

No specific comments were submitted.

### **Comments of the Independent Reviewer**

Achieved to the extent that the Australian Government continues to consider assistance to the Victorian Government.

## 6 Submissions on the Progress Report for Period 3

A total of 426 submissions was received as detailed in Appendix 2. About 80% of these were based on form letters that were highly critical of the RFAs.

Whilst the views expressed in submissions to this review cannot necessarily be taken as representative of the broader population, it is nonetheless of note that the overwhelming majority of submitters felt that the Victorian RFAs have failed to deliver ecologically sustainable forest management and they should not be extended (see section 4.5 of this report).

It was very evident from the lack of specific comments on the progress report for Period 3, that few submitters had read or taken account of the information within the report. This was particularly the case for the submissions that were copied from, or substantially based on, the contents of three form letters.

The main issues raised in the submissions are summarised in Table 5.

**Table 5. Main issues raised in the submissions on the progress report for Period 3**

	Issue	Submissions(s) <sup>70</sup>	Section of this report
1	The Victorian RFAs have failed to protect the full range of environmental, social, economic and heritage values	CTS 1, CTS 2, CTS 3, 9, 24, 45, 72, 75, 120, 128, 207, 214, 219, 226, 264, 296, 303, 309, 314, 316, 325, 328, 333, 335, 355, 375, 380, 386	4.5
2	The RFAs should not be extended	CTS 1, CTS 2, CTS 3, 45, 75, 120, 196, 207, 214, 219, 226, 254, 232, 235, 296, 298, 303, 309, 316, 322, 323, 325, 326, 328, , 355, 375, 376, 378, 386	4.1
3	The five-yearly review is overdue	CTS 1, CTS 3, 24, 228, 309, 325, 326, 327, 375, 376, 380, 386, 423	4.4
4	End native forest logging industry's 'exemption' from the EPBC Act	CTS 1, CTS 2, CTS 3, 9, 24, 45, 75, 87, 170, 172, 196, 207, 214, 219, 226, 228, 232, 235, 251, 258, 264, 297, 298, 299, 303, 309, 314, 316, 322, 326 327, 328, 335, 355, 375, 380, 386	4.2.5
5	Strengthen management prescriptions for threatened species	CTS 1, CTS 3, 45, 114, 196, 226, 251, 282, 296, 309, 311, 314, 327, 335, 355, 375, 376	4.2.4
6	Make substantial additions to the formal reserve system	CTS 1, CTS 3, 9, 24, 45, 84, 87, 170, 172, 196, 226, 244, 251, 323, 326, 327, 333, 355, 375	4.11

<sup>70</sup> Refer to Appendix 3 for individual submissions

	<b>Issue</b>	<b>Submissions(s)<sup>70</sup></b>	<b>Section of this report</b>
7	End native forest logging and transition the industry to plantations	CTS 1, CTS 3, 9, 24, 45, 75, 120, 201, 226, 228, 232, 296, 303, 316, 322, 327, 361, 375, 378, 386	4.5
8	Priority should be given to other forest uses, such as conservation, recreation, tourism, agriculture, water and carbon/climate change	CTS 1, CTS 2, CTS 3, 9, 45, 47, 51, 75, 120, 214, 219, 226, 228, 231, 235, 251, 272, 273, 296, 303, 316, 322, 327, 328, 375, 377, 386, 388, 410	4.10, 4.15.1
9	Clearfelling has significant detrimental impacts on environmental and conservation values and the regeneration has higher risk of burning at significantly higher severity	CTS 2, 45, 55, 120, 153, 172, 191, 201, 228, 303, 327	4.5
10	The native forestry industry is not economically sustainable and survives through taxpayer subsidies	CTS 2, 24, 63, 72, 114, 153, 186, 201, 226, 228, 256, 265, 288, 303, 322, 328, 350, 375, 388	4.5, 4.16
11	The Mountain Ash forests and Leadbeater's Possums are critically endangered and the reserve system is inadequate	CTS 2, 24, 52, 226, 256, 296, 303, 327, 328	4.2.4, 4.11
12	The Victorian government's reviews of forest management plans and zoning over the past 15 years have been inadequate	CTS 1, CTS 2, 9, 24, 120	4.2.8
13	Logging exceeds sustained yield and the RFAs provide no flexibility to deal with the loss of timber resources through natural disturbances like fire	CTS 1, CTS 2, 47, 114, 120, 219, 254, 296, 309, 325, 333, 335, 377, 386, 388	4.12.5
14	The native forest industry supports very few jobs	24, 228, 251, 254, 256, 265, 303, 316	4.5
15	Victoria's procedures and practices are defective and non-compliant and enforcement is inadequate	24, 63, 74, 120, 256, 258, 264, 293, 297, 301, 303, 309, 311, 327, 328, 333, 350, 355, 356, 375, 376, 380, 381, 386	4.2.8, 4.6.2, 4.6.4
16	Native forests are important for multiple use activities	354, 419, 420	4.5
17	Further reservation of forests has undermined the objective of resource security	387, 391, 394, 423	4.12.3

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## Appendix 1. Summary of progress with the implementation of the RFAs in Period 3

Provision of RFA	Section in this report	RFA/clause number					Progress in Period 3 <sup>71</sup>				
		EG	CH	NE	W	G	Achieved	Partially achieved <sup>72</sup>	Not achieved	NA <sup>73</sup>	ND <sup>74</sup>
Duration of Agreement	4.1	5	6	6	6	6		5			
Relationship to statutory obligations											
Changes to the Agreements	4.2.1	24	8	8	8	8			5*		
Existing and future legislation not to impede Agreement	4.2.2	10	19	19	19	19	3		2*		
National Estate	4.2.3	12	21	21	21	21			5*		
Endangered species	4.2.4	15	25	25	25	25	5				
EPBC Act	0				26	26				2	
World Heritage	0	16-18	26-30	26-30	27-31	27-31				5	

<sup>71</sup> Number of commitments, as assessed for each RFA by the Independent Reviewer. An asterisk (\*) denotes that the Independent Reviewer's assessment differs from the Report of the Parties

<sup>72</sup> Includes obligations that are in progress and/or not completely met

<sup>73</sup> NA – not applicable (Includes obligations that were previously met in Periods 1 & 2 and/or are not relevant, applicable or invoked in Period 3)

<sup>74</sup> ND – not demonstrated due to a change in reporting methodology or insufficient information in the Report of the Parties

Provision of RFA	Section in this report	RFA/clause number					Progress in Period 3 <sup>71</sup>				
		EG	CH	NE	W	G	Achieved	Partially achieved <sup>72</sup>	Not achieved	NA <sup>73</sup>	ND <sup>74</sup>
Export of hardwood woodchips or unprocessed wood	4.2.7	20	32	32	33	33	5				
Governance and implementation	4.2.8	21	33	33	34	34	5				
Milestones	4.3	25	35	35	36	36				5*	
Five-yearly review	4.4	30-32	36-38	36-38	37-39	37-39		5			
Ecologically sustainable forest management	4.5	33	39-40	39-40	40-41	40-41	5				
Monitoring, reporting and consultative mechanisms											
Sustainability indicators	4.6.1	26	41	41	42	42	5				
Public participation and consultation	4.6.2	27	42	42	43	43	5				
Publication of internal audits of compliance	4.6.3	28	43	43	44	44	5				
Transparency and accountability of forest management processes	4.6.4	29	44	44	45	45	2			3	
Regional prescriptions for timber production	4.6.5	34	45(a)							2	
Management plans for National and State Parks	4.6.6	34	45(b)							2	
Management of CAR Reserves	4.6.7	34	45(c)	45(a)	46(c)	46(c)					5*
Management of cultural heritage	4.6.8	34	45(d)	45(b)	46(b)	46(b)			4		1*
Integrated Forest Planning System and the State-wide Forest Resource Inventory	4.6.9	34	45(e)	45(c)	46(c)	46(c)				5	
Development of sustainability indicators	4.7	37-40	48-50	48-50	49-51	49-51				5	

Provision of RFA	Section in this report	RFA/clause number					Progress in Period 3 <sup>71</sup>				
		EG	CH	NE	W	G	Achieved	Partially achieved <sup>72</sup>	Not achieved	NA <sup>73</sup>	ND <sup>74</sup>
Private land	4.8	42	52	52	53	53	5				
Threatened flora and fauna											
Action statements	4.9.1	43-45	55-58	55-58	56-59	56-59	2		5*		
Recovery Plans	4.9.2	44	56	56	57	57		5*			
Listing of threatened species	4.9.3, 4.9.4	45	57	57	58	58	5				
Completion of recommended actions in Recovery Plans and Action Statements	4.9.4		58	58	59	59		4*			
Pest control programs	4.9.5	46	59	59	60	60		5*			
Water	4.10				61	61				2*	
CAR Reserve System											
Implementation of the CAR reserve system	4.11.1	49	62	62	64	64	3		2*		
Changes to the CAR Reserve System	4.11.2	50	63	63	65	65	3		2*		
Protection of National Estate values	4.11.3		64	64	66	66				4	
Forest Management Plans	4.11.4 - 4.11.8	51	65	65	67	67		1		4	
Industry development											
Timber harvesting outside of the CAR Reserve System	4.12.1	23	67	66	68	68	3		2*		
Timber production capacity of State forest	4.12.2		68	67	69	69	2	2*			

Provision of RFA	Section in this report	RFA/clause number					Progress in Period 3 <sup>71</sup>				
		EG	CH	NE	W	G	Achieved	Partially achieved <sup>72</sup>	Not achieved	NA <sup>73</sup>	ND <sup>74</sup>
Enhanced resource security	4.12.3	53	69	68	70	70	3	2*			
Woodchips and unprocessed wood products	4.12.4		70	69	71	71	4				
Supply of sawlogs	4.12.5		71	70	71, 75	72, 75					5*
Adjustment of industry to revised timber resource availability	4.12.6				73	73				2	
Review of sustainable yield	4.12.7				74	74			1	1	
Silvicultural programs and reforestation works	4.12.8		72	71	76	76	4				
Hardwood Timber Industry Development and Restructuring Program	4.12.9		73	72	77	77				4	
Indigenous heritage	4.13	54	74	73	78	78	1	4			
Plantations	4.14	56								1	
Other forest uses											
General	4.15.1	57	77	76	83	83	5				
Mining not permitted in National Parks, Wilderness Parks, State Parks and Reference Areas	4.15.2	58	78	77	84	84	5				
Exploration and mining in parts of the CAR reserve system	4.15.3	59	79	78	85	85	5				
Rehabilitation of mining sites	4.15.4	60	80	79	86	86	5				

Provision of RFA	Section in this report	RFA/clause number					Progress in Period 3 <sup>71</sup>				
		EG	CH	NE	W	G	Achieved	Partially achieved <sup>72</sup>	Not achieved	NA <sup>73</sup>	ND <sup>74</sup>
Long term timber harvesting and water production strategy for the Thomson Reservoir catchment	4.15.5		81							1	
Harvesting of firewood, posts and poles within CAR reserve system	4.15.6				87	87				2	
Competition principles	4.16	61	82	80	88	88	5				
Research	4.17	62-64	83-85	81-83	89-91	89-91	5				
Funding	4.18	65, 66					2				
Data agreement	4.19	67	86	84	92	92			4	1	
Legally binding provisions											
Regional prescriptions for timber production	4.20.1		88.1							1	
Pricing of hardwood logs	4.20.2		88.4							1	
Publication of management plans for National and State Parks	4.20.3		88.5							1	
Implementation of the CAR Reserve System	4.20.4			86.1	94.1	94.1	2		1*		
Publication of Forest Management Plans	4.20.5			86.2	94.2	94.2	1			2	
Implement the IFPS and SFRI	4.20.6		88.2	86.3	94.3	94.3			1*	3	
Publish audits of compliance	4.20.7		88.3	86.4	94.4	94.4	4				
Competitive neutrality principles	4.20.8			86.5			1				

Provision of RFA	Section in this report	RFA/clause number					Progress in Period 3 <sup>71</sup>				
		EG	CH	NE	W	G	Achieved	Partially achieved <sup>72</sup>	Not achieved	NA <sup>73</sup>	ND <sup>74</sup>
Accreditation of Victoria's forest management system	4.20.9		89.1	87.1	95.1	95.1	4				
Trade in woodchips and unprocessed wood products	4.20.10		89.2	87.2	95.2	95.2	4				
Compensation	4.20.11		90	88	96	96				4	
Industry development funding	4.20.12		91	89	97	97				4	
<b>TOTAL</b>							<b>123</b>	<b>33</b>	<b>34</b>	<b>67</b>	<b>11</b>

**Appendix 2. List of submissions received on the progress report for Period 3**

(Names are not provided where submitters did not give consent to their publication)

No.	Name of submitter
1	Greg Warne
2	Fred Tropp-Asher
3	Confidential
4	Confidential
5	Eric Burgess
6	Confidential
7	Anne Verma Makhijani
8	Don Stokes
9	Confidential
10	Confidential
11	Confidential
12	L Melville
13	Thomas Mock
14	Confidential
15	Confidential
16	Matt Toms
17	Confidential
18	Confidential
19	Confidential
20	Jacek Zamojski
21	Patrick Hockey
22	Confidential
23	Confidential
24	Gayle Margaret, Peter Ramon, Andrew & Linda Corcoran

No.	Name of submitter
25	Confidential
26	Confidential
27	Confidential
28	Favel Parrett
29	Peter Beech
30	Ari Vemis
31	Confidential
32	Trevor Parton
33	Jan Mitchell
34	Confidential
35	Susan Ablitt
36	Jonathon Temby
37	Elizabeth Patterson
38	Confidential
39	Confidential
40	Judith Alcorn
41	Regina Bos
42	Confidential
43	Melinda Evans
44	Confidential
45	Beverley Dick
46	Margo van der Voort
47	Lake Tyers Coast Action Inc
48	Penny Houghton
49	Confidential
50	Confidential
51	Rupert Steiner
52	Confidential
53	Rosie Baker
54	Stephen Haley
55	Marc Freestone

No.	Name of submitter
56	David Kneen
57	Confidential
58	Confidential
59	Confidential
60	Peter Lamb
61	Confidential
62	Confidential
63	W Tree Promotion and Progress Association
64	Confidential
65	Confidential
66	Confidential
67	Dave Archer
68	Confidential
69	Confidential
70	Angela Munro
71	Jan Kendall
72	Network for a Sustainable East Gippsland
73	Augusta Miller
74	Michael Feller
75	Evelyn Feller
76	Confidential
77	Kasia Fabijańska
78	Confidential
79	Confidential
80	Confidential
81	Jeffrey Barlow
82	Confidential
83	Confidential
84	Daniela Tymms
85	Dja Dja Wurrung Clans Aboriginal

No.	Name of submitter
	Corporation
86	Steve Prothero
87	Confidential
88	Karen Campbell
89	Shane Bailey
90	Confidential
91	Confidential
92	Ricardo Alves-Ferreira
93	Confidential
94	Confidential
95	Kenji Shimada
96	Charmaine Dunn
97	Confidential
98	Confidential
99	Confidential
100	Confidential
101	Confidential
102	Daamon Parker
103	Confidential
104	Confidential
105	Confidential
106	Caroline Percy
107	Confidential
108	Eric Fah
109	Confidential
110	Confidential
111	Confidential
112	Confidential
113	Ramona Headifen
114	Glenn Michael
115	James Brown

No.	Name of submitter
116	Eran Bartura
117	Confidential
118	Confidential
119	Confidential
120	James Walker
121	Confidential
122	Marius Cauvin
123	Confidential
124	Iris Bergmann
125	Confidential
126	Confidential
127	Emma Townshend
128	Gary Ellett
129	Confidential
130	Confidential
131	Anthony Lunken
132	Confidential
133	Confidential
134	Confidential
135	Peter Seligman
136	Confidential
137	Tamsin Kelly
138	Confidential
139	Sandra Darvidis
140	Confidential
141	Monique Linton-Jude
142	Confidential
143	Confidential
144	Sally Stead
145	Confidential
146	Confidential

No.	Name of submitter
147	John Chadderton
148	Confidential
149	Confidential
150	Tom Leather
151	Catherine McDonald
152	Carol Cox
153	Dianne Scott
154	Confidential
155	Ruth HillNoble
156	Confidential
157	Rebecca Cooper
158	Confidential
159	Confidential
160	James Harker
161	Kate Noble
162	Confidential
163	Confidential
164	Wendy Kurka
165	Bienne Tam
166	Confidential
167	Virginia Dods
168	Mark Jones
169	Confidential
170	Confidential
171	Louise Arnaud
172	Confidential
173	Raphael Bowen
174	Confidential
175	Cassandra Douglass
176	Confidential
177	Russel Baader

No.	Name of submitter
178	Claire Humble
179	Confidential
180	Border Bushwalking Club
181	Andrea Hamilton
182	Confidential
183	Neil Barter
184	Confidential
185	Gabrielle Arnold
186	Charlie Schroeder
187	Confidential
188	Confidential
189	Helen Matthews
190	Mary Burke
191	Confidential
192	Confidential
193	Confidential
194	Confidential
195	Confidential
196	James Glen
197	Confidential
198	Norman Borg
199	Confidential
200	Andrea Hunt
201	Dan Caffrey
202	Confidential
203	Confidential
204	Confidential
205	Confidential
206	Fiona Hill
207	Karen Alexander
208	Gail Papilos

No.	Name of submitter
209	Demi Liapis
210	Confidential
211	Confidential
212	Matthew Schmidt
213	Julie-Anne O'Donoghue
214	Patsy Lisle
215	Confidential
216	Confidential
217	Colin Smith
218	Confidential
219	Elizabeth Ingham
220	Confidential
221	Confidential
222	Croyden Conservation Society Inc
223	David Martin
224	Marita Carter
225	Confidential
226	Sue McKinnon
227	Confidential
228	Ann Jelinek
229	Confidential
230	Confidential
231	Confidential
232	Confidential
233	Confidential
234	Confidential
235	Ann McGregor
236	Confidential
237	Suzanne Wightman
238	Confidential
239	Confidential

No.	Name of submitter
240	Laura Knight
241	Jill Kellow
242	Clodagh Norwood
243	Ann Williamson
244	Confidential
245	Confidential
246	Confidential
247	Confidential
248	Confidential
249	Confidential
250	Confidential
251	Margaret Blair
252	Ryde Gladesville Climate Change Action Group
253	Pamela Reeves
254	Confidential
255	Bernard Mace
256	Environment East Gippsland Inc
257	William Burris
258	Margaret Smith
259	Confidential
260	Annette Hattam
261	Confidential
262	Jan Heald
263	Confidential
264	Stephen Koci
265	Confidential
266	Confidential
267	Confidential
268	Confidential
269	Meredith Stanton

No.	Name of submitter
270	Confidential
271	Confidential
272	Confidential
273	Confidential
274	Confidential
275	Cameron Tozer
276	Elena Maurici
277	Confidential
278	Peter Wilkinson
279	Confidential
280	Moonee Creek Cooperative
281	Phil Piper
282	Strathbogie Sustainable Forest Group
283	Confidential
284	Confidential
285	Rosemary Glaisher
286	Louise Crisp
287	Lauren Mueller
288	Elsbeth Ferguson
289	Confidential
290	Phil Carroll
291	Confidential
292	Deborah Smith
293	William Blomeley
294	Wolf Passauer
295	John O'Brien
296	Andrea Millsom
297	Friends of the Sevens Creek
298	Confidential
299	Confidential
300	Confidential

No.	Name of submitter
301	Doug Vance
302	Confidential
303	Annette Thompson
304	Robyn Mioni
305	Moonee Creek Cooperative
306	Susan Koci
307	Confidential
308	Confidential
309	Wildlife of the Central Highlands
310	Confidential
311	Judith Bourne
312	Confidential
313	Tijana Dabic
314	Phoebe Swing
315	Barengi Gadjin Land Council Aboriginal Corporation
316	National Parks Association of NSW Inc
317	Rachel DeSumma
318	Rachel Rees
319	Goulburn Valley Environment Group
320	Ti Coleing
321	Confidential
322	Bruce Hyatt
323	Confidential
324	Confidential
325	Wombat Forestcare Inc
326	Margaret Blakers
327	Lea Jellinek
328	Viki Sinclair
329	Confidential
330	Confidential

No.	Name of submitter
331	Healesville Environment Watch Inc
332	Nina and Brian Earl
333	Rubicon Forest Protection Group
334	Confidential
335	Sarah Gunn
336	Mallory Pryde
337	Confidential
338	Confidential
339	Confidential
340	Confidential
341	Confidential
342	Victorian National Parks Association
343	Aline Scott-Maxwell
344	Karen Joynes
345	Portland Field Naturalists' Club
346	Confidential
347	Sarah Mills
348	Lynda Thompson
349	Confidential
350	Mary Connor
351	Confidential
352	Bernard Connor
353	Megan Rhys-Jones
354	Sporting Shooters Association of Australia (Victoria)
355	Australian Conservation Foundation
356	Confidential
357	John Whiteoak
358	Dorit Herrmann
359	Confidential
360	Shellie Butterworth

No.	Name of submitter
361	Janet Rice, Senator for Victoria Samantha Dunn, MLC, Victoria
362	Confidential
363	Confidential
364	Confidential
365	Confidential
366	Chris Greenwood
367	Confidential
368	Confidential
369	Confidential
370	Stephen McMahon
371	Geoff Raftery
372	Confidential
373	VicForests
374	Confidential
375	Gippsland Environment Group
376	Lawyers for Forests
377	Tony Hastings
378	Charles Street
379	Confidential
380	Mirboo North and District Preserve our Forests Steering Committee
381	Confidential
382	Joan and Alan McColl
383	Amrita Taylor
384	Hugh Denton
385	Friends of Leadbeater's Possum
386	The Wilderness Society
387	Australian Forest Products Association
388	Confidential
389	Confidential
390	Moonee Creek Cooperative

No.	Name of submitter
391	Confidential
392	BirdLife Australia
393	Adalita Srsen
394	Victorian Association of Forest Industries
395	Newlands Friends of the Forest
396	Moonee Creek Cooperative
397	Confidential
398	Confidential
399	Kya Moore
400	Confidential
401	Megan Hyatt
402	Ernie Marton
403	Confidential
404	Emily Morison
405	Tilman Ruff
406	Suin You
407	Fauna and Toolangi
408	Adam Fletcher
409	Confidential
410	Confidential
411	Jennifer Gill
412	Confidential
413	Confidential
414	Confidential
415	Confidential
416	Caitlin Waters
417	Carolyn Reeves
418	Confidential
419	Rodney Keenan
420	Confidential

<b>No.</b>	<b>Name of submitter</b>
421	Confidential
422	Confidential
423	Confidential
424	Confidential
425	Confidential
426	Confidential

### **Appendix 3. Summary of issues in submissions**

Many submissions appeared to have been copied or substantially based on the contents of three form letters, which have been summarised below as *Common Theme Submissions*.

#### *Summary of Common Theme Submissions (Form letters)*

##### **CTS 1 Common Theme Submission 1**

- The RFAs sought to balance and protect the full range of environmental, social, economic and heritage values. However the Victorian RFAs have comprehensively failed to meet these objectives.
- RFAs are out of date and not fit for purpose and must not be extended, or rolled over.
- This review is overdue.
- End the native forest logging industry's exemption from national environment law.
- Strengthen management prescriptions for threatened species.
- Make substantial additions to the formal reserve system.
- Support the completion of the industry's shift into less-controversial plantation and recycled fibre—rather than entrenching unsustainable native forest logging.
- Support other forest-dependent industries—such as conservation recreation, tourism, agriculture, water and carbon.

##### **CTS 2 Common Theme Submission 2**

- RFAs have been damaging to our environmental heritage and have failed to provide security to industry and a secure reserve system to protect species.
- The native forest logging industry's exemption from national environment law has signed the death warrant for critically endangered species.
- The RFAs should not be renewed under any circumstances.
- The RFAs have locked in unsustainable clearfell logging practices that have had significant detrimental impacts on environmental and conservation values, including tourism values. Regenerating forests recovering from clearfell logging have a higher risk of burning at significantly higher severity.
- RFAs have fuelled a forestry industry driven by paper pulp (not sawlogs) that survives only through taxpayer subsidies, while threatening the viability of plantations, even though there's been a plunge in direct employment within the native logging sector.
- Leadbeater's Possums are now critically endangered, and their reserve system is totally inadequate directly as a consequence of the RFAs being exempt from the EPBC Act.

- The Victorian government's reviews of forest management plans and zoning over the past 15 years have been inadequate.
- Logging exceeds sustained yield and the RFAs provide no flexibility to deal with the loss of timber resources through natural disturbances like fire.

### **CTS 3 Common Theme Submission 3**

- The RFAs sought to balance and protect the full range of environmental, social, economic and heritage values. However the Victorian RFAs have comprehensively failed to meet these objectives.
- RFAs are out of date and not fit for purpose and must not be extended, or rolled over.
- This review is overdue.
- RFAs have failed for the following reasons-
  - They are obsolete and out of date – Many of the standards for the protection of ecosystems fall below international benchmarks. The agreements do not even mention climate change and its potential impacts.
  - Mountain ash forest, one of the key target species for logging, was listed as critically endangered on the International Union for the Conservation of Nature (IUCN) Red List of Ecosystems in 2015.
  - RFAs ignore the successive or cumulative impact of bushfire, even though there have been extensive fires in the last 10 years.
  - RFAs do not recognise, include or account for non-wood forest values (such as water, ecosystem services, recreation and tourism) that are contributing significant sums to the state's economy, and could contribute further.
  - Recommendations relating to improved threatened species outcomes, from the previous RFA five-yearly review in 2009, have still not been complied with.
  - RFAs are exempt from national environmental laws.
  - The method of harvesting native forest, clear fell logging, has not changed significantly in 30 years and has a dramatic impact on the native habitats and drinking water production.
  - The last RFA independent review in 2010 recommended that the western RFA be cancelled, but as recently as mid-2017, revised ecologically damaging logging plans have been released for targeted logging of woodlands right across the west, which will take place in areas known to harbour more than 20 threatened native animals and 14 threatened native plants.
- End the special treatment for the timber industry by-
  - Ending the western forest agreement and comprehensively review proposed logging plans;
  - Discontinue the industry's exemption from national environment laws in all RFAs;

- Account for other forest-dependent industries—such as conservation recreation, tourism, agriculture, water, and carbon—in any arrangement or agreements going forward;
  - Strengthen management prescriptions for threatened species, climate change impacts, and fire;
  - Make substantial additions to the formal reserve system.
- Put a transition plan in place to move out of native forestry, in its current form.

## *2. Summary of Individual submissions*

In the interests of efficiency and to avoid repetition, the summaries of individual submissions (below) indicate where they are fully or substantially copies of form letters, plus any additional issues contained within the submissions.

### **Submission 1**

- Common Theme Submission 1

### **Submission 2**

- Common Theme Submission 1 and Common Theme Submission 2
- The benefits of logging appear to favour a small group of workers at the expense of the mass of Victorians currently and into the future who are able to enjoy the beauty of undamaged nature. These workers appear to have excessive power and influence because of their involvement in the ALP party and their ability to pressure the current Victorian government through their union, the CFMEU.

### **Submission 3**

- Common Theme Submission 1 and Common Theme Submission 2

### **Submission 4**

- Common Theme Submission 1
- Employment opportunities can be created, e.g. mountain pepper which grows in these forests can be sustainably harvested (sell for nearly \$13.00 per 30 grams, which must be a much better return on investment than logging).

### **Submission 5**

- Common Theme Submission 1 and Common Theme Submission 2
- Timber mills are shutting up shop and leaving the state as there is no high value timber to cut anymore.

### **Submission 6**

- Common Theme Submission 1

### **Submission 7**

- Common Theme Submission 1 and Common Theme Submission 2

### **Submission 8**

- Common Theme Submission 1 and Common Theme Submission 2

### **Submission 9**

- Deeply concerned about the inability of the Regional Forest Agreements to achieve ecological sustainability across the bioregions.
- Need to protect our biodiversity, ensure ecological sustainability and end the subsidised native forest logging which causes conflict and damage to our community resources.
- End the native forest logging industry's exemption from national environment law, the strengthening of management prescriptions for threatened species and communities and substantial additions to the formal reserve system.
- The Gippsland RFA has failed to adequately protect the flora, fauna and ecology of the Strzelecki Ranges Bioregion.
- The community fears that 7,000 hectares of native forest reforestation in the Strzelecki State Forest has been misclassified as plantation.
- The JANIS criteria and targets for the amount of each ecosystem that should be reserved in each bioregion have not been achieved. In the Strzeleckis only about 2% is formally reserved. By 2028 areas known as the 'Core and Links' will be added to the reserve system. This will bring the amount in formal reserves to just below 5%. This is totally inadequate.
- In November 2014 Strzeleckis Warm Temperate Rainforest was listed as a threatened community under the Flora and Fauna Guarantee Act. At present there is no Action Statement or management prescriptions for this community.
- VicForests should be stopped from logging in the Strzelecki Ranges.
- There has been widespread public and scientific support for a large national park in the Strzelecki Ranges. The Gippsland RFA acknowledged this vision, but subsequent reviews have shown little interest in assisting or recommending this to governments.

### **Submission 10**

- Common Theme Submission 1
- Forestry should occur on privately owned agricultural land with low environment conservation value through planting and harvesting plantation timber and not on public land.

### **Submission 11**

- Common Theme Submission 1

**Submission 12**

- Common Theme Submission 1

**Submission 13**

- Common Theme Submission 1

**Submission 14**

- Common Theme Submission 1

**Submission 15**

- Common Theme Submission 1

**Submission 16**

- Common Theme Submission 1

**Submission 17**

- Common Theme Submission 1

**Submission 18**

- Common Theme Submission 1

**Submission 19**

- Common Theme Submission 1

**Submission 20**

- Common Theme Submission 1

**Submission 21**

- Incorporates parts of Common Theme Submission 1 and Common Theme Submission 2.
- Critical need to secure our water harvesting assets and capacity into the future.

**Submission 22**

- Common Theme Submission 1

**Submission 23**

- Common Theme Submission 1

**Submission 24**

- Common Theme Submission 1
- A public meeting was held in Mirboo North and a group (Preserve Our Forests Campaign (PoF)) was established to oppose the logging of three coupes by VicForests.

- Vic Forests has advised that logging will proceed regardless of the community consultation process. This is an untenable position for the community. It provides no means for the community to be heard, to have our concerns acknowledged or responded to appropriately. It provides no avenue to realise the community's aim of ensuring that logging does not proceed.
- Historical and current community campaigns have aimed to preserve native forest in the Strzelecki/Gippsland region.
- In Mirboo North and elsewhere, our local economy and our social health and wellbeing is increasingly dependent upon the natural beauty and wildlife found in these important remaining areas of the Great Gippsland/Strzelecki Forest.
- The industry supports 21,000 jobs, but only 1,101 are in the native forest sector, 5,737 jobs are in the plantation sector while 14,384 are in secondary processing, which will not disappear with the loss of native forest logging as they will transfer to other timber supplies.
- The level of commercial timber that could be harvested from State forests is in decline due to factors such: as the creation of logging exclusion zones to protect threatened species; forest regeneration issues; the requirement to protect water catchments; and years of overcutting along with large scale successive bushfires across the state that have contributed to the undersupply of native forest.
- The industry has failed to look to the future and transition to plantation to secure its future. Ageing technology and a diminishing native forest resource has a cumulative negative effect on an industry that should have been planning a transition a long time ago.
- The remaining public native forest only provides 17% of pulp/fibre and sawlog/timber and 91.7% of public native forests are pulped and woodchipped.
- The remaining public native forest should be valued and preserved for its biodiversity and for its environmental and social values, by removing it from access by Vic Forests and the industry.
- The environmental and social responsibilities/standards for clearfelled pulpwood/fibre and sawlogs/timber supplies are poor. VicForests is certified to the Australian Forestry Standard (AFS), which has far inferior standards to those of the Forestry Stewardship Council (FSC).
- The community expects native forest areas to be managed as a community resource, but the culture of Vic Forests is to treat public native forests as an adjunct to the pulp/fibre and timber industry and to undermine public ownership and native forest preservation.
- The dual aims of security of wood supplies to industry and environmental protection are irreconcilable and cannot be managed satisfactorily by Vic Forests.
- VicForests has a lack of compliance with legislation and regulation; a disregard for proper community consultation; a lack of public accountability; and improper practices.

- VicForests lacks factual details on what actually lives in forest areas before an area is approved for logging; its modelling of threatened species is based on old data; and on-ground surveys are cursory and there are systemic, ongoing compliance issues relating to threatened species protection in state forests.
- There is no future in native forest logging. This practice must stop now. The industry must transition to plantations.
- Leadbeater's Possum is more endangered now than it was when the original Action Statement was written in 1995. Professor David Lindenmayer's most recent review of the Leadbeater's Possum was critical of the new DEPI Action Statement. Legislative protections in place to protect the Leadbeater's Possum failed the species in the determination of *My Environment vs VicForests*.
- Community members in the Yarra Valley often complain about the hours of operation of logging trucks which extend beyond those outlined in the Utilisation Procedures.
- Suggestion that higher grade logs are being sold to mills that don't require higher grade timber.
- Tourism, water and agriculture can exist concurrently whilst logging native forests is a single use application of our forests. Environmental economic accounting information shows that the economic future for the forests in Victoria should be the creation of the Great Forest National Park in the Central Highlands and the Emerald Link in East Gippsland.
- We have many concerns about plantations being the future resource supply for pulp/fibre and sawlogs/timber including: the use of monocultures; privatisation; illegal logging of non-plantation areas.
- The future of the Victorian pulp/fibre and sawlog/timber industry should take account of: bushfires; droughts; climate change; higher market standards for environmental and socially responsible products; and the need for Social Licence to be gained. The Government would also need to consider factors such as: public subsidies; incentives for private growers; environmental protections; social justice; other crops for fibre supply; existing non-wood fibre industry; assistance to farmers; and public/government assistance required by the Heyfield Timber Mill to adapt to changing impacts.
- The Timber Release Plan (TRP) process is difficult for community members to navigate.
- Regional Forest Agreements (RFAs) have failed to protect Victoria's threatened animals and plants, and make Victoria's logging industry secure and sustainable. RFAs are out of date, and don't take into account the impacts of climate change and bushfires. We need to end this 'special treatment' that allows/enables native forest logging in Victoria and the exemptions from the EPBC Act.
- RFA reviews are late and there is a lack of any enforcement for failure to meet review deadlines.

[The submission includes a copy of a submission to the Victorian Government calling for action on the above matters]

**Submission 25**

- Common Theme Submission 1

**Submission 26**

- Common Theme Submission 1

**Submission 27**

- Common Theme Submission 1

**Submission 28**

- Common Theme Submission 2

**Submission 29**

- Common Theme Submission 3

**Submission 30**

- Common Theme Submission 3

**Submission 31**

- Common Theme Submission 3

**Submission 32**

- Common Theme Submission 3

**Submission 33**

- Common Theme Submission 3

**Submission 34**

- Keep up the good work.

**Submission 35**

- Common Theme Submission 1

**Submission 36**

- Common Theme Submission 3

**Submission 37**

- Common Theme Submission 3

**Submission 38**

- Common Theme Submission 3

#### **Submission 39**

- Cover sheet submitted without any attachment.

#### **Submission 40**

- Extracts from Common Theme Submission 3
- The aims of “conservation” and “sustainable management” are becoming mutually exclusive as the effects of clearing and climate change ravage the number of natural areas and range of species we have left.
- The RFA Review acknowledges failures of the RFAs, including –
  - effects of fire regimes, management practices, and climate variability/change on forest values and their interactions remain largely unknown
  - Two milestones in the Central Highlands, North East and Gippsland RFAs, and three milestones in the West Victoria RFA, have not been met
  - Victoria’s timber resources are being managed productively but the environmental, economic and social sustainability of timber resources could be further improved
  - decline in timber availability due to landscape scale fires
  - outstanding pre-2004 regeneration in eastern Victoria
  - delays reported on developing recovery plans due to resourcing issues, the time taken for formal endorsement of plans, and a lack of available expertise or baseline data
  - Management of cultural values, both Aboriginal and non-Aboriginal, in the RFA region
  - Failure to complete actions in Action Statements and Recovery Plans

#### **Submission 41**

- Common Theme Submission 3

#### **Submission 42**

- Common Theme Submission 3

#### **Submission 43**

- Common Theme Submission 3
- Learn from older foresters with key information on how to proceed with logging without necessarily clear felling and integrate this with new innovations which will protect ecologies, the environment, manage fire risks, preserve water catchment areas, help prevent erosion and help maintain the industry.

#### **Submission 44**

- Common Theme Submission 3

## Submission 45

- Victorian RFAs have comprehensively failed to meet their objectives and as such should not be extended, or rolled over.
- The previous RFAs -
  - have failed to take account of climate change and its potential impacts on water security
  - have failed to protect the critically endangered pockets of mountain ash in the Central Highlands as well as forest and bush ecosystems unique to the Australian continent and to the identity of our country as a whole.
  - have failed to protect specific threatened species within these ecosystems despite recommendations to do so in a previous review.
  - have failed to take account, nor respect the non-logging values of forests for those who live near them, and international and local visitors
  - have failed to account for Shire Councils' economic dependence on tourism, which is negatively impacted by over-logging, such as through degraded skyline and rural views; dangerous and restricted access to bush and forest roads; danger on the roads from log trucks for pedestrians, bicycle and horse riders, drivers and walkers.
  - have failed to account for the cost to the State of road repair and maintenance due to log truck damage.
  - have failed to ensure that businesses and the government body responsible for overseeing the logging industry in Victoria abide by environmental laws, including the control of declared weeds
  - have failed to consider the significance of forest lands to Australia's indigenous heritage.
  - have failed to respond appropriately to the last RFA independent review in 2010 which recommended that the Western RFA be cancelled.
  - have failed to take into sufficient account the devastating effect of the 2009 Black Saturday firestorm on the forests in the Shire of Murrindindi and the Yarra Shire.
- We need-
  - proper regard for the preservation of the rural landscape;
  - proper accounting and regard for other forest-dependent industries, including conservation recreation, nature tourism, agriculture, water, carbon storage;
  - complete ban on the practice of clear-fell logging such as is happening in the Rubicon and Royston Mountain Ash forests;
  - a transition to a sustainable non-mountain forestry industry – i.e. plantation on agricultural land;

- significantly improve management and protective practices for threatened species, climate change impacts, including fire and wind storm across all forests and State managed land;
- stricter regulation, ensuring any future logging entity must obey national and state environment laws;
- proper regard for the indigenous heritage and significance of forest lands and waterways;
- an end to the regulatory relic which is the western forest agreement;
- make substantial additions to the formal reserve system;
- review the sustainability of forestry as an economic driver in this century and to consider other creative ways to move into the future for all Victorians.

**Submission 46**

- Common Theme Submission 3

**Submission 47**

- Common Theme Submission 3
- For almost 60 years I have witnessed the gradual degradation of forest ecosystems and vegetation classes due to over-harvesting, especially here in the forests of East Gippsland. Today there is little mature forest left.
- Logging has a deleterious impact on catchments, for instance including our own RAMSAR site of Lake Tyers.
- The current RFAs are completely incompatible with the Government's Protecting Victoria 's Environment – Biodiversity 2037 document. It can be demonstrated that harming the environment is an ineffective and unsustainable way to create employment. Those who are affected by the necessary restructuring of the timber industry should be supported financially and assisted with retraining and/or relocation.

**Submission 48**

- Common Theme Submission 1

**Submission 49**

- Common Theme Submission 3

**Submission 50**

- Common Theme Submission 3

**Submission 51**

- Elements of Common Theme Submission 1 with a focus on the failure of RFAs to-
  - protect local endangered flora and fauna

- help forestry and timber milling industries become sustainable by helping them shift to plantation timber
- protect water catchment infrastructure in the light of climate change and its consequences.
- Protect threatened species
- prevent environmentally destructive practices by loggers.

#### **Submission 52**

- Largely Common Theme Submission 3.
- The Leadbeater’s possum has been up-listed to critically endangered, and the greater glider added to federal and state lists as vulnerable to extinction. While the RFAs have been in effect in East Gippsland, populations of the greater glider have declined by 50 per cent in that region.

#### **Submission 53**

- Common Theme Submission 3

#### **Submission 54**

- Common Theme Submission 3

#### **Submission 55**

- We should have a native forestry industry that is world class in its long-term sustainability and of which Victorians are proud and supportive. This is not currently the case. Reforming the RFAs could be a critical step in improving the native forestry industry.
- The RFAs were the result of a great deal of work and goodwill at the time, but our knowledge of forest ecology, fire and threatened species has improved significantly since 1997, and they need to be updated to reflect this.
- Starting points for reform are-
  - Removing the Western RFA
  - Logging of old-growth forest should be stopped or further restricted
  - The RFAs must include provisions to adapt and allow for the impacts of fire
  - The current practice of clear fell logging needs to be reviewed and harvesting must be planned with greater scientific rigour and an emphasis on reducing fire risk, particularly near rainforest
  - To safeguard timber workers’ jobs we must do everything possible to maximise the ability of our production forests to withstand climate change.
  - The practice of deliberately killing all or most habitat trees left after harvesting should be stopped. Ideally, more habitat trees should be left in order to enable logged forest to continue to support threatened species.

- I support a native forest timber industry because we all use timber products, and if we don't produce the timber ourselves, then we will import it from the rainforests of PNG/Borneo/Brazil, which is not a good outcome. But our industry must be sustainable.

**Submission 56**

- Common Theme Submission 3

**Submission 57**

- Common Theme Submission 1

**Submission 58**

- Common Theme Submission 3

**Submission 59**

- Common Theme Submission 3

**Submission 60**

- Common Theme Submission 1

**Submission 61**

- Common Theme Submission 1

**Submission 62**

- Common Theme Submission 3

**Submission 63**

- Common Theme Submission 3
- The W Tree Promotion and Progress Association considers that the following two points need particular attention
  - Considering the annual financial losses made by Vic Forests, it is our opinion that the continuation of native forest logging is economically little more than a hidden unemployment scheme maintaining a work force that is tiny compared to the potential employment in eco-tourism and related areas.
  - It is also time the dishonest practice of leaving narrow bands of forest along roadways to conceal the logging that has been done be stopped. The general public should be able to see the extent of forest destruction that is currently concealed by this deceptive practice.

**Submission 64**

- Common Theme Submission 3

**Submission 65**

- My concern in the management of forests and lands revolve around the concept of managing an integrated life support system.
- In essence, the DELWP is the most important government department, and should be driven by the best values, the highest ethics and the most far ranging powers and vision possible. It should have the priority given to an agency chosen to manage our life support system, or our biosphere, which is the only real resource on this planet, apart from human motivation.

**Submission 66**

- Common Theme Submission 3

**Submission 67**

- Common Theme Submission 3

**Submission 68**

- Common Theme Submission 1

**Submission 69**

- Common Theme Submission 1

**Submission 70**

- Common Theme Submission 3

**Submission 71**

- CTS 2 Common Theme Submission 2

**Submission 72**

- Common Theme Submission 3
- The organisation, Network for a Sustainable East Gippsland (NetSEG), was set up to connect people who want an ecologically and economically sustainable future for this area. One of the major deterrents to achieving such a future for East Gippsland is the stranglehold that the native forest-based timber industry has over forest management.
- NetSEG calls for the abandonment of native forest logging as it is currently performed. A sustainable timber industry for East Gippsland may still be possible but it will not emerge from the RFA regime.
- Without government concessions and subsidies, the timber industry in East Gippsland would have drawn to a close years ago.

**Submission 73**

- Common Theme Submission 1

#### **Submission 74**

- Common Theme Submission 3
- The Victorian government has abdicated its responsibilities for managing forests, handing this over to VicForests, which is basically a logging company.
- VicForests manages for fibre production but does not manage for the many other multiple uses of forests, such as for recreation, wildlife, water, aesthetics, etc.
- VicForests has been unable or unwilling to conduct comprehensive, basic inventories of important wildlife values and it has been citizen's groups, such as Wildlife of the Central Highlands (WOTCH) or Goongerah Environment Centre (GEC), whose members have started to conduct such inventories, and who have been taking VicForests to court over their disregard for endangered species.
- The fact that RFAs have resulted in continual court cases and legal challenges to Victorian forest management indicates that RFAs have failed badly.

#### **Submission 75**

- The result of the management under the current agreements has been to seriously deplete these forests due to unsustainable practices, drive endangered species towards extinction and deplete other important functions of the forests such as water catchments, carbon storage and recreation.
- The current agreements should not be rolled over because of many significant changes that have occurred that impact on the forests such as climate change and fire.
- New management agreements should include other values such as water production, recreation, fire protection and carbon capture. Critically endangered ecosystems such as the mountain ash forests should not be logged.
- Any logging of native forests should be subject to federal environmental laws. The Western Regional Forest Agreement should be cancelled because planned logging will occur in areas with threatened plants and animals.
- The Victorian government's own reports under the Forest Industry Task Force have demonstrated that the forest industry is not sustainable and that there needs to be a transition to move the industry out of native forests. The expiration of the RFAs gives us the opportunity a better future for our forests.

#### **Submission 76**

- Common Theme Submission 1

#### **Submission 77**

- Common Theme Submission 1

#### **Submission 78**

- Common Theme Submission 3

**Submission 79**

- Common Theme Submission 3

**Submission 80**

- Common Theme Submission 3

**Submission 81**

- Common Theme Submission 1

**Submission 82**

- Very abridged Common Theme Submission 1

**Submission 83**

- Common Theme Submission 3

**Submission 84**

- CTS 2 Common Theme Submission 2
- The forests should be protected in a Great Forest National Park

**Submission 85**

- The document has been read in its entirety but we are not resourced to make technical comments and as such have focused upon future opportunities. We note our previous lack of involvement in these Agreements and that they preceded our RSA with the State.
- The treatment of Cultural Heritage Values in isolation of Traditional Owner Country Plans is outdated in terms of holistic landscape management.
- The purpose of the State-wide Guidelines for the Management of Cultural Heritage Values in Forests, Parks and Reserves is not clear. The legal requirements for the management of cultural heritage are laid down in legislation. If guidelines are intended to improve the understanding of compliance requirements then they need to be audited. Registered Aboriginal Parties have powers and functions under the legislation.
- The Dja Dja Wurrung Country Plan Dhelkunya Dja communicates caring for country. The Dja Dja Wurrung undertakes projects and landscape modification activities to create healthier environments.
- The Dja Dja Wurrung as part of their RSA has managed a number of coupes for DELWP. Increasingly, the Dja Dja Wurrung want to apply landscape management goals of creating open woodland.
- The previous *Indigenous Partnership Framework (2007-2010)* produced very poor outcomes. It is important to ensure that policies are enabling.

**Submission 86**

- Common Theme Submission 3

**Submission 87**

- I value and enjoy Victoria's forests for bushwalking and believe that logging has a very serious impact on our forests and the animals that live in them, including several threatened species.
- I believe that native forest logging must not be exempt from the EPBC Act.
- The Central Highlands forests are worthy of protection in the proposed Great Forest National Park.

**Submission 88**

- Common Theme Submission 1

**Submission 89**

- Common Theme Submission 1

**Submission 90**

- Common Theme Submission 1

**Submission 91**

- Common Theme Submission 1
- Living and travelling in Europe means I have seen what excessive farming, mining and industrialisation over several centuries can cause to the wilderness and what it can finally end up in - thousands of hectares of monoculture farm land, dull coniferous forests and a biodiversity that is just as varying as pitch-dark room.
- In contrast, Australia has a great biodiversity of wildlife which you can experience just a few hundred kilometres from the heart of Melbourne.

**Submission 92**

- Common Theme Submission 1

**Submission 93**

- Common Theme Submission 1

**Submission 94**

- Common Theme Submission 1

**Submission 95**

- I wish you all the best in your pursuit to make change in the logging industry and getting people to see the importance of our forests and rainforests in Australia.

**Submission 96**

- Common Theme Submission 1

**Submission 97**

- Common Theme Submission 1

**Submission 98**

- Common Theme Submission 1

**Submission 99**

- Common Theme Submission 1

**Submission 100**

- Common Theme Submission 1

**Submission 101**

- Common Theme Submission 1

**Submission 102**

- Common Theme Submission 1

**Submission 103**

- Common Theme Submission 1

**Submission 104**

- Common Theme Submission 1

**Submission 105**

- Common Theme Submission 1

**Submission 106**

- Common Theme Submission 1

**Submission 107**

- Common Theme Submission 1

**Submission 108**

- Common Theme Submission 1

**Submission 109**

- Common Theme Submission 1

**Submission 110**

- Common Theme Submission 1

**Submission 111**

- Common Theme Submission 1

**Submission 112**

- Common Theme Submission 1

**Submission 113**

- Common Theme Submission 3

**Submission 114**

- An elaboration of Common Theme Submission 3
- Logging exceeds sustainable limits, the industry is subsidised and the economic value of logging is very low.
- Government has failed to protect threatened species.
- Give regulatory oversight of the logging industry to the EPA.

**Submission 115**

- Common Theme Submission 1

**Submission 116**

- Common Theme Submission 1

**Submission 117**

- Common Theme Submission 1

**Submission 118**

- Common Theme Submission 1

**Submission 119**

- Common Theme Submission 1

**Submission 120**

- RFAs are unworkable-
  - industrial logging is incompatible with forest values
  - The agreements are not legally binding (not legislated in Victoria)
  - Export controls on woodchips removed resulting in open-slather
  - Weak criteria – e. g. not enough protection of old growth (hollow bearing trees)
  - Mining permitted in CAR reserves
  - Data on timber extraction included, but nothing on water production

- Water catchments not protected
- Lack of adequate data on forest health and species of flora and fauna
- Reduction in environmental values, or log volumes, as a result of bushfires was not considered.
- Climate change and carbon values were not considered 20 years ago
- EPBC office has no staff in Victoria, so relies on State Government for information
- RFA implementation failures-
  - Forests overcut – optimistic forecasts of timber yield – failure to allow for bushfire toll of killed and damaged trees
  - Clearfelling is land-clearing/conversion to plantation – differs markedly from the natural cycle of fire impacted forest e.g. bushfire leaves trees standing, to provide shade, habitat
  - Industrial logging creates a plantation monoculture on short logging cycles
  - Failure to protect even threatened species in most cases
  - Failure to adhere to Codes of Forest Practice
  - States failure generally to conduct 5-year reviews
  - Failure of VicForests to do pre and post logging Flora & Fauna surveys – you can't manage what you don't count
  - Failure to do management and recovery plans for threatened species
  - Conversion by industry of native forest to plantation – shorter rotations, tree thinning operations – younger smaller trees.
  - Commonwealth failure to compel states to adhere to the RFA
- I think the public will decide they don't want to live in a sterile environment run by criminal megalomaniacs and their corrupt governments.
- What is left of the native forest logging industry should be immediately taken out of what is left of native forests. The industry must be put into plantations.

#### **Submission 121**

- Common Theme Submission 1

#### **Submission 122**

- Common Theme Submission 1

#### **Submission 123**

- Common Theme Submission 1

#### **Submission 124**

- Common Theme Submission 1

**Submission 125**

- Common Theme Submission 1

**Submission 126**

- Common Theme Submission 1

**Submission 127**

- Common Theme Submission 1

**Submission 128**

- The Victorian Regional Forest Agreements have sadly been inadequate due to the prioritisation of logging industry activities over environmental, social and long-term considerations; lack of attention to international climate agreements and commitments and the importance of existing forests in maintaining healthy river systems; over-cutting; impacts on biodiversity; inconsistencies with national environmental laws; failure to keep pace with scientific research and reflect advances in alternatives to forest wood and.
- The RFAs need a complete overhaul, rather than minor adjustments.

**Submission 129**

- Common Theme Submission 1

**Submission 130**

- Common Theme Submission 1

**Submission 131**

- Common Theme Submission 1

**Submission 132**

- Common Theme Submission 1

**Submission 133**

- Common Theme Submission 1

**Submission 134**

- Common Theme Submission 1

**Submission 135**

- Common Theme Submission 1

**Submission 136**

- Common Theme Submission 1

**Submission 137**

- Common Theme Submission 1

**Submission 138**

- Cover sheet submitted without any attachment.

**Submission 139**

- Common Theme Submission 1

**Submission 140**

- Common Theme Submission 1

**Submission 141**

- Common Theme Submission 1

**Submission 142**

- Common Theme Submission 1

**Submission 143**

- Common Theme Submission 1

**Submission 144**

- Common Theme Submission 1

**Submission 145**

- Common Theme Submission 1

**Submission 146**

- Common Theme Submission 1

**Submission 147**

- Common Theme Submission 1

**Submission 148**

- Common Theme Submission 1

**Submission 149**

- Common Theme Submission 1

**Submission 150**

- Common Theme Submission 1

**Submission 151**

- Common Theme Submission 1

**Submission 152**

- Abridged Common Theme Submission 1

**Submission 153**

- Abridged Common Theme Submission 1
- The RFA process creates pressure to open up areas for logging and accelerate the logging cycle. It ties Government's hands. Even when data become available about the conservation values of particular sites, it is difficult to exclude them from logging by adding them to the reserve system.
- The subsidies currently given to the native forest logging sector are inappropriate. Vicforests has an inherent conflict of interest as it is nominally a regulator but also derives revenue from logging.
- Aside from the sheer destruction, changes in logged forest have increased flammability (with wetter forest replaced by drier more open forest), the loss or reduction of species locally (such as the reduction of myrtle beech on and south of the Baw Baw plateau), the spread of weeds such as blackberries (e.g. throughout the valleys of the Thomson catchment), the inevitable death of wildlife (i.e. birds and animals resident in an area), the spread of dieback that comes with disturbance and threatens adjacent unlogged areas, and the loss of connecting corridors for wildlife.
- The idea that these things can be managed has not been borne out in practice. Efforts such as "habitat trees", whilst well intentioned, do not always work.

**Submission 154**

- Common Theme Submission 1

**Submission 155**

- Abridged Common Theme Submission 1
- It is time for us to put in place modern, scientific methods for the management of our state forests; our state forests, not the logging industries [sic] state forests. It is time for us to all be involved in making our future forest management fairer, and deliver benefits for all Australians.

**Submission 156**

- Common Theme Submission 1

**Submission 157**

- Common Theme Submission 1

**Submission 158**

- Common Theme Submission 1

**Submission 159**

- Common Theme Submission 1

**Submission 160**

- CTS 3 Common Theme Submission 3

**Submission 161**

- Common Theme Submission 1

**Submission 162**

- Common Theme Submission 1

**Submission 163**

- Common Theme Submission 1

**Submission 164**

- Common Theme Submission 1

**Submission 165**

- Common Theme Submission 1

**Submission 166**

- Common Theme Submission 1

**Submission 167**

- Common Theme Submission 1

**Submission 168**

- Common Theme Submission 1

**Submission 169**

- Common Theme Submission 1

**Submission 170**

- Victoria's forest are incredibly important as a recreation resource, as well as being prime habitat for our native species, a number of which are endangered.
- New Regional Forest Agreements must protect our forests, and the provisions of the Federal Environment Protection Biodiversity and Conservation Act must be applied and observed in all Victoria's forests.
- Our Central Highlands forests should be protected by inclusion in the proposed Great Forest National Park.

**Submission 171**

- Common Theme Submission 1

**Submission 172**

- For decades I have valued and enjoyed Victoria's forests for bushwalking.
- Native forest logging has a very serious deleterious impact on our forests and the animals that live in them, including several threatened species. Clear felling is unsightly, and the forest that takes ages to grow after it is very different from what was there before . Also, animals in the trees that are felled are likely to perish when the tree falls .
- Native forest logging must not be exempt from the EPBC Act. Central Highlands forests are worthy of protection in the proposed Great Forest National Park.

**Submission 173**

- Common Theme Submission 1

**Submission 174**

- Common Theme Submission 1

**Submission 175**

- Common Theme Submission 1

**Submission 176**

- Common Theme Submission 1

**Submission 177**

- Common Theme Submission 1

**Submission 178**

- Common Theme Submission 1
- I am appalled at the amount of logging that occurs in the Otway region in particular, and have observed the mountains of logs and woodchips that are processed through Geelong Harbour. This cannot be sustainable.

**Submission 179**

- Common Theme Submission 1

**Submission 180**

- CTS 3 Common Theme Submission 3

**Submission 181**

- Common Theme Submission 1

**Submission 182**

- Common Theme Submission 1

**Submission 183**

- Common Theme Submission 1
- The loss of trees in Victoria is climbing and this will not auger well for fighting climate change and the future of the up and coming generations in this State.

**Submission 184**

- Common Theme Submission 1

**Submission 185**

- Common Theme Submission 1

**Submission 186**

- Extracts from Common Theme Submission 1
- Ensure that areas logged are actually replanted with understorey as well as timber species.
- The native logging sector is over subsidised and cosseted.

**Submission 187**

- Common Theme Submission 1

**Submission 188**

- Common Theme Submission 1
- 20 years ago I participated in the inaugural Walk Against Woodchips through East Gippsland for 7 days I was young and optimistic. The land clearing and land degradation was difficult to look at and most depressing to find that the government at that time favoured the logging and wood chipping industry over the health of the environment.
- We can hardly be critical of countries such as Indonesia who are burning forests to plant oil palm and selling baby orangutans after killing their mothers. We need to act according to the expectations of the majority of Australians and take urgent steps to set a good example as a global citizen and ASEAN leading member.

**Submission 189**

- Common Theme Submission 1

**Submission 190**

- Common Theme Submission 1

**Submission 191**

- I am writing to remind you that you have no authority to sign over native forests to be logged, woodchipped or exported for the next 20 years under the guise of Regional Forest Agreements. These forests do not belong to you. Continuing to use your command to exploit and plunder the land is a continuation of the same violent colonial process. You are choosing to be complicit in the crime of genocide.
- The forests belong not only to the dispossessed indigenous peoples, but the myriad plants and creatures that inhabit, and create the ecosystems in which they live.
- Endangered species, who you are well aware logging is driving to extinction.
- Dangerous climate change is happening, and there will be catastrophic consequences within our lifetimes.

**Submission 192**

- Common Theme Submission 1

**Submission 193**

- Common Theme Submission 1

**Submission 194**

- Common Theme Submission 1

**Submission 195**

- Common Theme Submission 1

**Submission 196**

- Worldwide Governments seem to have forgotten that our trees are the lifeline of our planet, without them we are nothing, we will cease to exist.
- Out dated 20 year old RFAs in which loop holes and old data actually mean that logging companies hack our trees down virtually no questions asked must be terminated now.
- All our forests here in Victoria at the very least must be included in national environmental law. Well thought out policies and management systems need to be written up for threatened species, of which are becoming frighteningly countless. The formal reserve system needs to be extended dramatically.

**Submission 197**

- Abridged elements of Common Theme Submission 1

**Submission 198**

- Common Theme Submission 1

**Submission 199**

- Common Theme Submission 1

**Submission 200**

- CTS 3 Common Theme Submission 3

**Submission 201**

- want to see a phasing out of all logging in montane forests like the Central Highlands and the Erinundra Plateau and for all timber harvesting to be from plantations.
- I object to clearfelling and using the timber harvested from these areas for wood chips and other low value products.
- If species such as mountain and alpine ash, shining gum and silvertop ash are to be harvested from native forests, then the timber must go to operations such as the ASH mill that extract the most amount of value from the timber harvested.

**Submission 202**

- Common Theme Submission 1

**Submission 203**

- Common Theme Submission 1
- We also need to help loggers develop plantations on land that is already set aside for agriculture and /or assist them to move to other sustainable activities.

**Submission 204**

- Common Theme Submission 1

**Submission 205**

- Common Theme Submission 1

**Submission 206**

- Common Theme Submission 1

**Submission 207**

- The Regional Forest Agreements have been a disaster for our forests. There must be no more RFAs.
- The number of successful court cases associated with their destruction is an indicator of the lack of good management.
- A key factor is the extraordinary idea that the management and industry should not be subject to national environment laws.

**Submission 208**

- Common Theme Submission 1

**Submission 209**

- Common Theme Submission 1

**Submission 210**

- Common Theme Submission 1

**Submission 211**

- Common Theme Submission 1

**Submission 212**

- Common Theme Submission 1

**Submission 213**

- Common Theme Submission 1

**Submission 214**

- The RFAs have failed to allow logging to occur without environmental degradation and threats to wildlife and they must not be extended or rolled over.
- The logging industry must in future comply with National environmental law. The claim that other adequate guidelines exist (a claim which has proven false) is not reasonable, and should not be acceptable.
- Future management must also take climate change into account. The capacity for forests to survive much more intense wild fires, reduced rainfall and more intense storms has to be factored into logging arrangements if the resource is to survive into the future.

**Submission 215**

- Common Theme Submission 1

**Submission 216**

- Common Theme Submission 1

**Submission 217**

- Abridged Common Theme Submission 1
- Provide support for those employed in native forest timber extraction to shift into more sustainable and profitable industries.

**Submission 218**

- Common Theme Submission 1

**Submission 219**

- The RFAs have failed in the following ways and they should be scrapped-

- An RFA that did not protect the environment was never going to ‘end the forest debate’.
- The RFA was meant to provide certainty to the logging industry. Yet the industry is more unstable than ever.
- Lack of provision for wildfire and lack of flexibility to reduce logging when the ‘timber resource’ is reduced because of impact from wildfire.
- Lack of provision to respond to new scientific information.
- The ‘timber resource’ was over-estimated and it has now been reduced by subsequent wildfires and over-logging.
- Lack of provision for climate change.
- Shifting of responsibility for environment protection from the Commonwealth to the States relied on environmental values being protected in the CAR reserve system, so that logging could be carried out in other areas. It was never appropriate to expect the CAR to protect those values, and it does not do so.
- The Comprehensive Regional Assessment (CRA) was valueless. It did not even assess the impact of clearfelling, let alone the value of alternatives to logging such as tourism and water.
- Since the last RFA review, Supreme Court decisions, most notably the landmark Brown Mountain court case, have shown the RFA is even failing to stop illegal logging.

**Submission 220**

- Common Theme Submission 1

**Submission 221**

- Common Theme Submission 1

**Submission 222**

- Common Theme Submission 1

**Submission 223**

- Common Theme Submission 1

**Submission 224**

- Common Theme Submission 1

**Submission 225**

- Common Theme Submission 1

**Submission 226**

- Evidence that the RFAs have failed in their objectives and need to be abolished-

- The forest resource to timber mills has had to be reduced due to the dwindling supply caused by overlogging.
- The Leadbeater's possum, Greater Glider and Victorian Montane Ash ecosystem are at greater risk
- Regeneration of the montane forest of the Central Highlands has failed in many instances, impacting on carbon retention, biodiversity, reduced flammability, water provision to the river system and reservoirs, and attraction to tourism.
- The RFAs were to be reviewed every 5 years and this has not occurred. Changes since the RFAs were initiated include climate; fire regime and fire history; threat status of the forest ecosystems and the animals within; logging practices; age of forests; rainfall; requirements and expectation of the increased population for improved access to national parks. The economic climate has also changed and the financial benefits of logging the forest are far outweighed by the financial benefits of not logging the forests.
- The logging industry competes unfairly for the forest resource with the tourism industry and with all of the manufacturers and farmers who use, and pay for water from the forest.
- In order to achieve the objectives of the RFA's, these RFAs need to be abolished and the logging of all native forest needs to be ceased immediately; the forest reserve system needs to be greatly expanded; and threatened species protections and environmental laws need to be strengthened.
- Transition from unsustainable native forest logging to the plantation industry.

#### **Submission 227**

- Common Theme Submission 3CTS 3 Common Theme Submission 3
- I am a concerned citizen who sees first hand when travelling around the state the huge scars and damage caused by old growth native forest logging. I see first-hand in my local area the devastation of bush habitat and the damage done to our beautiful wildlife.

#### **Submission 228**

- Extending the RFA process would be extremely detrimental for all forest values – environmental, biodiversity, social, economic, tourism, education, historic and cultural heritage, recreational and scenic values, in addition to the serious impacts on water regimes and climate change with implications for future wildfires.
- RFA Reviews, together with the respective Environmental Audits of Commercial Timber Harvesting (referred to as Forest Audits), are consistently 3 years late and amalgamate all RFAs in Victoria into one report. This makes current assessment of the process very difficult in a rapidly changing operational and natural environment, especially as each of the RFAs has completely different environments and issues.
- The latest Review 2009-2014 is largely descriptive and does not provide critical evaluation criteria against which it can be quantitatively assessed, without having to constantly refer to the various related documents.

- The Review does not analyse or provide detailed monitoring data for environmental, biodiversity, scenic, landscape and other impacts such as myrtle wilt due to accelerated intensity and scale of logging combined with the impacts of salvage logging following the 2009 wildfires.
- Logging continues to occur in areas known to be critical habitats of threatened species, including breeding sites.
- Recommendations from the previous RFA Review of 2009 in relation to improved threatened species protection through updated prescriptions and monitoring, have not been adopted.
- The Review does not address the impacts of consistently applying the absolute minimum requirements for buffers for environmental protection and visual management.
- All areas subject to logging and roading continue to be heavily infested with blackberries and other weeds, despite being identified in the Forest Audit 2014.
- An extraordinary number of breaches of State legislation, Code of Practice for Timber Production 2014 and Management Standards and Procedures 2014 have been recorded and reported by community groups over many years yet are not reflected in the Review, despite the Forest Audit 2014 recommendations specifically relating to many of the issues raised.
- In relation to social values of forests, the Review does not address impacts on the health and wellbeing of local communities dependent on their surrounding healthy environment.
- The Review does not mention consultation with the Taugurong Clans, the traditional owners of most of the Central Highlands FMA or the Victorian Land Council. It is therefore assumed that no detailed field surveys have occurred with Taugurong Indigenous elders whose land is impacted by extensive clearfell logging and road networks.
- Despite various research projects in progress, the Review and current logging practices do not incorporate or adapt to new scientific information available for biodiversity conservation, forest management and values, or changes to the timber industry.
- A key aim of RFAs is to provide long-term security for forest industries, yet an independent, comprehensive, cost benefit analysis, including the subsidies provided by the Victorian State Government has not been done.
- Sustainable yields do not reflect forest productivity changes due to climate change or the possible impacts of the 2009 and future wildfires.
- There are now very few jobs in native forest logging, yet future job opportunities in tourism, outdoor recreation and other nature-based businesses are being severely and irreversibly compromised.
- There is an urgent need to transition and retrain those employed in the native forest timber industry to other industries, including plantations and tourism.

- A major failing and contradiction in the RFA Review and process is the exemption from the Commonwealth's EPBC Act 1999.
- The Reviews to date show a distinct lack of strategic methodology to determine reserve selection, particularly in the Central Highlands, and is not consistent with the CAR system or the "JANIS" criteria.
- Ecologically sustainable management and logging, in particular, clear-fell logging, are incompatible.
- Most assessments are based on desktop surveys, even in areas with limited data. Few field surveys are carried out and these are focused on Victorian listed endangered species like Leadbeater's Possum, rather than biodiversity.
- There is a lack of genuine community consultation occurs throughout all stages of the Review and RFA process.
- There is no regard for Local Council Plans and VicForests' own operational guidelines to protect visual impacts of logging on prominent landscapes, especially escarpments viewed from tourist roads.

#### **Submission 229**

- Common Theme Submission 1

#### **Submission 230**

- Contains extracts from Common Theme Submission 1
- We need to move away from old practices that are no longer sustainable , these can be unpopular decisions, but it's about the future not the past . It's about our animals that have been ruthlessly slaughtered and displaced . It's about our children's birthright to have places of beauty and nature . For too long this country has exploited our natural resources for profit.

#### **Submission 231**

- Common Theme Submission 1

#### **Submission 232**

- The current form for emailing a RFA submission is beyond me, and it's extremely unhelpful of the ELWP Department to make it so difficult or impossible.
- I am opposed to simply renewing the current RFAs because they do not take into account important current aspects such as climate change and forest wildfires.
- We need environmental laws which fully protect, with no exceptions, our forests from logging; and timber must be sourced only from sustainable plantations.

#### **Submission 233**

- This person requested that the contents of the submission remain confidential.

#### **Submission 234**

- Common Theme Submission 3

#### **Submission 235**

- As the Five-yearly Review Report states, an audit by the Victorian Auditor-General in 2013 concluded that concluded Victoria's timber resources are being managed productively but the environmental, economic and social sustainability of timber resources could be further improved.
- The *State of the Forests Report 2013* has much descriptive information about forests, but little useful data on ecological condition and trends.
- Timber harvesting is not sustainable in the over-cut and depleted forests and woodlands of western Victoria, and should cease. The independent review of the combined first and second 5-year RFA reviews in 2010 recommended that the West RFA be cancelled or significantly amended.
- RFAs should not be extended or rolled over as they expire.
- The native forest timber industry on public land should be required to operate under the EPBC Act.
- The impacts of climate change must be factored into estimations of sustainable timber yield and measures to protect threatened species.

#### **Submission 236**

- Common Theme Submission 1

#### **Submission 237**

- Common Theme Submission 1

#### **Submission 238**

- Common Theme Submission 1

#### **Submission 239**

- Common Theme Submission 1

#### **Submission 240**

- Common Theme Submission 1

#### **Submission 241**

- Common Theme Submission 1
- It is also most concerning that some logged areas are failing to regenerate. I understand furthermore that there is almost none of the regrowth from the 1939 fires left – we have virtually used it all.

#### **Submission 242**

- Common Theme Submission 1

**Submission 243**

- Common Theme Submission 1

**Submission 244**

- The forests are important for the availability and quality of our water supplies, biodiversity and to reduce and global warming.
- Extend the area of the formal reserve system.

**Submission 245**

- Common Theme Submission 1

**Submission 246**

- Common Theme Submission 1

**Submission 247**

- Modified Common Theme Submission 1

**Submission 248**

- Common Theme Submission 1

**Submission 249**

- Common Theme Submission 3

**Submission 250**

- Common Theme Submission 1

**Submission 251**

- Many people hark back to the days of our grandparents when the timber industry was a major employer. The reality is that the current method of clear fell harvesting has greatly reduced the people employed in the timber industry and the harvesting technique creates a wasteland that seldom seems to be adequately revegetated with anything like the previous mixed forest.
- The management of native forests produces low value timber and does not appropriately consider other benefits like tourism.
- Plantation timber can be a significant provider of wood products
- Current science provides us with clear data on the effect of our present practices on a range of threatened species including the Montane forest itself.
- The present RFA's should be extended and that new arrangements are put in place that –
  - Greatly increase the area of forest in reserves, including the Great Forest National Park
  - Recognise the standing forest value in mitigating climate change

- Make the forest resource one that benefits all Victorians not just the logging industry, including ecotourism.
- End the native forest logging industry's exemption from national environmental law.
- Strengthen the management prescriptions for threatened species.

**Submission 252**

- Common Theme Submission 2

**Submission 253**

- Common Theme Submission 1

**Submission 254**

- This person requested that the contents of the submission remain confidential.

**Submission 255**

- Common Theme Submission 3
- Climate change itself threatens the viability of tall eucalypt forests, particularly in the montane zones; a maturing, extensive ash forest system is arguably our greatest insurance against regional climate change.
- Recently revealed by the ANU following extensive studies of age classes in the Central Highlands, there is only around 1.2% left of ash forests that can be classified as mature old growth ecosystem, down from an estimate of up to 70% in the 19<sup>th</sup> and early 20<sup>th</sup> centuries
- The very neglected plantation timber sector of Victoria must be urgently developed into a long-term solution for present and future forest industry workers.

**Submission 256**

- Contains key elements of Common Theme Submission 3.
- The number of sawmills in East Gippsland has declined from 22 in 1997 to about five.
- Governments of all political colours have been dictated to by the demands of the RFAs and the logging sector
- The jobs are insignificant and the subsidies are enormous and unjustifiable.
- The State Government has allowed logging to breach its own laws and management plans.
- Threatened species and ecosystems like Greater Glider, Leadbeater's Possum and Mt Ash forests are critically endangered.
- Decommission VicForests and do not recycle old logging industry personalities as spin doctors and bureaucrats.

**Submission 257**

- Common Theme Submission 3

**Submission 258**

- Mirboo North's uniqueness is based around the existence of our native forests within the township. These attractions are all well used by locals and tourists for walking, cycling, horse-riding, bird watching, lyrebird spotting and just for the sheer enjoyment of the serenity and the beauty of the flora and fauna.
- Vic Forests community consultation was inadequate.
- Field studies of the flora and fauna were not undertaken. To be able to give all our flora, fauna and areas of significance the utmost protection possible it needs to come under the federal EPBC Act.

**Submission 259**

- Common Theme Submission 1

**Submission 260**

- Common Theme Submission 1

**Submission 261**

- Common Theme Submission 1

**Submission 262**

- Common Theme Submission 3

**Submission 263**

- Common Theme Submission 1

**Submission 264**

- These agreements are failing Victorians , our communities and endangered species and are being used to plunder our forests for profit with no considerations for the thoughts of the Victorian community or the species that live in the forests.
- Politicians who support logging are losing their seats.
- VicForests end up in court and lose court cases because they don't follow the law and don't protect endangered species.
- Because of the RFA exemption, formal assessments required under federal law are not taking place in our forests.
- The Mirboo North Community is fighting to save our forests because of the complete failure of the Regional Forest Agreement.
- Individuals and enterprises that break these rules need to be fined massive amounts.

**Submission 265**

- This person requested that the contents of the submission remain confidential.

**Submission 266**

- Common Theme Submission 1

**Submission 267**

- Please think of the long term impacts of your decisions.

**Submission 268**

- Common Theme Submission 1

**Submission 269**

- Common Theme Submission 1
- The increasing impacts of climate change have not been considered with devastating results for both communities, forest wildlife and available timber resources.
- The stark reality of mistreating our native forests as eucalyptus regeneration areas to create virtual monocultures for industrial harvesting on shorter rotations has seen the erosion of biodiversity and habitat values, a disregard for cumulative impacts on social, economic and heritage values and long term damage to our water catchments.

**Submission 270**

- Common Theme Submission 1

**Submission 271**

- Common Theme Submission 1

**Submission 272**

- Our foremost concern where we live is water. We live in a catchment area, in which there are several coupes proposed for logging in the current VicForests Timber Release Plan. We have, as a community, met with VicForests regarding our concerns, but the coupes have not been removed so far.
- Logging these coupes will threaten our creek. Given that the 2003 fire regrowth in the area has already lowered the flows, along with below average rainfall, in some summers we just make it through with low water flows. We definitely don't need extra threats to an already low, vital, water supply.
- Logging has an impact on tourism.
- Please do more research on this subject and you will no doubt come to the same conclusion that we have – no logging should be allowed in small creek catchment areas where it would adversely impact the lives of the residents in that catchment.

**Submission 273**

- My submission is in regard to water and water catchment. There is one coupe listed for harvest that would threaten the quality and quantity of water flow for myself and others downstream.
- The community relies on this small stream for domestic, stock and business purposes. It saved many of us in the 2003 bushfires.
- Logging threatens the tourism sector.
- I would like to see my catchment reserved from timber production and in exchange an area of similar size from outside a timber zone be released for harvest, where impact would not be felt by a community.

**Submission 274**

- Common Theme Submission 3

**Submission 275**

- Common Theme Submission 1

**Submission 276**

- Common Theme Submission 1

**Submission 277**

- Common Theme Submission 3

**Submission 278**

- Common Theme Submission 1

**Submission 279**

- Common Theme Submission 1

**Submission 280**

- We are members of Moonee Creek Cooperative, a group of professional people who have owned land and lived in the foothills of the Strathbogie Forest for several decades.
- We humbly ask that there be a moratorium on logging in the Strathbogie Forest.
- An impressive population of both Powerful Owls and Greater Gliders live among the mature trees and we humbly ask that no logging be allowed until a considered review has been carried out and the habitat for Powerful Owls and Greater Gliders is secured.

**Submission 281**

- Common Theme Submission 1

**Submission 282**

- Common Theme Submission 1
- The Strathbogie Sustainable Forest Group has had a long-running dispute with the Victorian Government over logging in the Strathbogie Forest, in the NE RFA area.
- The Greater Glider is now regarded as vulnerable to extinction, yet there's no change in the RFA rules to protect it.
- The Powerful Owl is one of the better known, high profile forest-dependent threatened species, yet it's protection under the NE RFA is inadequate and highly questionable. The community has no confidence that the Government has even the most basic capacity to manage Powerful Owls in the NE RFA. What chance is there for the dozens of less well-known threatened species occurring in state forest?

**Submission 283**

- Common Theme Submission 1

**Submission 284**

- Common Theme Submission 1

**Submission 285**

- Common Theme Submission 1

**Submission 286**

- Modified Common Theme Submission 3

**Submission 287**

- Common Theme Submission 1

**Submission 288**

- Modified Common Theme Submission 3
- The clear fell logging of forests in Victoria is not even economically sustainable, it is subsidised by public money.
- Intact forests provide ecosystem services; they provide creative people with inspiration; they are especially important to the traditional owners of East Gippsland and they give rare insight of what the forests looked like before European settlement.

**Submission 289**

- Common Theme Submission 3

**Submission 290**

- Common Theme Submission 1

**Submission 291**

- Common Theme Submission 1

**Submission 292**

- Common Theme Submission 1

**Submission 293**

- The time has come to stop treating our forests as just a commercial resource to be plundered as required.
- I urge the Review panel to at least adopt a policy of strict adherence to the existing Environment Protection & Biodiversity Act when logging proposals are being drawn up.
- Communities need to be given timely and adequate notice of planned logging and their input be accepted with an end result as 'not to be logged' a possible outcome.

**Submission 294**

- Common Theme Submission 1

**Submission 295**

- Common Theme Submission 1

**Submission 296**

- The industry is on its last legs.
- The RFAs have not protected threatened species such as Leadbeater's Possum and Greater Glider.
- Logging has not been reduced in the wake of the 2009 wildfires, resulting in overcutting.
- The management of threatened species needs to be strengthened
- Substantial additions need to be made to the formal reserve system.
- Move the timber industry out of native forests and into sustainable, well-located plantations.
- Cancel the RFAs
- Protect forests for climate change mitigation.

**Submission 297**

- The RFAs should be reviewed for environmental, cultural/heritage, social and economic values.
- Assess the effectiveness of Corrective Action Requests in relation to non-conformances
- Native forest logging must not be exempt from National Environment Law.

- Assessment of areas of natural forests must be completed by independent bodies.
- What we have currently is a bad plan which is badly managed to the point of being corrupt. The destruction of Victorian Forests should not continue under the watch of DELWP.

#### **Submission 298**

- I am vehemently against the RFAs and ask that they not be renewed.
- All logging and forestry activities in publicly owned state forests should be placed solely under the Federal Environment Protection and Biodiversity Act. State governments do not enforce compliance to protect species as would be required under the EPBA.
- There are very few (and limited at that) opportunities for local communities to influence what is happening once logging is planned for their area.

#### **Submission 299**

- I am unhappy that the forested areas close to the small, but enthusiastic, community of Mirboo North could be logged for little or insignificant financial gain.
- RFAs have locked in unsustainable logging practices and they have a significantly negative impact on conservation and our Australian environment.
- RFAs are simply a way of getting around the national environment laws. State governments we know do not enforce compliance to protect species as would be required under the EPBC Act.
- RFAs are supposed to be reviewed 5 yearly which rarely happens or is poorly done.
- There are also very few and limited opportunities for local communities to influence what is happening once logging is planned for their area.

#### **Submission 300**

- Common Theme Submission 1

#### **Submission 301**

- The environmental destruction of our last remaining wet forests by Vicforests under the RAF's (sic) is an absolutely disgraceful criminal act.
- VicForests will continue to convert natural forest into plantations until there is none (left).

#### **Submission 302**

- Common Theme Submission 1
- The Powerful Owl is one of the better known, high profile forest-dependent threatened species, yet it's protection under the NE RFA is inadequate and highly questionable.

### **Submission 303**

- Regional Forest Agreements must not be renewed. The RFAs have not been effective and they have allowed a more brazen, destructive and entitled logging culture to develop. They have been a disincentive for the forestry industry to innovate and to invest in a viable and sustainable future.
- The Victorian Government cannot be trusted to meet its obligations under the agreements as it is both the owner of VicForests and the Heyfield Mill, and is subjected to political pressure through donations from the union representing forestry workers and lobbying by peak bodies of the forestry industry.
- A weak regulatory framework, a shift to self-regulation and poor compliance by VicForests has resulted in numerous breaches to the agreement, a dismissal of findings from environmental and economic surveys, and a disregard for the negative socio-economic impacts of deforestation on regional communities.
- There is a lack of transparency and accountability in the current regulatory framework.
- The public has lost confidence in the Victorian Government's ability or willingness to meet its obligations under the agreements. It is my belief that there will be a very strong political backlash should these RFAs be renewed.
- The public native forests of Victoria should once again be properly protected under federal environmental laws.
- Over-logging has pushed ecosystems such as that of the critically endangered Mountain Ash in the Central Highlands of Victoria to the brink of collapse and they are losing their resilience to other stresses such as bushfires.
- The jobs in the native forest sector are already declining.
- VicForests does not incorporate the risk of future fires into its wood model.
- The Victorian Government has developed the myopic view that the only economic value of a forest is its timber. Other economic values of forests are being ignored.

### **Submission 304**

- Common Theme Submission 1

### **Submission 305**

- Common Theme Submission 1

### **Submission 306**

- Common Theme Submission 1
- Residing in the Gippsland Forest Management area, in a town called Mirboo North, I can attest to the contradiction between those in government that want to conserve/preserve (i.e. DELWP) and those that wish to log (i.e. VicForests).
- The people are not being listened to or heard. The government and forestry industry should have been planning more sustainable timber processes (i.e. plantation 30

years ago, before these RFAs came into effect). Instead we are still arguing over the viability of logging native forest.

#### **Submission 307**

- Modified Common Theme Submission 1
- People love forests! They bring tourists from around the globe and they provide a place for spiritual and emotional nourishment. They have been linked very strongly with positive mental health. Destroying them by clear-felling is harming people, as well as wildlife.

#### **Submission 308**

- Common Theme Submission 1

#### **Submission 309**

- The Victorian RFAs have not met the agreed goals of balancing and protecting the full range of environmental, social, economic and heritage values.
- It is no longer acceptable to exempt native forest logging activities from federal environmental laws that govern all other industries in Australia
- Management prescriptions for threatened species need to be updated and acted upon.
- For the Victorian and Commonwealth governments to sign a new RFA for the Central Highlands would be irresponsible and reckless.
- The public has lost confidence in RFA agreements. The inability to meet basic 5 year reviews reinforces the haphazard way our national estate is being mismanaged by both state and federal levels of government.
- Forest managers have not altered harvest rates in response to fire and climate change
- The compliance of VicForests and DELWP with the regulatory framework remains a serious issue with the public. The standards and codes that VicForests must operate under are grossly inadequate, which makes their non-compliance, disregard for accepted practice and lack of transparency all the more disgraceful.
- Should the RFAs be re-negotiated, WOTCH recommends that the following be incorporated as mandatory inclusions:
  - Regional Forest Agreements should not be exempt from the EPBC Act 1999
  - Regional Forest Agreements should run on appropriately frequent timelines (annual reviews and maximum five years for contracts)
  - Forests should be managed in line with comprehensive science and research
  - Forest management must ensure adequate industry regulation
  - Public consultation methods need to be drastically improved

#### **Submission 310**

- Common Theme Submission 2

#### **Submission 311**

- Common Theme Submission 1

- Areas planned for logging must be monitored for the presence of listed plants and animals by independent experts well ahead of forestry operations..
- Climate change consequences of logging old growth forests needs to be considered.
- Take account of the increased fire risk associated with replacing old undisturbed forest with regrowth
- Introduce and resource independent on-going auditing of forestry operations to ensure breaches of the agreement are detected and agencies and operators fined.
- Identify suitable indicator species for monitoring biodiversity in forests, acknowledging that trends in sustainability indicators over time are an important element of sustainable forest management.

#### **Submission 312**

- Common Theme Submission 1

#### **Submission 313**

- More detailed Common Theme Submission 1
- The economic benefits to be gained from healthy and thriving natural environments far outweigh the short terms gains of current industry practice.

#### **Submission 314**

- The RFAs have not met the objectives they were designed to meet.
- Under the CAR reserve system several forest dependent threatened species have declined over the last two decades despite the targets for ecosystems generally being met.
- Logging has reduced the biodiversity compared to areas untouched by logging.
- The Victorian Government is a leader in the Australian response to climate change, and protection of biodiversity and old growth forests is essential.
- Discontinue the industry exemption from national environment laws
- Recognise all biodiversity not just threatened species, and put in place transparent and rigorous biodiversity assessments.

#### **Submission 315**

- The second review (2009) fails to acknowledge Native Title Determination & Settlement Package with the Wotjobaluk, Jaadwa, Jadawadjali, Wergaia & Jupagulk peoples 2005 & the Gunditjmara 2007
- This review also fails to acknowledge Native Title Determinations including Gunai/Kurnai 2010, yet reports on RSAs under the *Traditional Owner Settlement Act 2010*
- There has been no engagement with Aboriginal People in the preparation of Management Plans for Tallageira NCR and Jilpanger NCR

- Excluding Mt Arapiles, Toosan SP, there has been no engagement with Barengi Gadjin Land Council regarding the implementation of Forest Management Plans nor the RFA more generally.

#### **Submission 316**

- Rather than individually analyse each element of the implementation review, we argue that RFAs are a failed model for forest management and should not be renewed.
- Commonwealth oversight should be restored and federal laws applied.
- The National Parks Association opposed native forest logging on environmental, social and economic grounds.
- The CAR reserve system has not been adequate.
- The RFAs have failed to provide ESFM because the correct application of ESFM means no impact on values such as threatened species and ecosystem processes.
- The number of threatened species has risen over the life of the RFAs.
- The RFAs have failed with respect to carbon, tree hollows, water cycle, fire regimes.
- Employment in forestry has fallen under RFAs.
- Non-timber uses of native forests provide greater economic and social benefits.

#### **Submission 317**

- Common Theme Submission 3

#### **Submission 318**

- Common Theme Submission 1

#### **Submission 319**

- Common Theme Submission 1

#### **Submission 320**

- I'm particularly concerned that Australia's current environmental laws don't protect the beautiful nature I, and many Australians, love.

#### **Submission 321**

- Common Theme Submission 1

#### **Submission 322**

- The RFAs are allowing extremely steep hillsides to be clear-felled causing soil erosion, which then flow directly into watercourses. Amateur fishing brings far more financial gains to the State of Victoria than does the timber industry. Logging in the headwaters of the Snobs Creek Valley now seriously endangers the fish hatchery.
- RFAs should not be renewed

- No further logging should be conducted in the Snobs Creek Valley while the hatchery exists.
- If the RFAs are approved, they must comply with federal environmental legislation *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)
- Our paper industry should prioritise hemp as a replacement for Mountain Ash. This would provide financial gains to our farming industry.
- The Government should move towards plantation timber. This should proceed without delay.
- Government subsidies to VicForest should cease immediately
- Both political parties are intimidated by the CFMEU and continue to support a dying timber industry and the RFAs are allowing this to happen.

#### **Submission 323**

- I object strongly to the Vic Forest plan to 'harvest' any timber from the Mirboo North Wildlife Corridor on the northern edge of town.
- Vic Forests claims to return the forests to original condition, but I have seen no evidence of that only a giant patchwork landscape, devoid of animals wherever I travel in Gippsland.
- The Regional Forest Agreements should be scrapped to return protection to what little remains of the Strzelecki Ranges.

#### **Submission 324**

- Common Theme Submission 1
- Native forest logging is not only environmentally unsustainable but also profoundly unsustainable in economic terms.
- The Keating government at the time was in turmoil about the wood-chipping industry and powerful interests were at play. As a result, the RFAs were hastily cobbled together and slammed through parliament with little attempt to do more than create solid income streams for a few very greedy businesses.

#### **Submission 325**

- The Regional Forest Agreements have not met their objectives and timber harvesting has continued despite this.
- Many recommendations regarding improving threatened species outcomes from the 2009 five-yearly review have been ignored.
- Wombat Forestcare contends that there is a conflict of interest as the protection of biodiversity is a State Government responsibility and the provider of timber is a government owned corporation, VicForests.
- It is completely unprofessional for the Victorian government to have failed to review the progress of the Victorian RFAs from 1 July 2009 to 30 June 2014 within a reasonable period. To initiate a review at the same time that the agreements are

expiring and to state that “the review will not open up the RFAs to re-negotiation” undermines the government’s credibility.

- In many areas in western Victoria the Comprehensive, Adequate and Representative (CAR) reserve system has not provided for the agreed conservation of vegetation classes. In the Central Victorian Uplands Bioregion only 12% of Ecological Vegetation Classes have met their target.
- In western Victoria, timber harvesting has not been sustainable. There is a history of the sustainable yield being over-estimated.
- The milestone in each RFA to develop pest plant and pest animal control programs has not been achieved. There has been no pest animal control in the Wombat State Forest and minimal pest plant control.
- There are many actions outlined in the *Midlands Forest Management Plan (1996)* regarding biodiversity conservation that have not been acted upon. The plan was to apply for 10 years and the commitment to write a new Midlands Forest Management Plan in 2006 has not been acted on.
- Information on threatened species is poor. The lack of surveying and monitoring by state government agencies enables harvesting to occur that has a high possibility of endangering threatened species.
- Wombat Forestcare submits that the West Victoria Regional Forest Agreement should either be cancelled or be allowed to expire and that the RFA should not be extended.

#### **Submission 326**

- The Review Report is grossly inadequate as a ‘performance review’ of the RFAs and should be rejected.
- RFAs have failed even in their own terms and should be terminated when they expire or preferably earlier.
- This Review dated November 2017 (released in December 2017) comes three years after the period on which it reports and more than five years after it was due for East Gippsland. Furthermore, the reporting period for the 2013 Victorian State of the Forest Report, which is presented as a companion document, finishes even earlier on 30 June 2012. A review that ignores the immediately preceding five years in order to report on the five years before that is worthless as a measure of performance.
- There are no data and evidence presented in the progress report that forest management is sustainable. The Parties agreed to develop mechanisms to monitor and review the sustainability of forest management practices and, for that purpose, to establish indicators consistent with the Montreal Process Criteria and ‘capable of being implemented at the regional level’. The review Report claims that Victoria’s 2013 State of the Forests Report (SOFR 2013) fulfils this RFA requirement but it does not.

- In the last 20 years numerous reports, audits and court cases have challenged the contention that RFAs are meeting the objectives of the National Forest Policy. The Review Report has made no effort to assess and respond to this information.
- Logging conflicts in native forests have continued throughout the last 20 years and are ongoing, including in --
  - forests proposed for protection in the Great Forest National Park
  - 34 current and 32 past coupes in the Central Highlands that are the subject of a case in the Federal Court launched by Friends of Leadbeater's Possum in November 2017
  - Kuark old growth forest whose legality is challenged and is currently halted by an order of the Supreme Court
  - Granite Mountain old growth forests currently halted by a blockade
  - current and proposed logging at Mirboo North, Rubicon, the Strathbogie Ranges and in other forests including across western Victoria strongly opposed by local communities
- RFAs give native forest logging an exemption from Commonwealth environmental scrutiny available to no other industry. There is no justification for their continuation and they should be abolished.

#### **Submission 327**

- Monitoring techniques used by DWELP and Vicforests for protecting endangered animal species have failed.
- Mountain ash forest is critically endangered and only small pockets exist anywhere in Australia.
- Any flora and fauna living in any of the logging coupes is destroyed.
- The Leadbeater's possum is critically endangered, and the greater glider added to federal and state lists as vulnerable to extinction. And yet the government is continuing to try and prove the Leadbeater's possum is no longer on the endangered list in order to get more forest for logging.
- Local volunteers (not DELWP) on the ground are the main people monitoring what is happening to our forests and locating endangered species.
- The five yearly reviews are late and totally inadequate.
- RFAs neglect climate change.
- After the 2009 fires the forest returns to their natural healthy eco-biodiversity within several years. By contrast, after logging the forest looks unnatural, full of blackberries, wattle, other noxious weeds and nothing like the original forest.
- End the native forest logging industry's exemption from national environment law.
- Strengthen the protection of threatened species. (Australia has the highest extinction rate of native animals in the world!)

- Expand National Parks but make specific areas in these parks accessible to four-wheel driving, hunting and horse riding. A surcharge should be applied to anyone using the parks.... this could be adequately finance future parks.
- Our paper industry should prioritise hemp as a replacement for Mountain Ash. The Government should move towards Plantation Timber.
- Plantation owners cannot compete with the cheaper timber obtained from public forests. An increased premium should be paid on all timber removed from public forests until plantation timber can satisfy demand.
- Recreation and tourism could generate much more work and income than the timber industry which is now in decline.

### **Submission 328**

- Regional Forest Agreements lock in unsustainable logging practices and have a significantly negative impact on conservation and our Australian environment.
- The exemption from the EPBC Act means that there is little to no environmental protection when logging is the main goal, even when there is a significant threat to nationally endangered wildlife such as Leadbeater's Possum and Greater Glider.
- Reports from community environment groups of long standing such as those in Central Highland and East Gippsland where the forests have borne the brunt of much of the onslaught of unsustainable logging, document their concerns unceasingly to no avail.
- DELWP have never enforced one protection compliance, despite having the legal power to do so in the event of such breaches. It clearly signals a systematic failure and/or coercion by all relevant state governments to enforce the RFA over the environmental laws of the state and nation.
- Less than 10% of our state forest native timber is destined for higher end products such as building materials and furniture, as cited frequently in independent research.
- Many noted botanists, flora and fauna specialists in Australia are now advocating that logging itself should be identified as a "threatening process".
- The community in Mirboo North have learned firsthand already about the lack of due environmental diligence of VicForests. Its failure to undertake comprehensive on-site survey work prior to any logging being decided upon was a shock to most residents here in Mirboo North.
- There is also a strong concern that neither VicForests nor the government will seriously consider the ramifications of our community environmental surveys, no matter what they find and despite any environmental concerns, so fixated are they on achieving the full logging of the 3 sites here.
- While Victoria's government and opposition champion the logging industry it never includes the significant cost to the environment or to the taxpayer. There is massive subsidisation of the native forest timber industry in Victoria.

- Such logging of native timber also comes at an increasing loss to our water supplies with both Melbourne and regional water catchments negatively impacted by constant clearfell logging and then replanting with young trees which suck up large amounts of water until they mature. With increasing climate change and growing populations, Victoria cannot ignore this impact for future water security.
- It also is now hitting hard up against our growing tourist industries.
- Do not renew the RFAs in Gippsland specifically at this time and in all Victoria more generally and in the future
- Places all logging and forestry activities in publicly owned state forests solely under the federal EPBC Act like all other industries in Australia

#### **Submission 329**

- Common Theme Submission 1

#### **Submission 330**

- Common Theme Submission 1

#### **Submission 331**

- The existing RFA has facilitated the loss of forests of high conservation value. The Mountain Ash ecosystem of the Central Highlands and the habitats of the critically endangered Leadbeater's Possum and the Greater Glider need to be completely protected
- Mountain Ash forests also provide many associated benefits that vanish with clear-fell logging: high carbon storage density, habitat protection for all other flora and fauna within this ecological community, and a highly productive water catchment, which will be critically important as Melbourne continues to grow in the future.
- Recently logged forests are more vulnerable to high intensity fire than old growth.

#### **Submission 332**

- Largely Common Theme Submission 2

#### **Submission 333**

- The Rubicon Forest Protection Group (RFPG) considers that the Victorian Government has failed to abide by fundamental undertakings under the Central Highlands RFA, including-
  - the failure to abide by the principles and practices of ecologically sustainable forest management (ESFM) as required by the RFA
  - the failure to adopt sustainable harvest levels by FMA as required by the RFA
  - the failure to comply with the Code of Practice for Timber Production 2014 as required by the RFA,
  - the failure to fully implement a system of forest reserves that meets the JANIS criteria as required by the RFA.

- The Rubicon Forest Protection Group (RFPG) considers that the Commonwealth Government has failed to abide by its undertakings agreed under the RFA, specifically by maintaining accreditation of Victoria's forest management system despite it breaching the above provisions.
- The RFPG considers that any future Victorian RFAs should require Victoria to establish a proper, legally enforceable, forest management and planning system, including financial penalties for non-compliance and with better opportunities for public interest input.
- Victoria should also commit to publishing on the web, in a timely fashion, a comprehensive data set, including coupe plans, maps and harvesting schedules.
- Victoria should establish a new forest management planning division of the Victorian Civil and Administrative Tribunal with powers to modify, or order a halt to forest operations found to be non-compliant with this system.
- In the meantime, the Central Highlands RFA should not be renewed until a VEAC review of the area has been undertaken, the Code of Practice for Timber Harvesting has been revised and strengthened following an independent review and a new Forest Management Plan developed.

#### **Submission 334**

- Abridged Common Theme Submission 1
- If hard wood is required for industry, then the agreement must require the acquisition of marginal land, and the fencing and planting and maintenance of hardwood trees needed, that will be ready for harvest in 50 years. For the present, harvested native timbers must be sold at a price commensurate with the long term time and cost of growing and harvesting it in plantations, then hardwood plantations would become an industry in their own right.

#### **Submission 335**

- The timing of the release of the progress report and time given for public appraisal is less than ideal.
- The science clearly points to a failure of the RFAs to ensure the operation of ecologically sustainable forest management.
- Policies that divide communities are not sustainable policies. Consultation has been marred by bullying and intimidation.
- The Regional Forestry Agreement for East Gippsland predicted an increased proportion of pulp logs, which appears not to be based on any sustainable yield target. The public reporting of these targets was deceptive.
- Forest management on public land should put more emphasis on improving the biodiversity and asset value of already degraded areas. Genetic erosion is not remedied by clearfelling and burning. More emphasis should be put on restoring the rainforest understory species, after all they are less fire prone than eucalypts.
- Much more stringent limits should be set in place to retain threatened plant species, with a buffer area.

- The dominant canopy species in Cool Temperate Rainforest have all been logged for cabinet timber in the past, which has led to large-scale degradation of the forest type. This is not reflected in the data given in the RFA Report. It is ridiculous to suggest that this forest community remains at 100% of its pre-1750 extent in two of the RFA regions.
- The exemption of the RFAs from the EPBC Act is no longer acceptable, given the poor outcomes we have seen to date.
- It is critically important that any further forestry agreements do not allow logging where there is any likelihood of threatened species habitat and biodiversity values being placed at risk, either directly or indirectly from bushfire.

#### **Submission 336**

- Abridged Common Theme Submission 1

#### **Submission 337**

- Common Theme Submission 1
- Saint Francis of Assisi is the passionate patron saint of integral ecology living out joyfully and authentically as stated in Pope Francis encyclical letter on ecology and climate.
- I am aware that vinyl flooring is now available at similar cost of timber. We have the capacity to stop killing the trees the forests and the creatures who live in there. Please stop the human destruction of our critically endangered home.

#### **Submission 338**

- Common Theme Submission 1

#### **Submission 339**

- Common Theme Submission 1

#### **Submission 340**

- Common Theme Submission 1

#### **Submission 341**

- Common Theme Submission 1

#### **Submission 342**

- Expanded version of Common Theme Submission 3 with detailed information.
- RFAs should not be renewed for the following reasons-
  1. RFAs have failed to meet their objectives
  2. The ecological targets of the RFAs are out of date, the definitions have been superseded, both globally and nationally, by new standards and targets. If a

higher level criterion, such as the Aichi target, were applied, significant areas would need to be added to the formal reserve system.

3. RFAs are a regulatory relic
4. The RFAs ignore climate change implications
5. RFAs do not effectively manage threatened species and ecosystems
6. The RFAs ignore fire impacts
7. RFAs ignore other forest values
8. RFA reviews ignore their own previous recommendations
9. RFAs give unjustified and unfair special treatment to native forest logging
10. The RFAs stifle industry innovation

- Victoria's proposed Great Forest National Park would draw almost 380,000 extra visitors a year to the Central Highlands, add \$71 million annually to the local economy and generate 750 jobs with a little private investment.
- The milestone in each RFA to develop pest plant and pest animal control programs has not been achieved (e.g. there has been no pest animal control in the Wombat State Forest, and minimal pest plant control).
- Few businesses dependent on native forest are profitable, many make very small or neutral profits in the normal business sense, and many have also been recipients of extensive direct and indirect government support.

**Submission 343**

- Common Theme Submission 3

**Submission 344**

- Common Theme Submission 1

**Submission 345**

- Common Theme Submission 3

**Submission 346**

- Common Theme Submission 1

**Submission 347**

- Common Theme Submission 1

**Submission 348**

- Common Theme Submission 1

**Submission 349**

- Common Theme Submission 1

#### **Submission 350**

- Common Theme Submission 1
- Vic Forest needs subsidies to survive financially and has over harvested the resource as shown by the Heyfield timber mill saga.
- Conflict in relation to forest management remains high in all RFA States.
- Vic Forests alone expended over \$3 million in court costs against members of the community who were trying to stop illegal logging activity.

#### **Submission 351**

- Common Theme Submission 1
- Our group is opposed to the on-going “trashing” of our forest assets. We are not opposed to logging, but the current process, framed by the NE RFA, is based on out of date scientific and community knowledge and expectation and condemns the forest to the whims of VicForests and the logging industry.
- The Greater Glider (*Petauroides volans*) is now regarded as vulnerable to extinction, yet there’s no change in the RFA rules to protect it.

#### **Submission 352**

- Common Theme Submission 1

#### **Submission 353**

- Common Theme Submission 1

#### **Submission 354**

- State forests in Victoria currently provide opportunities for multiple use activities, including economic and recreational pursuits, while maintaining the conservation values of public land. The RFA framework has been instrumental in allowing these activities to occur in a balanced and sustainable way.
- The fact that state forests retain such high conservation values demonstrates that the diverse activities conducted within them are quite compatible with a healthy and sustainable environment.
- Recreational hunting is continuing to grow in popularity, with one of the main requirements of hunters being access to areas to hunt. State forests are a very important resource for SSAA Victoria members. Hunting has been shown to be a safe, low impact activity that does not preclude other uses of state forest and can help in achieving positive environmental outcomes by reducing pest and problem animal impacts on natural environments.
- Hunters inject \$439 million dollars into the state economy every year, with 60% being spent in regional areas. Restrictions or prohibitions of hunting in state forests would remove that economic benefit from the local economy.

### **Submission 355**

- The RFAs have failed their objectives-
  1. To identify a comprehensive, adequate and representative reserve system and provide for the conservation of those areas.
  2. To provide for the ecologically sustainable management and use of forests in each RFA region.
- To provide for the long-term stability of forests and forest industries.
- There is a lack of accountability, enforcement and adaptive management
- They are out of date and are no longer fit for purpose
- No Victorian RFAs should be extended or rolled-over.
- Native forest logging should be subject to the same assessment and approval process under Australian environmental law, as all other industries.
- The adequacy of the existing national parks and reserve system in Eastern Victoria should be investigated by the Victorian Environment Assessment Council, and expanded to protect remaining high conservation value forest habitat including the Great Forest National Park in the Central Highlands and the Emerald Links in East Gippsland.
- State and national environmental laws and management prescriptions should be strengthened to protect remaining high conservation value forest habitat and forest dependent threatened species, from logging and other threats.
- The native forest logging and wood and fibre products manufacturing industry should be rapidly transitioned to a sustainable plantation and recycled-fibre based resource.
- A thorough and comprehensive consultation and assessment process should form the basis of any future forest management arrangements that may replace expired Regional Forest Agreements. Such arrangements should value and account for the full range of forest uses including, conservation, tourism, recreation, water, carbon and any limited native forest logging that may form part of an industry transition. Such arrangements must have effective accountability, enforcement and adaptive management mechanisms to ensure obligations and objectives are met.

### **Submission 356**

- This person requested that the contents of the submission remain confidential.

### **Submission 357**

- Common Theme Submission 3

### **Submission 358**

- Common Theme Submission 1

**Submission 359**

- Common Theme Submission 1

**Submission 360**

- Common Theme Submission 3

**Submission 361**

- Expanded version of Common Theme Submission 2
- It is abundantly clear that any objective analysis of the optimum management of our native forests would be based on a transition of logging out of native forests, rather than entrenching the current intensive industrial scale destruction that is envisaged under an ongoing RFA. It is also clear that the future for wood production in Victoria is from a sustainably managed plantation estate.
- It is vital that our national environmental laws protect all of our state, and that native forest logging is no longer given special treatment in the form of exemptions from these laws, which apply to all other extractive industries and impactful activities.
- The Victorian community's interests and views are not taken into account by the RFAs, and future generations' access to the forests' values for clean air, water supply, carbon storage, and recreation is being denied.

**Submission 362**

- Common Theme Submission 1

**Submission 363**

- Common Theme Submission 1

**Submission 364**

- Common Theme Submission 1

**Submission 365**

- Common Theme Submission 3

**Submission 366**

- Common Theme Submission 1

**Submission 367**

- Common Theme Submission 1

**Submission 368**

- Common Theme Submission 1

#### **Submission 369**

- Common Theme Submission 1

#### **Submission 370**

- Common Theme Submission 1

#### **Submission 371**

- Common Theme Submission 1

#### **Submission 372**

- Common Theme Submission 1

#### **Submission 373**

- VicForests endorses the report, which demonstrates-
  - Significant progress, effort and achievement in implementing the milestones and obligations of the RFA which contribute to the process of continuous improvement of forest management and use within Victoria;
  - The commitment to achieving the successful integration of environmental, social and commercial forest management and timber production objectives for current and future generations.
- VicForests supports Regional Forest Agreements as a mechanism which;
  - Defines the roles and responsibilities of the parties regarding forest management and the timber industry in Australia and Victoria;
  - Provides the State Government with having responsibility to create, implement and regulate forest policy within Victoria.
  - Provides the forestry industry with surety regarding supply and investment.

#### **Submission 374**

- RFAs offer opportunities for Traditional Owners in an ongoing capacity building role with the Department, VicForests and Parks Victoria in how to respectfully and meaningfully engage with Traditional Owners and their representative bodies as partners in policy development, program co-design and implementation.
- Specific opportunities include--
  - An expanded role in vegetation management, utilising traditional ecological knowledge (e.g. ecological thinning and silviculture) and responding to cultural rights and interests.
  - Continuously reviewing and improving the joint management model of parks and reserves
  - Establishing a role for Traditional Owners in monitoring the social, cultural and ecological factors that influence ecosystem, cultural and landscape resilience.
  - Documenting and further developing traditional ecological knowledge in contemporary context, including biodiversity that may be used in food or

medicine and in developing monitoring protocols for threatened species, communities and their habitats that have cultural significance.

- An expanded role in vertebrate pest herbivore management and over abundant wildlife management, utilising traditional ecological knowledge and responding to cultural rights and interests.
- Employment of Traditional Owners including mentoring, traineeships, internships, scholarships and professional development programs in Parks Victoria, VicForests and DELWP and NRM positions in Traditional Owner Corporations,
- Participation in payments for ecosystem services schemes such as biodiversity conservation credit markets, vegetation offsets, EcoTender and carbon sequestration.
- Supporting business development in Corporations to enable them to supply contract services in commercial forest management or in setting up businesses in timber (e.g. fuelwood) production and sale.

### **Submission 375**

- The five yearly review is ridiculously overdue. This reflects badly on the overall lack of concern or willingness to take this controversial agreement seriously.
- There is very little left of our region's once valuable and biodiverse forests. The few small pockets that remain have become critical habitat for the now threatened species such as Greater Gliders and the large forest owls.
- VicForests clearfells and destroys these forests and DELWP's planned burns do enormous damage.
- The legal exemption from the Federal EPBC Act and the environment laws is a scandal
- Several Supreme Court cases make it extremely clear that state laws are both inadequate, not complied with, not regulated and when breaches are documented or rare species found, infrequently acted on by the state government.
- The RFAs have also failed socially and economically, with impacts on catchments, public property, climate change and bushfires.
- Other industries which rely on healthy forests such as the honey industry and nature tourism have suffered and their growth has been stunted.
- Employment in the logging industry has severely declined and the industry is subsidised.
- The RFAs have failed to meet almost all of their objectives. Victorian RFAs must be allowed to expire from March 2018.
- GEG would like to see:
  - RFAs abandoned as an obsolete disaster.
  - All native forest logging quickly phased out and the remains of this industry moved into plantations.

- Workers either moved or retrained
- The Heyfield mill decommissioned.
- Shift funds from subsidising logging to engaging biodiversity staff. This should result in a rapid improvement in management and knowledge of Victoria's natural environments and wildlife.
- Strengthen the laws (and their monitoring and application) that are meant to look after increasingly threatened species.
- Add significant tracts of forest to our existing National Parks Restore and value other forests for carbon storage, wildlife habitat and water.
- Terminate VicForests. Engage biodiversity trained people to manage forests, rather than the old brotherhood of forestry personnel and the culture that they have embedded.
- Replace the forest politics and union influences with science and facts.
- Supersede current forest management. Include recreation, tourism, agriculture, water, carbon and habitat in future reviews and changes.

#### **Submission 376**

- The rationale for and basis of the EPBC Act "exemption" are flawed.
- The RFAs have not been effective in achieving the objectives of the EPBC Act. Neither the Commonwealth nor Victorian Governments have reviewed the effectiveness of the RFAs in achieving those objectives. In addition, they have not taken account of changes to legislation and Victoria's forest management system since the inception of the RFAs .
- The five yearly review report is limited to an assessment of the implementation of the RFAs and does not assess the effectiveness of the RFAs in meeting objectives.
- The Victorian RFAs have not been properly implemented and the Victorian forest management system fails to protect threatened species. This has been determined through several court cases.
- Victoria has failed to comply with its obligations to review the RFAs every five years and its completed reviews are well behind schedule.
- If, contrary to our submission, the RFAs are extended, then they should only be extended after-
  - A rigorous, robust, transparent and independent review of the effectiveness of the RFAs against the objectives of the EPBC Act
  - The review should assess the full range of the environmental, economic and social impacts of logging activities
- The RFAs, CAR reserves and forest management systems accredited under them must be amended and updated in response to the outcomes of that comprehensive and independent review. If the review demonstrates that there has been serious non-compliances with the terms of the RFAs or a serious failure to achieve the objectives of the EPBC Act, the exemption under s 38 (of that act) be suspended.

### **Submission 377**

- The public were lied to, when told that a “Comprehensive Adequate and Representative Reserve System” had been created, based on a “JANIS criteria”. What really happened was that timber quotas were held fixed, so there would be not net increase in reserves.
- Timber estimates were overstated, and logging was continued above sustainable yield figures.
- If one were to manage the resource to provide an ongoing supply of A and B grade logs, the logging rotation must be over 250 years, not 80 years as is current.
- Foresters and others believe that all requirements to conserve threatened species were met by the representative representation provided by National Parks and other formal reserves, when in fact targets were met by informal reserves including Code of Practice prescriptions.
- When you plan to log all the remaining forests, don’t go lying about it being sustainable, conserving biodiversity and so on. We all know that all the plants and animals will be killed, and the regrowth forest will have lower biodiversity, higher bushfire risk, and no scenic value.
- To reduce the risk of catastrophic bushfires, the forests need to be changed back to their previous state.
- The future lies with tourism. The few remaining tracts of old-growth forest are tourism gold, yet to be discovered by the multitudes of backpackers travelling the globe. Develop an industry that facilitates natural tourism, and you’ll start the second gold rush.
- No government official has listened to me in the past, and what happened? The mills shut down, the logging was unlawful, it’s turned out worse for everyone.

### **Submission 378**

- All State-owned and State-supported timber felling operations should be wound up. Plantation timber felling can be accomplished by private contractors, under government regulation rather than government sponsorship.
- Regional Forest Agreements are unnecessary, and should be replaced by Forest Protection Plans.
- There needs to be a review of the markets for native forest products with a view to finding alternative products which can satisfy the market demands, without destroying native forests.
- The practice of “negotiating” whilst trees are being cut down, is cynical and reprehensible. It must cease.
- Where there is no alternative to the use of wood for a specialized purpose, that wood must be supplied only from plantation timber grown on land zoned for agriculture.

- There needs to be a plan for the employment of forestry workers in the plantation timber industry, and in other industries which will replace native forest timber.
- Destroyed native forests must be restored, and to the extent possible, protected in national parks. The rehabilitation of destroyed native forests must include the restoration of the entire forest ecosystems, not just the trees.
- There must not be any energy or fuel production based on the burning of forest products. This includes a ban on furnaces, and the use of any “forest waste” for this purpose.

#### **Submission 379**

- Common Theme Submission 1

#### **Submission 380**

- The public has been given less than two months to comment on a swathe of documents that have taken bureaucrats over ten years to develop; and the reports themselves are incomplete and in parts, fanciful.
- RFAs based on the experience of the Mirboo North and District Community within the framework set by the Gippsland RFA fail in many very important ways specifically regarding the legislative duties of care and responsibilities set out in commonwealth and state legislation.
- Failures in the Victorian timber allocation processes - case presented. None of the substantive concerns raised at the Mirboo North public meeting have been or are currently being addressed by the RFA or Victorian timber allocation and harvesting procedures. Communities are being relied upon to undertake biodiversity conservation studies that the state government and VicForests are legally required to do.
- Deficiencies in allocation orders - the procedures for allocating timber resources in Victorian relies upon outdated and inadequate surveys conducted prior to the RFA agreements and does not require up to date data about rare or threatened species and communities before coupes are nominated for logging.
- Deficiencies in timber release plans and related procedures - Failure to give reasonable opportunity for community comment in areas where logging is proposed under the Victorian timber release plan.
- Deficiencies in the monitoring of sustainability indicators and the oversight of forestry operations.
- Conditions are such that the exclusions from EPBC Act should now be terminated; and the RFAs should be critically reviewed as failed mechanisms.

#### **Submission 381**

- Common Theme Submission 1
- RFAs in Victoria are not providing ecologically sustainable management of forests. Examples of the decline of plant and animal species under the RFAs in Victoria are

many (including Leadbeater's Possum and the Greater Glider).

- RFAs have failed to provide an Adequate Reserve System and management reserves around endangered species are not adequate.
- RFAs have failed to provide long-term stability for industry
- It is not acceptable that the Government continues to rely on in-house, unreviewed advice from VicForests for decisions on management of our public forests. If information generated in-house by VicForests continues to have a role, this should be via DELWP, and made public as part of the public accountability process.

#### **Submission 382**

- Extracts from Common Theme Submission 1
- The Emerald Link is a proposal that is needed to transition employment in East Gippsland from logging to conservation and tourism that could be on a very solid international scale.
- East Gippsland is the most biodiverse forest region in Victoria. It's the only place on mainland Australia where continuous and intact native vegetation links alpine environments to the coast. Protecting East Gippsland forests in a network of protected areas will create a thriving and intact ecosystem and Victoria's premier wilderness adventure destination.

#### **Submission 383**

- Common Theme Submission 1

#### **Submission 384**

- Common Theme Submission 3

#### **Submission 385**

- Common Theme Submission 1
- The Central Highlands RFA includes an obligation, within each five-year period, to conduct a review, to be completed within three months. It is a matter of public record that such reviews have not been conducted as required. The current review is being conducted more than four years late. This matter is presently before the Federal Court.
- Make reviews of the efficacy of the system more frequent, mandatory and enforceable, with additional reviews to be conducted following major events, such as the 2009 bushfires.

#### **Submission 386**

- The Victorian RFAs have comprehensively failed to meet their objectives and should not be extended.

- Systemic non-compliance plagues both the RFAs themselves and the Victorian forest regulatory regime. Successive Victorian state governments have been unsuccessful in attempts to improve compliance.
- The Comprehensive Regional Assessment (CRAs) process undertaken for the Victorian RFAs, unlike some other CRAs, specifically mapped 'disturbed' old growth that does not meet the official 'negligible disturbance' definition of old growth (known as Type 1 under the HCV Framework). These mapped forests are clearly a direct analogue for old growth Type 2, and appear to be under no particular form of management.
- The informal reserve system has been eroded over time and is not effective in preventing the decline of species.
- Native forest logging in Victoria is extremely controversial, with many opposed to its continuance particularly in light of recent repeat wildfires, threatened species decline, fragmentation, the ready alternatives available for our fibre needs, and modern understandings of the financial value of non-wood forest products lost through continued clearfelling, such as water, carbon and tourism.
- The Wilderness Society recommends that a Comprehensive Reassessment of current environmental, social and economic conditions of the forest estate, including an evaluation of the RFAs themselves is undertaken.
- Native forest logging must be subject to the EPBC Act assessment and approvals process.
- The RFAs are out of date and the reviews have not been done in a timely manner.
- Threatened species are in decline
- RFAs fail to account for the impact of fire impacts on wood availability
- RFAs do not mention climate change or carbon accounting
- Wood forecasting is flawed
- The native forest sector is low value; other forest values and industries are not adequately recognised.

### **Submission 387**

- In Victoria, in 2016-17 the industry contributed \$7.3 billion to the state economy, directly employed 20,000, and supported an additional 40,000 to 50,000 jobs, many of them in regional and rural areas.
- The forest industry welcomes the Victorian and Federal Governments' commitment to the continuation of the state's five RFAs.
- The area of native forests in conservation reserves has almost trebled since 1990, from 6 per cent to 16 per cent of all native forests.
- Industry development has been constrained by resource reductions that were not in accordance with the RFAs, which has undermined the certainty to industry that the RFAs are intended to provide. Consequently, since 1996, the number of hardwood sawmills in Australia has fallen from more than 800 to around 200.

- The native forestry industry is now at the point where it cannot sustain any further reduction in production forest, and the next phase of the RFAs must provide greater certainty.
- AFPA is concerned by the delay in extending the RFAs.
- If the Parties want to achieve a sustainable native forest industry in Victoria, then renewed RFAs must be based on binding commitments to deliver certainty and security of resource supply to industry.
- Of Victoria's 7.9 million hectares of native forest (approximately 35% of the State), 96% is unavailable or unsuitable for native forestry operations and each year VicForests harvests about 3,000 hectares – or 0.04% – of Victoria's native forest, which is then sustainably regrown.
- As the Report notes, one of the obligations across the Victorian RFAs is: "Parties agree that any changes to the area of State forest will not lead to a net deterioration in the timber production capacity of those areas available for harvesting in terms of volume, species and quality." This has not occurred.
- During the review period alone (2009-14), the Report acknowledges that the Victorian Government's implementation of the *Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009* added over 45,000 hectares of State forest to the conservation reserve system in East Gippsland. A further 170 hectares of State forest and public land was added to the 'Dedicated Reserves' component of the CAR reserve system.
- The introduction of a "200m buffer zone" for each new Leadbeater's Possum sighting has resulted in an annual reduction of 65,000m<sup>3</sup> of ash sawlog, and will cost Victorian taxpayers more than \$20 million in foregone revenue and additional infrastructure costs.
- The RFA renewal process must include a guarantee of no net reduction in resource volumes.
- Future RFA reviews should give equal weight to economic and social objectives, such as annual investment in upgrading existing and developing new processing capacity, forest industry employment, innovation and R&D, and the economic health of communities dependent on forest industries.
- The five-yearly RFA reviews should focus not just on environmental outcomes inside the forest area managed for wood production, but should assess the performance across all associated and relevant land tenures (including National Parks).
- A landscape approach to protection of threatened species is the best strategy for conserving mobile fauna. A detection-based conservation strategy, on the other hand, is biased and less effective as it targets forest retention based on observations of individuals.
- AFPA notes that the Tasmanian RFA was extended by a further 20 years, and introduced a new five-year rolling extension effective upon the successful completion of each five-yearly review. This provides ongoing certainty and avoids

the current situation of RFAs seemingly “expiring”. AFPA supports the rolling RFA model and urges the Victorian Government to adopt this approach.

#### **Submission 388**

- This person requested that the contents of the submission remain confidential.

#### **Submission 389**

- Common Theme Submission 1

#### **Submission 390**

- I humbly ask that there be a moratorium on logging in the Strathbogie Forest.
- An impressive population of both Powerful Owls and Greater Gliders live among the mature trees and we humbly ask that no logging be allowed until a considered review has been carried out and the habitat for Powerful Owls and Greater Gliders is secured.

#### **Submission 391**

- The Victorian Government has overridden the RFA in East Gippsland, by unilaterally taking high quality forest out of production, leading to significant reduction in available timber volumes.
- In future, all Victorian RFAs should have much more emphasis on social and economic values, given that environmental considerations have clearly taken precedence in recent land use decisions.
- The RFAs in the next period must guarantee the small forest resource that is currently zoned for timber harvesting, given that only approx. 6% of public forest is available and suitable for harvesting.
- The Progress Report (p.32) states “the then Victorian Government committed to add at least 41 000 hectares of State forest to the conservation reserve system in East Gippsland without any net job losses or reduction in available timber resources.” No proof is given to support whether the ‘commitment’ was actually achieved. Despite the claim, it is clear that timber resources were reduced and jobs lost were most unlikely to be replaced by jobs in other local industries.
- The lack of action by the Victorian government in re-treating and assessing such a large area of previously harvested forest needs to be stated. Funds need to be made available.
- The many research topics listed look good on paper, but very little documentation is given to show what has actually been achieved, which we suspect is minimal, given that we are familiar with much of the scientific literature regarding forests and forest management.
- For example, although the ANU monitoring and research program in the ash forests has been investigating the impacts of, and recovery from, the bushfires, we are aware that *the salvage logging trial* has not been properly brought to completion, including a final report.

- In addition, the extensive silvicultural trial of variable retention in the Central Highlands ash forests has produced few published results, despite the Vic Govt providing massive funding to the ANU Fenner School to carry out this work.
- We are concerned that certain staff from the Fenner School have repeatedly attacked the timber industry in Victoria despite receiving funding for these trials, and to make matters worse they have not adequately reported on the results.

### **Submission 392**

- We submit that the Regional Forest Agreements have failed to achieve their conservation goals and that they in fact form a barrier to nature conservation. The RFA exemption from the Environment Protection and Biodiversity Conservation Act is of particular concern.
- The West Victorian RFA (WVRFA) should be abolished. A comprehensive review of public land management in SW Victoria should be undertaken by the Victorian Environment Assessment Council, covering all public lands south of the Little Desert and West of the Grampians.
- The Commonwealth should immediately approve and implement the draft revised Recovery Plan for the South-Eastern Red-tailed Black-Cockatoo (SERtBC), whether Victoria chooses to endorse it or not. Immediate changes to public land management must be made in SW Victoria, in line with the revised Recovery Plan, to ensure the survival of that sub-species. The survival of the Swift Parrot and other threatened and near-threatened species in the area must also become a far greater imperative in public land management in the region.
- With respect to the draft Recovery Plan for the SERtBC, Victoria is clearly contradicting the RFA by:
  - Ignoring a clearly established scientific basis for sustainable forest management
  - Taking an uncooperative approach to species recovery planning, and
  - Managing production forests in a way that is known to be contrary to the management needed to ensure the effectiveness of a CAR reserve system in terms of biodiversity conservation.
- The failings of the West Victoria Regional Forest Agreement include-
  - The agreement has not identified a CAR reserve system.
  - The management of public lands under the WV RFA is contrary to that needed to ensure the conservation of threatened species, and of biodiversity, including of biodiversity in non-reserve forests.
  - The WVRFA pays inadequate regard to scientific studies and projects relating to conservation and environment, including carbon and climate change.

### **Submission 393**

- Common Theme Submission 3

### Submission 394

- The Victorian Association of Forest Industries (VAFI) supports the continued use of Regional Forest Agreements (RFAs) as a framework for sustainable forest management, providing certainty to industry and maintaining forest ecosystems.
- VAFI broadly accepts the conclusion of the review that most RFA obligations have been met within their strict parameters. However, some key outcomes have not been delivered.
- The RFAs have not provided the intended stability of supply and operation for the forest, fibre and wood products industry.
- Over the life of the RFAs, the total volume of production from Victorian State forests has consistently decreased from a peak of 2.2 million m<sup>3</sup> in 2000-01, to 1.2 million m<sup>3</sup> in 2015-16. During the review period, 2009-2014, volume fell from 1.81 million m<sup>3</sup> to 1.27 million m<sup>3</sup>. The primary drivers of the decline in resource availability have been fire and changes to sustainable yield outlook methodologies. However, supply reductions are also driven by the continued political willingness to create new reserve areas outside of the agreed RFA framework.
- VAFI's position is that future RFA frameworks should be developed in a timely manner, with extensive consultation with industry to provide the following outcomes:
  1. Certainty of resource supply based on: no change to volume, quality and forest area resulting from changes to formal or informal; reserve zones; and 10-20 year supply contract terms.
  2. Landscape-scale forest planning and management that seeks to: maintain a viable supply of timber from public forests; use a population approach to forest species protection based on ecological information from all public forests; focus on the role of industry in forest management for multiple outcomes; and undertake an extensive engagement campaign to improve public knowledge of forest management approaches.
  3. A comprehensive resource assessment across all state forests, including: planning based on updated State Forest Inventory data; assessment of all State forest resources, including currently under-utilised areas; and assessment of supply capacity from forest management practices such as thinning for fire risk reduction.
  4. A single system for regulatory obligations and compliance, ensuring that: all mechanisms for creating forest conservation reserves are placed within the RFA framework; and demonstrated compliance with landscape-scale planning and zoning obligations will provide certainty to management and harvesting operations.

### Submission 395

- Common Theme Submission 1
- Contains details about the role of the local community group.

**Submission 396**

- The logging proposal in the Strathbogie Forrest contradicts the Victorian Governments 2017 Biodiversity Plan as the proposed location holds an impressive population of both Powerful Owls and Greater Gliders.
- There be a moratorium on logging in the Strathbogie Forest immediately to allow time for a considered review and the habitat for Powerful Owls and Greater Gliders secured.

**Submission 397**

- Common Theme Submission 1

**Submission 398**

- Common Theme Submission 1

**Submission 399**

- Common Theme Submission 1

**Submission 400**

- Common Theme Submission 1

**Submission 401**

- Common Theme Submission 1

**Submission 402**

- Common Theme Submission 1

**Submission 403**

- I often drive through a town named Millgrove. We've named the town 'the cemetery' because of the large timber mill right in plain view, with big beautiful trees lying there bereft of life.
- Why not plant something sustainable such as hemp, which can be used in building materials, clothing, plastics and many other things. What an incredible industry to transition into. Let's be smart and make some good decisions that will benefit our environment and leave a great legacy for future generations

**Submission 404**

- Abridged Common Theme Submission 1

**Submission 405**

- Common Theme Submission 1

**Submission 406**

- Common Theme Submission 1

**Submission 407**

- Common Theme Submission 1

**Submission 408**

- Common Theme Submission 1

**Submission 409**

- Common Theme Submission 1

**Submission 410**

- Common Theme Submission 1
- Tourism in the Central Highlands is struggling due to the loss of forests and habitat
- The amount of failed regeneration is deplorable; there are gaps in the forests full of weeds
- Mountain Ash are an iconic tourist attraction and are not protected.
- Many people have health issues due to the intrusion of logging
- Climate change is a serious enough issue on its own to stop the logging of publicly owned native forests.

**Submission 411**

- Common Theme Submission 1

**Submission 412**

- Common Theme Submission 1

**Submission 413**

- Common Theme Submission 1

**Submission 414**

- Common Theme Submission 1

**Submission 415**

- Common Theme Submission 1

**Submission 416**

- Common Theme Submission 1

**Submission 417**

- Common Theme Submission 1

#### **Submission 418**

- Council is supportive of native forestry which balances economic, environmental and social outcomes.
- The forestry and wood sector is the seventh largest contributor to Gippsland's economic output, contributing \$1.72 million p.a. (5.4% of total output).
- It is vital that the East Gippsland RFA be immediately extended, with the following features to be addressed-
  - (1) Strong outcomes focus
  - (2) Balance economic, social and environmental outcomes
  - (3) Take account of changes in the location of supply zones and processing facilities and related transport infrastructure
  - (4) Address the issue of ongoing viable levels of supply
  - (5) Provide incentive for private sector investment
  - (6) Comprehensive fire management plans
  - (7) Costs and benefits of other sectors, including tourism

#### **Submission 419**

- Victorian forests generate significant social, environmental and economic benefits for the state through water, timber, conservation, tourism, beekeeping, recreation and other benefits. With the right policies and financial support these benefits can be multiplied.
- Major risks such as fire, pests, disease and climate change have escalated, there has been a rapid decline in timber production from native forests (from nearly 2 million to 1.3 million cubic metres in the last 10 years), little investment in new plantation timber, increased reliance on timber imports, lost opportunities for carbon sequestration and a rapid decline in forest-related research and development.
- Review of the Victorian RFAs represents an opportunity to address these policy challenges and move toward a new era of federal-state cooperation to support forest management and a forest products sector that meet Victoria's future needs and the needs of Australian society.
- The global demand for wood is growing with a growing population and new uses of wood in construction and the emerging 'bio-economy'. Timber production can be integrated with both conservation and agriculture.
- In general, Victorian public native and private plantation forests are well-managed, with policy frameworks to support sustainable forest management. However, these management arrangements are not well understood by the public, and political leaders have failed to generate a clear and consistent narrative about the value of our forests, the benefits they provide or their future management arrangements.
- Few federal or state policy makers understand the sector and often see forests in terms of conflict, either with environmental interests, or with agriculture. In the absence of a clear policy framework, governments are making ad-hoc, and poorly-informed decisions.

- The National Forest Policy Statement on which the RFAs are based is a worthy document but it is out of date and does not address important current issues in forest management, such as climate change and carbon sequestration. Regional management plans were prepared many years ago and have not been reviewed.
- The RFAs focused on meeting the protection of biodiversity conservation and other values through expanding formal and informal reserves. This was a practical way of distilling often complex and conflicting management objectives into simple, area-based targets. The management practices in areas outside these reserves received less attention.
- Despite the increased area of reserves, a major reduction in native timber harvesting, and a high level of national investment in conservation research, many forest biodiversity indicators are declining. Native timber production continues to be characterised by some as the major threat to biodiversity, but the real concerns are urban development, feral animals, fire and climate change. Most of the conservation priorities are in forests on private land. National investments in Caring for Country and in conservation R&D are generally poorly targeted and have had limited impact. There are ongoing calls for new forest parks and conservation reserves on public land, but management resources for the current conservation estate are declining. It is also questionable whether new, publicly-managed parks are the most effective or efficient way to achieve forest conservation objectives.
- The submission contains 10 recommendations, as follows-
  1. Invest in silvicultural systems research to support new approaches to native forest management that maintain options for future generations and provide the full range of environmental, economic and social benefits from all forest uses.
  2. Review the mandate of Vicforests to allow it to manage for a wider range of benefits, rather than a sole focus on maximising financial return to government.
  3. Create new partnerships between forest managers, climate and other researchers and policy makers to explore the future impacts of climate change on the different values and uses of forests and to assess options for adaptation to climate change.
  4. Increase investment in the Victorian Forest Monitoring System to provide clear signals of change and to provide more accurate and comprehensive estimates of change in key indicators at a regional scale.
  5. Develop and fund clear and consistent and forward-looking public communication strategies for forest management.
  6. Put in place arrangements for aboriginal communities to have the power and the authority to make management decisions and receive the financial benefits from different forest uses and develop broader mechanisms for regular consultation and involvement in forest management planning and design collaborative models of decision making that incorporate the full range of views and interests in forest management in different regions.

7. Support investment farm forestry and integration of trees for timber production in rural landscapes with on-farm and public benefits such as water quality, soil protection, carbon sequestration and biodiversity.
8. Review climate policy arrangements to provide more flexibility and wider recognition and reward for investment in plantation forestry in climate policy objectives.
9. Focus biodiversity conservation efforts on dynamic approaches that recognise climate change impacts and that integrate with timber and agricultural production and other uses. New reserves should be highly targeted to meet specific conservation objectives, widely supported and have limited impact on other uses.
10. Increase investment in forest research and higher education to ensure that Victoria has the knowledge base for future management and the capacity for innovation and professional management of future forests.

#### **Submission 420**

- This person requested that the contents of the submission remain confidential.

#### **Submission 421**

- Common Theme Submission 1

#### **Submission 422**

- Common Theme Submission 3, with additional recommended improvements-
  - Alignment with international environmental standards, treaties and agreements
  - Improvement and enforcement of prescriptions pertaining to climate change
  - Improvement and enforcement of prescriptions pertaining to bushfire threat and impact
  - A more comprehensive and timely review system that allows critical performance analysis and a mechanism for incorporation of improvements
  - Agreement durations less than twenty years, especially given the potential medium to long term impacts of climate change

#### **Submission 423**

- Security of supply is paramount not only to the forest industries but also for the economic viability of many of the rural communities within the Victorian RFA regions. We note that the Commonwealth Government is committed to establishing 20 year rolling life with each RFA, however Victorian Government does not seem to hold the same view.
- The current arrangements provide in theory a level of certainty, but fail to recognise the threats to the industry and the need to provide some level of contingency. We believe that when issues arise in the proposed area in the Allocation Order, for example, due to bushfires or identification of a threaten species that requires buffer zones around it, then the lost area should be provided elsewhere. Also, there

probably needs to be a review on which allocation process, volume based vs area based provides the best outcome regarding security of supply.

- We are concerned that recommendation C12 has not been completed. The Victorian Government needs to better manage its responsibility for forest regeneration and provide annual reporting on progress.
- The industry is heavily regulated and closely scrutinised, the failure of the Victorian Government to complete their obligations can have a negative impact on the industry through public perception of the industry and its practices, as the public are not going to distinguish between industry and government responsibilities.
- We have concerns that the timing of the five-yearly reviews are not occurring in a timely manner.
- The objective to provide long term stability of forest and forest industries is still not being met. In a carbon constraint world, the forest industry is well situated to prosper that will assist local, state and national economies however if long term security of supply cannot be guaranteed industry and communities are placed at risk.

**Submission 424**

- Our organisation supports the submission of the Council [Submission 418 above].

**Submission 425**

- No submission was attached to his/her email

**Submission 426**

- No submission was attached to his/her email

## **Attachment 1. Scoping Agreement for the Third Five-Yearly Review of the RFAs**

**Victorian Regional Forest Agreements –  
East Gippsland, Central Highlands, North East,  
Gippsland and West Victoria**

**Scoping Agreement for the review of progress with  
implementation of the  
Victorian Regional Forest Agreements**

**The Commonwealth of Australia  
and  
The State of Victoria**

**Third Five-Yearly Review  
May 2016**

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## 1. Preamble

The purpose of this Scoping Agreement is to confirm the arrangements agreed by the Victorian Government and the Australian Government (the Parties) for undertaking the third five-yearly review of performance to assess progress against the specified milestones and obligations of the five Victorian Regional Forest Agreements (RFAs) in accordance with the provisions of clauses 30, 31 and 32 of the East Gippsland RFA, clauses 36, 37 and 38 of the Central Highlands and North East RFAs, and clauses 37, 38 and 39 of the Gippsland and West Victoria RFAs.

The Parties agree that this Scoping Agreement will be consistent with the Victorian RFAs, the 1992 National Forest Policy Statement (NFPS), and other relevant agreements and policies.

The Parties recognise that this Scoping Agreement cannot impose on a party any obligation that is inconsistent with a law of the State of Victoria or the Commonwealth of Australia where that law is binding on that party.

The provisions of this Scoping Agreement are not intended to give rise to legally enforceable rights or obligations between the Parties.

## 2. Background

The five Victorian RFAs were developed in a series of RFAs between the Commonwealth of Australia and the Governments of Victoria, New South Wales, Tasmania and Western Australia. While all the RFAs have their own unique elements, they have all been drawn up under the NFPS and all have a requirement for five-yearly reviews of performance.

The State of Victoria and the Commonwealth of Australia entered into the Victorian RFAs on the following dates:

- East Gippsland RFA on 3 February 1997
- Central Highlands RFA on 27 March 1998
- North East RFA on 9 August 1999
- Gippsland and West Victoria RFAs on 31 March 2000.

The duration of each of the Victorian RFAs is 20 years. The Victorian RFAs can be amended with the written agreement of both Parties. The process for extending the agreements for a further period will be considered by the parties as part of this third five-yearly review.

The Victorian RFAs establish the framework for the management of forests within the five Victorian RFA regions. The Parties are committed to ensuring the RFAs are durable and that the obligations and commitments contained within them are delivered to ensure effective conservation, forest management and forest industry outcomes.

## 3. The requirement for a five-yearly review

Clauses 30, 31 and 32 of the East Gippsland RFA, clauses 36, 37 and 38 of the Central Highlands and North East RFAs, and clauses 37, 38 and 39 of the Gippsland and West Victoria RFAs require a review of the performance of the RFAs be undertaken within each five year period. The RFAs require:

*Within each five year period, a review of the performance of the Agreement will be undertaken. The purpose of the five yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:*

- *the extent to which milestones and obligations have been met including management of the National Estate;*

- the results of monitoring of sustainability indicators; and
- invited public comment on the performance of the Agreement.

While the review process will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the review.

The outcomes of the review will be made public. The mechanism and timing for the review will be determined by both Parties before the end of the five year period and the review will be completed within three months.

#### **4. Additional undertakings for this five-yearly review**

The Parties have also agreed the review will report on progress against agreed actions within the 'Joint Australian and Victorian Government Response to the *Independent Review on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) FINAL REPORT* May, 2010, October 2014'.

#### **5. Principles for conduct of the review**

In undertaking the third five-yearly review of the Victorian RFAs, the Parties agree that they are jointly responsible for the review and will ensure effective coordination within and between the Parties.

The Parties agree that:

- the review will cover the period from 1 July 2009 to 30 June 2014
- the review will satisfy the requirement to undertake a review of the performance of the Victorian RFAs for the third five-year period
- the review will be conducted in accordance with five-yearly review requirements of the Victorian RFAs
- the review will be conducted in a manner that is open and transparent
- the review will invite public comment on the report on progress with implementation of the Victorian RFAs with respect to the milestones and obligations and, invite public comment relevant to the extension of the Victorian RFAs
- the five Victorian RFAs will be reviewed simultaneously and a single report on the performance outcomes of the review prepared
- the review will be completed in accordance with the process outlined in section 8 of this Scoping Agreement
- *Victoria's State of the Forests Report 2013* fulfils the requirement in the Victorian RFAs to report on the results of monitoring sustainability indicators
- the review will be cognisant of other Victorian state and national forest reporting processes and requirements
- the review may make recommendations based on the past implementation of the Victorian RFAs
- the review may also make suggestions on the future implementation of the Victorian RFAs in their current format which may be amended by the extension process to take the Victorian RFAs beyond their current duration
- the review does not open up the Victorian RFAs to re-negotiation, but the Parties may agree minor modification to the Victorian RFAs to incorporate the outcomes of the review
- the outcomes of the review will be made publicly available.

The Parties note that, as per clause 5 of the East Gippsland RFA and clause 6 of the other Victorian RFAs, this review will include the Parties jointly considering the process to extend the

Victorian RFAs for a further period. The Parties will consider the extension of the Victorian RFAs through a bilateral process separate to this third five-yearly review.

## 6. Items for review

The Parties agree that:

- a) the review will assess and report on progress made against the implementation of the milestones and obligations specified in Attachment 1 of this Scoping Agreement. Only those milestones or obligations that are ongoing or had not been completed prior to this review period (1 July 2009 to 30 June 2014) will be reported on in this review of progress with implementation. In instances where milestones and obligations have been completed and reported against in an earlier five-yearly review report they are not in scope for further review—instead reference to the relevant previous five-yearly review on progress with implementation report can be made for the flow of the document
- b) the review will report on progress against agreed actions within the 'Joint Australian and Victorian Government Response to the *Independent Review on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs) FINAL REPORT May, 2010, October 2014*' from the combined first and second five-yearly review on progress
- c) the *Victoria's State of the Forests Report 2013* fulfils the requirement in the Victorian RFAs to report on the results of monitoring sustainability indicators. This report provides background material for the review and is not material for public consultation or comment by the Independent Reviewer.

## 7. Governance

### a) Joint Working Group

The Parties agree to the formation of a joint Victorian Government and Australian Government Working Group.

The Joint Working Group will comprise two nominees of the Victorian Government and two nominees of the Australian Government. It will be jointly chaired by a representative of the Australian Government Department of Agriculture and Water Resources (which will provide secretariat duties) and a representative of the Victorian Department of Environment, Land, Water and Planning.

The Joint Working Group is responsible for:

- implementing this Scoping Agreement
- allocating resources to undertake the review, including supporting the Independent Reviewer
- preparing and publishing the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014*
- inviting public submissions on the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014* with respect to the milestones and obligations of the Victorian RFAs, and relevant to the extension of the Victorian RFAs
- supporting the Independent Reviewer in their review of both the report and the public submissions on the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014*, in accordance with the Terms of Reference for the Independent Reviewer at Attachment 2 of this Agreement

- preparing and publishing the joint government response to the report by the Independent Reviewer.

The support to be provided to the Independent Reviewer by the Joint Working Group will include provision of the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014* and relevant documents, collation and supply of public submissions. Support will not include secretariat services or drafting of reports.

#### **b) Ministerial**

The Parties to the Agreement are represented by the responsible Ministers:

##### **Victoria:**

The Hon. Lisa Neville MP  
Minister for Environment, Climate Change and Water

##### **Commonwealth:**

Senator the Hon. Anne Ruston  
Assistant Minister for Agriculture and Water Resources

The Ministers shall approve the:

- appointment of the Independent Reviewer
- joint government response to the report by the Independent Reviewer.

## **8. Process for conducting the Review**

The third five-yearly review will be conducted in accordance with the following process:

- (a) **Preparation** – By end of 2016, the:
  - Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014 is prepared by the Parties
  - Independent Reviewer is appointed
  - Parties agree the high-level process for extending the duration of the Victorian RFAs.
  
- (b) **Public consultation and independent review** – anticipated duration 4.5 months
  - public submissions are sought on the Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014 with respect to the milestones and obligations of the RFAs and relevant to the extension of the agreements
  - the Joint Working Group collates written public submissions and provides them to the Independent Reviewer
  - the Independent Reviewer reviews the Report on Progress with Implementation of the Victorian RFAs, public submissions, and, as required, extra information provided by the Joint Working Group
  - Within three months of the close of the public submission period, the Independent Reviewer prepares and delivers their review report on the Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014 to the Joint Working Group. This will include a synthesis of public submissions on the operation of the Victorian RFAs. The report, to all practicable extent, will group comments into themes, including identifying those comments that may be particularly relevant to an extension of the Victorian RFAs.

- (c) **Joint government response** – anticipated duration 3 months
- the Independent Reviewer's report is tabled in the Australian Parliament at a timing that is jointly agreed by the Parties
  - the Parties jointly respond to the report prepared by the Independent Reviewer for the third five-yearly review of progress with implementation of the Victorian RFAs and make publicly available the Joint Australian and Victorian Government Response following tabling in the Australian Parliament by the Australian Government
  - the response identifies the process, as agreed by the Parties, for extending the Victorian RFAs for a further period.

## **9. Reporting protocols**

The Joint Working Group shall, where appropriate, report to responsible Ministers on an 'as needs' basis through the co-Chairs.

## **10. Communication protocols**

The Parties agree that prior to either party making a separate public statement about this third five-yearly review that they will advise the other party.

## **11. Financial issues**

The Parties are responsible for all their own costs incurred in the implementation of this Scoping Agreement.

The Parties will share evenly the agreed additional costs of the review including:

- advertising public notices in relevant media to invite public submissions;
- the Independent Reviewer's agreed fee including their associated travel costs to attend meetings with the Parties (as required); and
- the preparation, publication and distribution of reports generated by the third five-yearly review.

**12. Signing page**

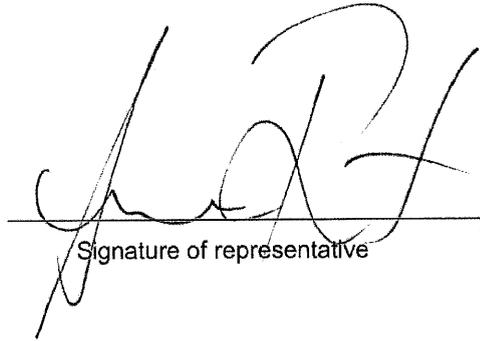
IN WITNESS WHEREOF this Agreement has been signed for and on behalf of the Parties on the 7<sup>th</sup> day of May in the year 2016

**Signed for and on behalf of the Commonwealth of Australia by**

Senator the Hon. Anne Ruston,  
Assistant Minister for Agriculture and Water Resources



Signature of witness



Signature of representative

Sara Bray  
Name of witness (print)

Anne Ruston  
Name of representative (print)

**Signed for and on behalf of the Victorian Government by**

Hon. Lisa Neville MP, Minister for Environment, Climate Change and Water



Signature of witness



Signature of representative

Chris Owner.  
Name of witness (print)

LISA NEVILLE  
Name of representative (print)

## Attachment 1 Items for the Review

Only those milestones or obligations that are ongoing or had not been completed prior to this review period, as listed in the table below, will be reported on in this review of progress with implementation.

Milestones or obligations that were completed within previous review periods may be included in the report for the flow of the document, but they are not in the scope of this review.

Where a milestone or obligation has been overtaken by events, or is no longer relevant, this will also be indicated.

Milestone / Obligation	East Gippsland RFA Clause	Central Highlands RFA Clause	North East RFA Clause	Gippsland RFA Clause	West Victoria RFA Clause
<b>PART 1</b>					
Duration of Agreement	5	6	6	6	6
<b>PART 2</b>					
Relationship to statutory obligations	12, 15, 17-18, 21, 23	21, 25, 27-30, 32-33	21, 25, 27-30, 32-33	21, 25, 28-31, 33-34	21, 25, 28-31, 33-34
Milestones	25	35	35	36	36
Five-yearly review	30-32	36-38	36-38	37-39	37-39
Ecologically sustainable forest management			39-40		
Monitoring, reporting and consultative mechanisms	26-28, 34	41-43, 45(c), 45(d)	41-43, 45(a), 45(b)	42-44, 46(a), 46(b)	42-44, 46
Private land	42	52	52	53	53
Threatened flora and fauna	43-45	55-58	55-58	56-59	56-59
The CAR reserve system	50	63-64	63-64	65-66	65-67
Industry development	53	67-72	66-71	68-72, 74-76	68-72, 74-76
Indigenous heritage	54	74	73	78	78
Other forest uses	57-60	77-80	76-79	83-86	83-86
Competition principles	61	82	80	88	88
Research	62-64	83-85	81-83	89-91	89-91
Funding	65, 66				
Data agreement		86	84	92	92
<b>PART 3</b>					
Forest management		89	86.4, 86.5, 87	94.4, 95	94.2, 94.3, 94.4, 95
Compensation		90	88	96	96
	Attachment	Attachment	Attachment	Attachment	Attachment
CAR reserve system	1	1	1	1	1
Threatened Flora, Fauna and Communities	4	2	2	2	2
Listing, Protection and Management of National Estate Values	2	3	3	3	3
Public reporting and consultative mechanisms	5	5	5	5	5
Research	6	6	6	6	6
Indigenous heritage				8	8

## Attachment 2 Terms of Reference for the Independent Reviewer

### Background

The Australian and Victorian Governments (the Parties) signed five Victorian RFAs between 3 February 1997 and 31 March 2000.

The Victorian RFAs establish the framework for the management of forests within the Victorian RFA regions. The duration of each of the Victorian RFAs is 20 years from its date of signing.

As provided under clause 5 of the East Gippsland RFA and clause 6 of the other Victorian RFAs, it is the intent of the Parties to consider the process for extension of the agreements as part of the third five-yearly review.

An important element of the Victorian RFAs is the requirement to review the performance of each of the Victorian RFAs. An RFA review is an assessment of progress made against the milestones and obligations specified in each of the Victorian RFAs.

Clauses 30, 31 and 32 of the East Gippsland RFA, clauses 36, 37 and 38 of the Central Highlands and North East RFAs, and clauses 37, 38 and 39 of the Gippsland and West Victoria RFAs require that:

*"Within each five-year period, a review of the performance of the Agreement will be undertaken. The purpose of the five yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:*

- *the extent to which milestones and obligations have been met, including management of the National Estate*
- *the results of monitoring of sustainability indicators*
- *invited public comment on the performance of the Agreement.*

*While the review process will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the review.*

*The outcomes of the review will be made public. The mechanism for the review will be determined by both Parties before the end of the five year period and the review will be completed within three months."*

### Terms of Reference

The role of the Independent Reviewer will be to review the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014* and associated written public submissions, and provide a report to the Joint Working Group. The review will cover the 1 July 2009 to 30 June 2014 five-yearly period.

The Independent Reviewer is required to:

1. Review written public submissions on the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014* and undertake further targeted consultation with organisations or individuals as required, to clarify any issues raised in the written submissions.
2. Provide a written report to the Joint Working Group, which:
  - provides comment on the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 - 2009-2014* considering the written public submissions received
  - describes the key issues identified in the written public submissions

- noting the policy framework as established by the National Forest Policy Statement, identifies any additional issues that should be considered for the continued implementation of the Victorian RFAs
  - lists the names of the individuals and organisations who made written public submissions where consent to do so is provided.
3. Deliver all written submissions and information used by the Independent Reviewer to the Joint Working Group with the report.

#### **Timing**

The Independent Reviewer must submit their report to the Joint Working Group within three months of the closure of the public submission period unless an extension of time is mutually agreed by the Parties and Independent Reviewer.

#### **General**

The Terms of Reference for the Independent Reviewer should be read in conjunction with the Scoping Agreement for the review of progress with implementation of the Victorian Regional Forest Agreements.