

Victorian Regional Forest Agreements

How modernised RFAs address consultation feedback

Introduction

Consultation to identify potential opportunities to improve the Victorian Regional Forest Agreements (RFAs) was undertaken jointly by the Australian and Victorian Governments from 3 May to 7 July 2019.

Through the consultation period, 135 written submissions, 733 online survey responses and 47 face to face engagement events were held with over 330 participants.

This document summarises how changes to modernise the Victorian RFAs have addressed the feedback received throughout the consultation process.

Two independent consultancies were commissioned to facilitate and report on the consultation:

1. Cloud Catcher were the independent facilitators for the face-to-face engagement events and produced six reports (one for each of the RFA regions and one for Melbourne) that summarise what was heard at the face-to-face sessions.
2. Converlens, an independent qualitative data analysis company specialising in consultation processes, collated and analysed all consultation feedback received via the online survey, written submissions and face-to-face engagement.

Converlens has produced '*Modernisation of the Victorian Regional Forest Agreements – Independent Report on the Joint Victorian and Australian Government Consultation*' an overarching report on all consultation across the state, that analyses and reports on the views and responses received from those who participated. Key changes made to the RFAs to incorporate community feedback have been summarised by the key themes identified in report that Converlens produced.

Community feedback received through the joint consultation will also inform Victoria's continuing program of forest management reform.

Please note: clause numbers used in table refer to clauses in the Central Highlands RFA. Clause numbers may be different in other Victorian RFAs.

Theme 1: Regulations and role of the Government	
<p>Converlens Summary: A consistent theme throughout the consultation related to the Government developing and enforcing regulation with regards to timber harvesting, forest management and environmental protection. Respondents raised concerns regarding historical decision-making processes, policy development and review cycles, and the role and purpose of the RFAs. This included how legislation, regulation and other Government functions contributed to the management of Victoria’s native forests. Respondents urged the Government to consult with communities, experts and Traditional Owners, to commit to conducting reviews and implementing recommendations, and to modify or remove current RFAs.</p>	
Community feedback	How modernised RFAs address this feedback
<p>1(a) Legislate and enforce regulations</p>	<p>The modernised RFAs have been updated to reflect the current legislative and regulatory environment. This includes retaining the existing commitment within the RFAs to protect rainforest from timber harvesting and including a new commitment to protect old growth forest from timber harvesting (clause 66B).</p> <p>The modernised RFAs contain a commitment by Victoria to review its Code of Practice for Timber Production by the end of 2023 and make the findings publicly available (clause 25M, 40C, 88.7).</p> <p>Victoria will continue to publish future reports of audits of compliance with the Code of Practice for Timber Production (clause 43).</p> <p>The RFAs now also contain audit provisions which allow either Party to initiate an audit if they have reasonable grounds to suspect a Party has not complied with a material term or milestone in the RFA (clauses 45A-J).</p>
<p>1(b) Consult and collaborate closely with Traditional Owners</p>	<p>A preamble and new clauses that significantly increase the recognition of Traditional Owner rights have been incorporated throughout the RFAs. These amendments, developed in collaboration with Traditional Owners, recognise the unique ability Traditional Owners have to care for Country and seek to support forest management that advances self-determination and partnership.</p> <p>Through the modernised RFAs, the Victorian Government has committed to:</p> <ul style="list-style-type: none"> • Genuinely partner, and meaningfully engage, with Traditional Owners to support the protection and management of Country, foster sustainable land, water and forest management practices, and

	<p>maintain continuation of spiritual and cultural practices (many clauses, including 74, 75B, 75C, 83A-C);</p> <ul style="list-style-type: none"> • Involve Traditional Owners in decision making, and will actively seek to incorporate Traditional Owner Knowledge when making decisions regarding management of forests (clause 75C); and • Assess and evaluate outcomes relating to matters of importance to Traditional Owners in Five-Yearly reviews (clause 36).
<p>1(c) Build trust through transparency and independence</p>	<p>There have been a number of improvements made to the RFAs to strengthen transparency and independence of reviews. For example:</p> <ul style="list-style-type: none"> • Five-yearly reviews have been strengthened to be outcomes focused and conducted by an independent panel (clauses 36, 37D, 37E, 37F). • Additional clauses have been added to include timeframes and requirements for the conduct of Five-yearly Reviews (clauses 37B, 37D). • Provision for Major Event reviews have been built into the Agreements (clauses 38F-I). This allows for Parties to consider the impacts of events, such as bushfires, floods or diseases, on the effectiveness and operation of the RFAs. Major Event reviews will be conducted by an independent panel and include opportunity for public consultation (clause 38G). • There is a new requirement for the Parties to meet annually to monitor the implementation and performance of the RFAs, with a communique of each meeting to be published publicly (clause 35A, 35B). • The modernised RFAs also reference the range of processes and instruments that exist which provide for public participation, consultation and/or reporting including through preparation and review of legislation, regulations, codes of practice and Conservation Statutory Planning Documents; State of the Forests reporting; and preparation and review of strategies and plans for the management of native forest (clauses 37F, 38C, 38G, 40C, 41B). • All RFA review and assessment reports will continue to be made publicly available (clauses 38A, 38B, 41A, 41B).

Theme 2: Local economies and communities

Converlens Summary: The impacts of timber harvesting and the development of sustainable economic opportunities related to the preservation and support of local communities was a common area of discussion. Responses included matters to do with jobs, industries and economic livelihoods as well as their connection to maintaining vibrant towns and communities by involving them in decision-making and creating opportunities for employment, recreation, and the sharing of culture and traditions. Respondents suggested that forests be open for public access and for multiple uses, both for recreation and enjoyment as well as for employment and other economic benefits. Another recurring theme had to do with creating opportunities for forest-based employment and industries, including cultural and eco-tourism for Traditional Owners, and for alternate industries such as those related to carbon, recreation and food.

Community feedback	How modernised RFAs address this feedback
2(a) Focus on local community, people and sustainable economic opportunities	The modernised RFAs recognise the wide range of values and uses afforded to Victorian communities from forests, and the importance of a range of forest industries to generating jobs and economic benefits for Victorian communities. The Parties intend that the RFAs will enhance opportunities for further growth and development of forest industries (clause 69).
2(b) Create employment opportunities outside of timber harvesting	The modernised RFAs include consideration of a range of forest industries which include timber and forestry products industries (including plantations), apiculture, tourism and recreation, and carbon markets (clauses 69C-L, 73A-E). They also commit Victoria to facilitating greater collaboration between forest industries to enable the highest and best use of the available forest resources (clause 69B).
2(c) Partner with and create opportunities for Traditional Owners to be involved in forest management	<p>The rights and values of Traditional Owners are now more strongly incorporated throughout the Agreement, and consideration of Aboriginal heritage and Traditional Owner rights and partnerships strengthened (clauses 74, 74A-C, 75, 75A-D and other clauses).</p> <p>The modernised RFAs also commit Victoria (clause 75C) to ensure Traditional Owner involvement in decision-making and empower Traditional Owners to –</p> <ul style="list-style-type: none"> • have an active role in the management of forests on public land; • develop a sustainable funding model to enable Traditional Owners to meaningfully partner in forest management;

	<ul style="list-style-type: none"> • identify opportunities for Traditional Owners to partner in land, water, fire and environmental management; and • identify economic and employment opportunities from forests.
Theme 3: Protect, conserve and restore native forests	
<p>Converlens Summary: Respondents sought to “hang on to” the remaining forest and expressed strong sentiment when it came to protection and restoration measures being included in the RFA modernisation process. This was mostly focused on native and old-growth forest in the RFA regions and across Victoria, and included concern for the protection of native fauna and flora. There were calls for a greater emphasis on conservation, as well as the restoration and regeneration of the forests and related ecosystems. Responses also put forward the need for robust environmental protections, with a focus on sustainability and protecting the forests for the future.</p>	
Community feedback	How modernised RFAs address this feedback
3(a) Restore biodiversity and ecosystems	The improvements to the RFAs include a significantly expanded section dealing with Matters of National Environmental Significance (MNES) under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) and Listed Species and Communities (clauses 25A-S).
3(b) Protect Australia's unique flora and fauna	<p>These sections include requirements for Victoria to maintain a Forest Management System (FMS) that provides for the protection and management of MNES (clause 25A) and the conservation and recovery of Listed Species and Communities (clause 25G).</p> <p>The modernised RFAs also include timeframes for the development of relevant Statutory Conservation Planning Documents for Listed Species and Communities (clauses 25H and 25I). These documents include conservation advices, recovery plans, threat abatement plans or wildlife conservation plans made under the EPBC Act; or Action Statements or Interim Conservation Orders made under the <i>Flora and Fauna Guarantee Act 1988</i> (FFG Act).</p> <p>The RFAs continue to require the maintenance of the Comprehensive, Adequate and Representative (CAR) Reserve System, and implementation of protections for old-growth forests and rainforests (clauses 60A, 62, 62A, 66, 66A, 66B).</p> <p>The RFAs continue to require the improvement of the Victorian FMS, and Victoria has committed to review and publicly report on its Sustainability Indicators every five years (clauses 48, 49, 49A).</p>

3(c) Research conservation and restoration - benefits, efforts, impacts	Contemporary research priorities relevant to the RFAs have been included in the modernised RFAs and a commitment included to review the research priorities as part of each Five-yearly Review (clause 83B, Attachment 6). Victoria will work with Traditional Owners to agree priorities for Traditional Owner Knowledge for the management of native forests on public land (clause 83C). The Parties have agreed to assess progress against agreed research activities and identify new research needs and objectives as part of each annual meeting (clause 35A).
Theme 4: Destruction and loss of natural environment and biodiversity	
Converlens Summary: The negative impacts of timber harvesting on the natural environment was a consistent feature in responses. This covered matters such as the loss of native forests, concerns for biodiversity loss, as well as the effects on ecosystems and native fauna and flora. The increased frequency and intensity of bushfires was a significant issue, with respondents calling for research into fire management and fuel reduction. Forest management was an important related issue, with respondents raising matters of undertaking research, applying best practices and utilising First Nation knowledge, as well as calling for an end to practices that damage native forests.	
Community feedback	How modernised RFAs address this feedback
4(a) Address the increase in threatened species and loss of biodiversity	Further to the response provided at 3(a) & (b), the modernised RFAs recognise the vital role that active management of threats to Listed Species and Communities plays in achieving their recovery. Victoria has committed to the active management of native forests on public land through proactive measures such as pest and weed control, use of silviculture practices to improve the forest's structure and condition and revegetation of priority areas (clause 25S). Victoria has also committed to reviewing relevant provisions of the FFG Act, <i>Sustainable Forests (Timber) Act 2004</i> (Vic), <i>Forests Act 1958</i> (Vic), and their subordinate instruments, including the Code of Practice for Timber Production 2014, to identify what, if any, measures or improvements could be made to strengthen protections for Listed Species and Communities within Victoria's forests by December 2022 (clause 25M).
4(b) Alleviate pressures on threatened flora and fauna and forest ecosystems	
4(c) Research fire management and fuel reduction; implement best practice approach	The Australian and Victorian governments have committed to reviewing and identifying broad research priorities that support the holistic and adaptive management of forests, including the management of fire, as part of each Five-yearly Review (clause 83B, Attachment 6).

	<p>Through the modernised RFAs the Australian and Victorian governments also acknowledge the need to work collaboratively to improve the outlook for native species through the active management of threats which include bushfire (clause 25Q).</p> <p>The modernised RFAs also commit Victoria to reviewing its Forest Management Plans by December 2023 and at least once every 10 years thereafter, and in doing so have regard to bushfire and threat management (clause 65 and 65A).</p> <p>The Parties have recognised that a range of processes and instruments exist which provide for public participation, consultation and/or reporting, including (but not limited to) processes associated with preparation and review of strategies and plans for the management of native forests, including the management of fire and forestry operations in native forests (clause 41B).</p> <p>Victoria has committed to use its best endeavours to conserve and protect EVCs, with a particular focus on vulnerable, endangered and rare EVCs, both within the CAR Reserve System and off reserve (non-CAR Reserve components of State forests and private land), by identifying opportunities to reduce the extent and severity of threatening processes and limiting the impacts of bushfires and planned burning and associated operational activities (clause 62C). Victoria will have regard to bushfire and threat management in reviewing their Forest Management Plans (clause 65A).</p> <p>Victoria has also committed to facilitate, where possible, the use of Country for traditional cultural practices including, but not limited to, cultural burning and healing by Traditional Owners (clause 75C).</p>
<p>Theme 5: Timber harvesting</p>	
<p>Converlens Summary: There were two broad streams to this theme: the first was related to environmental impact and not continuing harvesting, while the second related to sustainability of the industry, industry development, transition to plantations, and future concerns. Responses covered matters related to supply, viability, the future of the industry, extraction practices and environmental impact. Respondents were largely against the continuation of timber harvesting in RFA regions and native forests, for a variety of reasons ranging from climate change mitigation, preservation of local cultures, communities and recreational spaces, and concern for native fauna and flora. Respondents called for sustainable practices and a transition towards plantations, with explorations of alternative materials and timber species for harvesting.</p>	
<p>Community feedback</p>	<p>How modernised RFAs address this feedback</p>

<p>5(a) End native-forest timber harvesting and transition to plantations</p>	<p>The purpose of the RFAs is to provide for a CAR reserve system, ecologically sustainable forest management (ESFM), and the stability of forests and forest industries. This includes harvesting of native forest to the extent that harvesting of native forest is permitted under State government policy and regulation.</p> <p>On 7 November 2019, Victorian Premier Daniel Andrews announced that Victoria will cease logging native forests by 2030 and provide transitional support to the timber industry and communities.</p> <p>Modernised RFAs will provide regulatory certainty for the native forest timber industry over the next ten years, and encourage removing barriers to support expansion of Victoria’s plantation estate.</p> <p>The improvements to the RFAs include that the Parties will encourage the establishment and use of plantations on cleared land or land that is or has been recently used for plantation forestry but not on land which was native forest in the recent past, and which has reasonable expectation of being regenerated (clauses 76B, 76D).</p> <p>The parties will also identify and pursue options for improving the regulatory environment for plantations in Victoria (clause 76F).</p>
<p>5(b) Address the incompatibility of existing timber harvesting practices with environmental protection for native forests</p>	<p>The modernised RFAs include that Victoria will maintain a FMS that provides for the protection and management of MNES (clause 25A).</p> <p>Victoria has committed to the ongoing implementation and achievement of ESFM through the continued implementation of and improvements to its FMS and adaptive forest management (clause 40B).</p> <p>The Parties have committed to reviewing the performance of the RFAs in providing for ESFM within each Five-yearly Review (clauses 36, 37A).</p>
<p>5(c) Develop sustainable practices within the timber industry</p>	<p>A key element of the RFAs is to provide for the ecologically sustainable management and use of forests in the RFA regions (clauses 39 – 40D).</p> <p>It has been recognised through the modernised RFAs that ongoing and enhanced monitoring and data analysis is necessary to ensure the Victorian FMS is able to adapt in response to changing circumstances and to enable strategic, long-term decisions about forests (clauses 25C, 40D, 41B).</p>

	The modernised RFAs do not include specific volumes of timber available for harvesting in an RFA Region, and instead outline the process and considerations for determining the sustainable harvest level (clauses 69F-K).
Theme 6: Future of ecosystem services	
Converlens Summary: A smaller but important set of responses discussed the role of ecosystem services and how RFAs can capitalise on potential future functions such as carbon storage, as well as exploring alternative materials to timber and opportunities for other approaches to land use. Within this area, many responses discussed climate change and its impact and possible mitigations. This included finding ways to use forests for carbon storage, deriving and maximising benefits from ecosystem services and moving towards sustainable industries.	
Community feedback	How modernised RFAs address this feedback
6(a) Maximise the benefits from ecosystem services	<p>The modernised RFAs acknowledge the wide range of values and uses afforded to Victorian communities from forests and the range of ecosystem services provided by healthy native forests. The Australian and Victorian Governments have also acknowledged through the modernised RFAs the need to consider ecosystem services, including carbon sequestration, water supply and pollination services, in actively managing Victoria’s forests to deliver the greatest benefits to Victorian communities (clause 66E).</p> <p>In addition, through the modernised RFAs, Parties:</p> <ul style="list-style-type: none"> • recognise that the apiculture industry contributes to food security through the provision of crop pollination services. Parties support access to and management of select areas of native forest on public land to provide beekeepers with access to apiary sites for the purposes of apiculture (clauses 73A, 73B) • support access to and management of select areas of native forest on public land to provide opportunities for a diverse range of recreation and tourism experiences (clauses 73C, 73D) • acknowledge the social, environmental and economic opportunities from forests presented by emerging carbon markets (clause 73E).
6(b) Explore alternative materials and land uses	The purpose of the RFAs is to provide for the sustainable management and conservation of native forests. The commitments and obligations within the RFAs are to provide for effective conservation, forest management and forest industry outcomes.

<p>6(c) Recognise the importance of forests for climate change mitigation</p>	<p>The RFAs have been updated to acknowledge the impacts of Climate Change. It has also been acknowledged that maintaining native forests, through the CAR reserve system, FMS and other mechanisms, plays an important role in the effective management of carbon within the carbon cycle (many clauses, including 66E, 66G, 73E).</p> <p>The modernised RFAs include new and updated sections regarding Climate Change. Within the modernised RFAs, the Parties acknowledge that climate change is driving more extreme weather and disturbance events that will impact on a wide range of forest values. It has also been recognised that Climate Change is a continuing and threatening process for certain MNES, listed species and communities (various clauses, including 66E - 66I).</p> <p>The importance of integrating Climate Change adaptation in forest management to build resilience and manage climate risk is recognised in the modernised RFAs. Victoria will include specific references to the impacts of Climate Change when reviewing its Forest Management Plans (clauses 65A, 77D).</p> <p>Going forward, the Five-Yearly reviews of the RFAs will now assess and evaluate the impacts of Climate Change on Victoria's forests (clause 36 (j)).</p>
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