

Final Report on
Progress with Implementation of
NSW Regional Forest Agreements:

Report of Independent Assessor

November 2009

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Foreword

This Assessment of the Draft Report on Progress with Implementation of NSW Regional Forest Agreements has been undertaken in accordance with the Terms of Reference agreed by the Commonwealth and New South Wales Governments and as set out in Appendix 1 to this Report.

The Assessment took into account the Draft Report, public submissions to that Draft Report and was also supported by additional information provided by both governments about a number of issues that arose during the Assessment. In the main this additional information constituted clarifications or further explanations of matters within the Draft Report.

It is important that the comments in this Assessment be considered against this background and its intended purpose.

Scott Spencer
Independent Assessor
November 2009

References

In this Report:

“NSW” means the State of New South Wales

“Draft Report” means the Draft Report on Progress with Implementation of NSW Regional Forest Agreements (RFAs) – North East RFA, Eden RFA, Southern RFA.

“NSW Review” means the Review of NSW Forest Agreements and Integrated Forestry Operations Approvals (IFOAs).

“EPBC Act Review” means the Australian Environment Act: Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999. (EPBC Act).

“The Parties” means the Commonwealth Government and the Government of New South Wales.

1. Statement of Verification – Process

The Terms of Reference of the Independent Assessor requires the presentation of a statement verifying the five year review has been undertaken against the both the New South Wales Regional Forest Agreements (RFAs) specific milestones and the Terms of Reference established by the Commonwealth and New South Wales Governments.

Examination of the *Draft Report on Progress with Implementation of the New South Wales Regional Forest Agreements (RFAs) —North East RFA, Eden RFA, Southern RFA* published in May 2009 and the subsequent public submissions, confirms that the *process* undertaken is in compliance with these requirements.

Each milestone has been addressed in sufficient detail to allow public input, the Draft Report's conclusions have been provided and/or where a milestone or issue has not been addressed, a clear statement has been made to that effect. This is not to say that all analysis is necessarily satisfactory. Nor does it imply that every conclusion should be accepted as correct. It merely means that from a *process* perspective, the approach is in line with the initial requirements.

While data gaps exist in some areas, this is generally clear and acknowledged in the Draft Report. Nevertheless access to consistent, reliable and comparable data is basic to any review processes and all efforts should be made to maintain and publish on-going data sets.

There was considerable public feedback about the lack of consideration of so-called “obligations” (as distinct from milestones) and particularly world heritage issues. Based on the information provided it appears that as this issue was not included as a specific milestone, it received only very limited attention in the Draft Report. New South Wales agencies have advised that the current focus of nominations for the World Heritage Tentative List is on the Australian Alps, and extending the Gondwana Rainforest World Heritage Area. It was indicated that development of new proposals for the Tentative List would require considerable research and data collection. Nominations will be considered for other themes, such as eucalypt diversity or cultural themes in northern and southern NSW after current nominations are finalised.

A significant number of public submissions made comments to the effect that the Terms of Reference are too narrow and that the entire RFA process including its fundamental rationale should be subject to review. While many parties feel strongly about this issue and therefore were critical of the current process, this Assessment can only consider matters within its agreed scope and Terms of Reference. In this context the Draft Report deals progress on *implementation* of the existing milestones for the three RFAs, not policy matters or day to day agency operations.

The review deals with the first five years of implementation but given timing issues, it is also arguably appropriate that updates have been provided on progress *subsequent* to the initial five year period. While a number of public submissions were critical of this approach, on balance, having access to this information gives a better picture of overall progress of the implementation of the RFAs.

However, timeframes or more correctly, a failure to adhere to agreed timelines, is a major issue with the first five yearly review. While the *process* may be in accordance with the requirements of the Terms of Reference, the significant delay in actually undertaking the review and delays in meeting key milestones is a fundamental issue that needs to be addressed by both governments. Further comments and recommendations on this issue are addressed elsewhere in this report.

2. Statement of Verification – Public Consultation

The Independent Assessor’s Terms of Reference also requires a statement verifying that the process included adequate opportunity for public comment.

A total of 32 public submissions were received by during the consultation period. The process by which the public was informed of the review has also been assessed. These included public/media statements by the responsible Commonwealth and State Ministers on 23 June 2009, formal notices sponsored by both governments in both New South Wales-wide and relevant regional media from the period 2 July - 7 July 2009 and a comprehensive coverage on the internet hosted by both the New South Wales Department of Environment, Climate Change and Water (DECCWW) and the Commonwealth Department of Agriculture, Fisheries and Forestry.

The public consultation process relied heavily on the internet for public access to documentation. A “cold” test of the search capacity of the Departments’ websites indicated that the relevant publications, including frequently asked questions, were easily located and readily accessible.

The RFA review process ran the risk of being confused with the separate but related NSW Review. However the documentation available made substantial efforts to distinguish between the two processes to ensure any confusion was minimised. Nevertheless, it appears from the nature of many of the submissions that the processes were somewhat confused and/or submitters chose to prepare a single submission to address both reviews.

A number of submissions raised concerns about the short timeframes available for public response. In this regard it may have assisted if there had been direct contact with key interest groups to formally and directly notify community and industry interest groups that the process was underway. This should be standard process in future.

RECOMMENDATION 1

That for future reviews the Parties consider supplementing the notification process by directly advising key community, conservation and industry groups of the review and the various processes involved.

Based on the quantity and quality of public submissions it can be concluded that the public consultation process was adequate and effective. Again it is worth noting that a significant number of submissions made specific comments on fundamental RFA policy issues and/or equity considerations. While there is little doubt that individual submitters have strong views on these matters, it is not the role of the Draft Report or the Independent Assessment to deal with these types of matters. The Terms of

Reference for the Draft Report and the Independent Assessment make it clear that the focus is on progress of *implementation* against the milestones in the original RFAs. This statement makes no judgement about the veracity or otherwise of the issues raised. It simply means that the Terms of Reference of the current review result in these matters not generally being within the scope of this process.

Given the very detailed nature of many of the submissions it does seem that they do deserve a greater degree of consideration. In this regard, with the approval of the submitters, the submissions could be considered as part of both the current NSW Review and, where relevant, the Commonwealth Government's response to the EPBC Act Review. However it must also be acknowledged that these processes also have a limited scope and purpose and it should not be assumed that the all of the issues raised in public submissions can be or will be addressed through these avenues.

There are also a large number of issues raised about the operational activities of NSW agencies. The management of these agencies need to be aware of these issues and take them into account in their planning, management and community engagement activities. Many were highly critical of individual agencies and while it is not possible to comment on their accuracy as part of this Assessment, to maximise the likelihood that the RFAs will be successful these matters need to be considered.

RECOMMENDATION 2

With the approval of the submitters, the Parties refer the submissions to this review to;

- **the NSW Review**
- **the Commonwealth Government to be taken into account during development of its response of the EPBC Review Act**
- **Executive Management of the NSW forest agencies**

Finally, it should be acknowledged that a number of submitters went to considerable effort to provide a large amount of detail and this information contributed significantly to the Independent Assessment.

3. Overview of Progress

RFAs across Australia are considered to be amongst the most important and ground breaking natural resource management arrangements in the nation's history. At their heart is the concept of certainty – certainty about the long term sustainability and protection of the nation's forests and certainty regarding access to the forest for economic utilisation as well as passive use.

At the outset it has to be acknowledged that RFAs are strategic in nature and are designed to establish a framework for ecologically sustainable management of forests. As such they do not deal directly with day to day management and operational issues. They are relatively high level agreements between the national and state governments and this review needs to be considered in that context.

The three New South Wales RFAs under review (North East, Eden and Southern) were completed in the 1999 – 2001 period and each individual agreement provides for

regular, five yearly reviews of implementation progress. A map of the Regions involved is at Appendix 4.

It also needs to be acknowledged that the RFAs for the three regions were signed at different times and that each region has specific milestones which may or may not be relevant for the other regions. A complete list of milestones for each region is provided in Appendix 3 together with the conclusion for each of these milestones from the Draft Report.

The fact these reviews are occurring at this time raises some fundamental issues for consideration. In this context the following observations are relevant;

- In a purely numerical sense, progress has *now* been made in delivering against the majority of milestones under the three RFAs with all critical tasks either underway or completed. Comments on specific milestones are outlined in Section 5 of this report.
- However, fundamentally, the first reviews should have been completed in the 2004-2006 period, i.e. five years from their initialisation. That fact these reviews have been delayed 3-4 years is of considerable concern, has reduced public confidence in the outcomes and seriously distorts the process for the future. It appears that there has been a significant underestimation of the time needed to undertake the work, the complexity of the issues involved and the level of commitment needed to produce a high quality review.
- It also is the case that many of the specific milestones required by the RFAs simply were not delivered in the timeframe required by the RFAs. While most are now either completed or underway, unless there is a real improvement in delivery, public confidence in the RFAs is at risk.
- Given that the RFAs are required to be reviewed every five years much of the work to complete the review must commence well before the five year period is completed. Alternatively, some delay may be acceptable provided the review is completed within a reasonable time.
- Consideration must now turn to how the Parties will deal with the next reviews which, for some regions, is imminent. Because this Draft Report contains some information beyond the first formal review there seems little point in repeating that effort. However action is needed now to achieve compliance with the process and timelines specified in the original RFAs. Admittedly a large number of the milestones in the first Review (this Review) were “process” in nature; they involved statutory mechanisms or what might be termed “initialisation” actions. These will not need to be repeated. To bring future reviews back in to line with agreed timeframes, the next review could focus on milestones that are considered critical for determination of progress. These would include any milestones due to commence in the second five year period or currently underway, the latest information about reserves, species protection, management planning, and wood supplies.

RECOMMENDATION 3

The Parties consider initiating a further review process as soon as possible to meet the agreed RFAs second review time requirements and;

- a) these reviews focus on progress with milestones due to commence in the second 5 years of the RFAs, actions underway from the first 5 years, and**
- b) indicators that are considered critical to the success of the RFAs is areas such as reserve management, species protection (including pest animal and weed management), management planning and wood supply estimates.**

- It needs to be acknowledged that in the specific cases of the three RFAs under review, the severity of bushfires in the early part of the review period had a major impact on the resource and will potentially distort outcomes in some areas for a considerable period.
- The RFA process in NSW also has been impacted by an issue that afflicts nearly all long term natural resource management arrangements, namely changes in governance. The Draft Report pays considerable attention to the changes that have occurred to the legislative and governance frameworks applying to forest management at both the national and State level. While it is easy to dismiss these changes as merely bureaucratic realignment, these types of changes reflect the relative priority of successive governments. Administrative agencies respond by redirecting resources to the priorities of the day. What may have been a priority in 1999 may no longer be as important in 2009. Agencies that were focussed on forest issues in 1999 may now have quite different priorities and in some instances, may no longer even exist. Laws have been adjusted to meet the policies of the government of the day. In the particular case of the NSW RFAs, this is most starkly represented by the changes in approach at both national and State level to threatened species management. It also includes changes in policy and legislation associated with issues such as vegetation management and most importantly, climate change. Changes of this nature are likely to persist as the RFAs span at least 6 electoral cycles at the Commonwealth level and five at the State level. In these circumstances continuous improvement will need to be a central part of management strategy.
- No overview could be complete without mention of climate change. This issue dominated public comment. However the reality of the matter is that the climate change only emerged as a serious issue for consideration after the RFAs were completed. This is not to say that climate change is unimportant. It simply means that there are no specific milestones under this review. More is said of this issue in following sections of this Assessment.
- It also needs to be acknowledged that while most of the milestones have now either been completed or are underway, the Draft Report is quite open about the fact that many have not been delivered in the timeframes originally envisaged when the RFAs were signed. To some extent this reflects the history of natural resource management initiatives across all parts of Australia where there has been a tendency to underestimate the complexity of the issues, the levels of human and technical capacity available and required and consequently, the time

and cost involved. The changes in governance and the need to deal with the severe bushfires also need to be taken into account. However the Draft Report also at one point specifically indicates and in others, at least infers that the resources are not available in all agencies to undertake some of the tasks to the extent necessary or within agreed timeframes. This in itself should not detract from the achievements to date and nor should it be interpreted as the RFA process failing. It is an honest reflection of reality but has clearly impacted on implementation progress. More comments will be made on specific issues throughout this Report but on-going diligence and resourcing is needed to ensure that initiatives that are fundamental to the implementation of the RFAs are addressed in a more timely and robust manner.

- In these circumstances it may be appropriate for the relevant parties to consider whether there are some tasks that are essential to the delivery of the RFAs and how best they are resourced. This needs to include an assessment of the consequences for other tasks including deferral of some less strategic commitments if necessary. It would be desirable that the results of such a process be made public.

RECOMMENDATION 4

That the Parties to the RFA consider:

- a) The resource requirements of on-going and yet to commence undertakings under the three RFAs to determine whether implementation is likely within agreed timelines, and/or**
- b) Whether reprioritisation of any milestones is necessary to ensure delivery of initiatives which are essential to the implementation of the RFAs.**

4. Results of Public Consultation

As stated earlier, a total of 32 submissions was received and assessed. The submissions ranged in size and complexity with a number providing detailed and site specific comments on a wide range of forest related issues.

Also as indicated previously, many of the submissions focussed heavily on the fundamentals of regional forest agreement policy and rationale. No comment is made on the veracity or otherwise of the views expressed. They simply are outside of the scope of the Draft Report. While there were a number of views expressed about expectations of the outcome of the Independent Assessment, these too were generally beyond the Terms of Reference of the Assessment.

Many of the matters raised go directly to policy considerations by the respective governments. They also include many comments about existing administrative practice. It is a matter for those governments whether these issues are considered further.

It was argued that as the current review provides for minor modifications of the RFAs, many of these issues are within scope. However in the main, the issues raised were so

fundamental to the existing process and RFA policy any acceptance of these propositions must lead to a major change in approach. Consequently, they would not constitute minor modifications. It could also be observed that a large proportion of the comments may also be relevant to the current NSW Review. It is important to reiterate that the NSW process can only deal with matters within its Terms of Reference and many of the issues raised may not be within the scope of that process.

While generalisation always has some inherent drawbacks, it is fair to say that a number of key themes emerged from the public submissions.

Overwhelmingly the most consistent issue raised was the impact of the significant delay in the review. There were a number of comments about wood supply sustainability and the associated review of the Forest Resource Assessment and Management Evaluation System (FRAMES). Interestingly the recent NSW Auditor General's Performance Report "Sustaining Native Forest - Forest NSW" April 2009, was used to support arguments from both perspectives of this issue.

Many submissions also gave a considerable amount of attention to issues associated with species protection and overall performance of individual agencies.

However, other than timeframes, a key issue raised in the majority of submissions was climate change or more particularly, the fact that the Draft Report does not consider climate change. As indicated previously RFAs were negotiated in a "pre climate change" environment and consequently could not feature in the Draft Report. This is not to deny that climate change is a major issue. However any forest-related climate change matters must fall into the broader climate change policy consideration by both the NSW and Commonwealth governments. Impacts on the RFAs will need to be considered in that process.

5. Review of Milestones

As mentioned above, while the three RFAs (North East, Eden and Southern) have been considered together in a single Draft Report, each individual RFA had regionally specific milestones for consideration. These are listed in Appendix 2.

Methodology

The Draft Report examines each milestone and uses a set of categories to reach conclusions about progress – Completed, Concluded, Underway etc. While this approach works reasonably for those milestones where the progress is finite – for example where work is completed, it is less effective for the "Underway" category.

Progress needs to be judged against various criteria – effectiveness is one obvious criterion but timeliness is also important. The analysis undertaken under "Progress of Milestone" provides, in the main, a frank assessment of progress of each milestone. However the use of the "Underway" category provides little real assessment of the actual progress. Is it adequate, will it be completed in a reasonable time to contribute to the overall goals of the RFA? The Draft Report suggests that the achievement of milestones under this category will be considered in the next review. However it gives no real indication of whether the progress to date is satisfactory. Some specific comments are made on individual milestones but in future reviews, the Parties should

consider qualifying milestones in the “Underway” category with comments such as “on schedule”, (or not) “behind schedule – now expected to be completed by..” etc.

Similarly the use of the “Concluded” category raised a number of concerns from public submitters. While it is understandable that, with the passing of time, some milestones may no longer be relevant, it is very important to state clearly why the Draft Report reached such a conclusion. A number of submitters inferred that some milestones had not progressed simply because there was a decision at agency level that they were no longer relevant. Whether this is the actual reason a matter was determined to be concluded is not always clear from the Draft Report. Clarification of the rationale for these types of conclusions would be beneficial.

RECOMMENDATION 5

In future five yearly reviews the Parties consider including more commentary for milestones in the “Underway” and “Concluded” categories to provide an assessment of the adequacy of progress of these milestones.

General

As has already been stated, the overriding issue for consideration and the issue that attracted the most public comment was the fact that in most instances, milestones were delivered well after the date stipulated in the RFAs. Clearly there are a myriad of reasons for the delays. While most are understandable and may even be reasonable, this is unlikely to reduce the levels of concern. Timeframes were included in the RFAs for a reason and the failure to deliver in any reasonable timeframe could have a major impact on both public confidence in the process and the achievement of the basic objectives of the RFAs. Even if it is accepted that, in an undertaking of this nature, some delays are inevitable, delays of three to four years and in at least one case 9 years, indicate a basic problem or problems. Regardless of the cause it must be addressed. If the current trend continues in the future it will be very difficult to make determinations about future extensions of the agreements as is provided for under RFA arrangements. On time delivery must be addressed if future reviews and the RFAs themselves are to be taken seriously.

Agencies should now be preparing for delivery of the next five yearly reviews. Admittedly many of the milestones will not need to be considered in the next round of reviews. If the current process is maintained, the next review, which should be assessing progress at the half way point of the RFAs and therefore starting to produce meaningful results, will actually not be delivered until close to when key decisions are needed about the extension of the current agreements. This is unlikely to be satisfactory for any party. Hence it would seem necessary to commence the second review in the very near future.

On the positive side this review represents a foundation stage and presumably all the systems and methodologies are in place for a more rapid turnaround in future.

Specific Milestones

A large number of the milestones in the RFAs may best be defined as “process” milestones. Basically they required systems and mechanisms to be established or relate to activities such as tabling in various parliaments. In some cases, such as Milestone 1, they will not be considered until much later in the implementation schedule. Process type milestones are important from methodological and transparency perspectives and virtually all have been or are being delivered, albeit in many instances much later than was originally stipulated in the RFAs.

For the purposes of this assessment a number of milestones have been considered together or as a group. The milestones, as per the Draft Report, are reproduced prior to discussion and comments.

Milestone 1

Eden, North East and Southern RFAs – clauses 6

*The parties to determine the process for extending the agreement for a further period *

As part of the third five-yearly review

Milestone 1 is not due until the third review period but unless there is a significant improvement in timeliness, questions must arise as to whether the governments will be in a position to consider extension of existing agreements.

Milestone 2

Eden RFA – clause 40; Southern RFA – clause 40; North East RFA – clause 42

The parties to determine the mechanism for the five-year review

Before the end of the five-year review period

Milestone 3

Eden RFA– clause 52 (d); Southern RFA – clause 52 (d); North East RFA – clause 53 (d)

Both parties to further develop, review, and if necessary revise sustainability indicators

In time for the first five-yearly review

Milestone 4

North East RFA clause 43; Southern RFA clause 41

Commonwealth will table in the Commonwealth Parliament the first five yearly review on performance against milestones and commitments

Following first five yearly review

Milestone 5

Eden RFA – clause 37; Southern RFA – clause 37; North East RFA clause 39

Parties to report annually on the achievement of milestones in this agreement

Annually for the first five years

Milestone 6

North East RFA clause 43; Southern RFA clause 41

Commonwealth will table in the Commonwealth Parliament the annual reports of achievement of milestones for the first four years

Annually

Milestone 7

North East RFA clause 43; Southern RFA clause 41

Commonwealth will table the signed RFA in the Commonwealth Parliament

Following signature

Milestone 8

Eden RFA Attachment 5 Point 2(i)

New South Wales to table in each House of Parliament an annual report on the NSW Eden Region Forest Agreement in accordance with the Forestry and National Park Estate Act 1998 (NSW) which will include an ESFM report and the outcomes of compliance with any Integrated Forestry Operations Approval for the region

Annually from 1999

Eden RFA clause 49

New South Wales to report annually to Parliament on compliance with any Integrated Forestry Operations Approval for the Eden region and the New South Wales Eden Region Forest Agreement, and to furnish a copy to the Commonwealth

Annually from 1999

North East RFA Attachment 6 2(f)

New South Wales to table in each House of Parliament an annual report on the NSW Upper North East Region Forest Agreement and Lower North East Region Forest Agreement in accordance with the Forestry and National Park Estate Act 1998 (NSW) which will include an ESFM report and the outcomes of compliance with any Integrated Forestry Operations Approval for the regions

Annually

North East RFA clause 51

New South Wales to report on compliance of the Integrated Forestry Operations Approval for the Upper North East Region and the Integrated Forestry Operations Approval Lower North East Region and furnish the Commonwealth with a copy of these reports

Annually

Southern RFA Attachment 6 Point 2 (g)

New South Wales will report on the Forest Agreement covering the Southern region and on compliance with the IFOA applying to the Southern region

Annually

Southern RFA – clause Attachment 6 Point 2 (h)

New South Wales to table in each House of Parliament an annual report on the New South Wales Southern Region Forest Agreement in accordance with the Forestry and National Park Estate Act 1998 (NSW) which will include an ESFM report and the outcomes of compliance with any Integrated Forestry Operations Approval for the regions. Annually

Southern RFA clause 50

New South Wales to report on compliance of the Integrated Forestry Operations Approval applying to the Southern region and furnish the Commonwealth with a copy of these reports

Annually

Milestone 9

Eden RFA clause 46(g)

New South Wales to grant an Integrated Forestry Operations Approval covering the Eden region

Within three months of signing

Milestone 10

Southern RFA clause 34

NSW will have in place a Forest Agreement covering the Southern region and grant an Integrated Forestry Operations Approval applying to the Southern region

By 30 June 2001

Milestone 11

Eden RFA clause 17

The parties to develop and consider regional development initiatives to be funded from unspent Commonwealth and State funds committed under the South East Forest Agreement

Within six months of signing

Milestone 12

Eden RFA clause 87

New South Wales to establish a Research Liaison Committee and publish a list of research priorities

Within 12 months of signing

North East RFA clause 100

New South Wales to establish a Research Liaison Committee and publish a list of research priorities

By August 2000

Southern RFA clause 98

New South Wales to establish a Research Liaison Committee and publish a list of research priorities

By 30 September 2001 Within 12 months of signing

Milestones 2-12 are generally process in nature but the delays in delivery do not enhance transparency.

Specific comment is required on **Milestone 3**. A cross over exist with the NSW Review and while the necessary work is underway to complete this Milestone, sustainability indicators are really the key to measuring Ecologically Sustainable Forest Management (ESFM). Consequently, this work needs to be completed as soon as possible as it is delayed by 4 years.

Interestingly **Milestone 12** is reported as concluded. While this may be appropriate, the original Milestone could be interpreted as requiring the Research Liaison Committee to be on-going. There may be other processes in place to ensure a co-ordinated research and information effort but this is not clear. Research prioritisation does require continuing scrutiny and more information in the Draft Report on existing processes would have added value.

Milestone 13

Eden RFA clause 89; North East RFA clause 102; Southern RFA clause 100

New South Wales to prepare a Compendium of New South Wales Forest Research

By the first five-yearly review

Milestone 14

Eden RFA clauses 92 and 93

New South Wales and the Commonwealth to develop a data agreement and lodge archival copies of data

Within six months of signing

Southern RFA clause 103; North East RFA clause 105

New South Wales and the Commonwealth to lodge archival copies of data

By 30 June 2001

Milestone 15

Eden RFA Attachment 5 Point 2(d)

New South Wales to publish the results from the Yambulla and Tantawangalo Research Catchments

By the year 2000

Milestone 16

Eden RFA Attachment 5 Point 2(e)

New South Wales to publish the results from the Eden Burning Study.

By the first five-yearly review

Milestones 13 – 16 relate to research publication which is important to ensure all stakeholders are aware of the latest information on forest science. While it can be argued that these Milestones are not fundamental to achieving the RFAs' strategic goals, the fact that at least one of the undertakings is not completed 9 years after it was due again raises questions about commitment to delivery of the RFAs. There were also a significant number of public comments about difficulty in accessing information. Many related to charging for access. This is a matter for the individual governments but it is common practice in many jurisdictions. Nevertheless, good access to information is essential for transparency and to build public confidence in the process. Both Parties have well established data and information release policies that are in line with modern practice and the public's right to information. While application of these processes is usually mandatory for all agencies, it is an area that requires on-going diligence.

RECOMMENDATION 6

The Parties continue to ensure their current data release and publication strategies align with modern practice for the release of publicly held information.

Milestone 17

North East RFA clause 33

Commonwealth to use its best endeavours to secure the enactment of legislation which amends the Environmental Protection and Biodiversity Conservation Act 1999 (Cwth)

By 30 June 2000

Milestone 17 has been completed and requires no further comment.

Milestone 18

Eden RFA clause 46(b)

New South Wales to complete and publish plans of management for areas dedicated under the National Parks and Wildlife Act 1974 (NSW)

By 1 January 2002

North East RFA clause 48(c)

New South Wales to complete and publish plans of management for areas dedicated under the National Parks and Wildlife Act 1974 (NSW).

By 1 January 2005

Southern RFA clause 47 (c)

New South Wales to complete and publish plans of management for areas dedicated under the National Parks and Wildlife Act 1974 (NSW).

By 31 January 2006

Milestone 19

Eden RFA Attachment 1 Point 4

New South Wales to prepare plans of management for Crown Reserves

By 1 January 2002

North East RFA Attachment 1A & Attachment 1 B Point 4

NSW to prepare Plans of Management for Crown Reserves

By 1 January 2005

Southern RFA Attachment 1 Point 4

NSW to prepare Plans of Management for Crown reserves

By 31 January 2006

Milestone 18 relates to the preparation and publication of various management plans for dedicated areas. The Draft Report notes that due to the large number of plans caught by this Milestone and the associated process, the original timetable was optimistic. As

indicated earlier, underestimation of the size, complexity and time needed to complete tasks of this nature is not unusual. Critically, where plans do not exist, NSW has taken a conservative approach to park management and has well established procedures in place for this purpose. The work required under this Milestone needs on-going attention and priority as the plans are a key measure to ensure enduring protection of the reserves. Crown Reserves issues (**Milestone 19**) are now dealt with under this arrangement. A number of public submissions acknowledged the enormity of this task but there is an expectation that this work remains a priority.

RECOMMENDATION 7

The NSW Government continue to give priority to completion and publication of plans of management for various dedicated areas.

Milestone 20

Eden RFA Attachment 5 Point 1(p)

New South Wales to publish a State of Parks report

By April 2000

North East RFA Attachment 6 1(p)

New South Wales to publish a State of Parks report

By April 2001

Southern RFA Attachment 6 Point 1(o)

New South Wales to publish a State of Parks report. By 31 August 2001

Despite the initial delay, it appears that the requirements under **Milestone 20** have been more than adequately met with a regular State of the Parks reporting system now in place.

Milestone 21

Eden RFA Attachment 1 Point 7; North East RFA Attachment 1A Point 8 & Attachment 1B Point 12

New South Wales to establish all Dedicated Reserve and Informal Reserve components of the CAR Reserve System.

Within six months of signing

North East RFA Attachment 1 A Point 5

NSW will finalise boundaries of CAR reserve to enable implementation.

Within six months of signing

Southern RFA Attachment 1 Point 5

NSW will finalise boundaries of CAR reserve with the exception of the Forest Management Zoning System.

By 30 June 2001

Southern RFA Attachment 1 Point 8

New South Wales to establish all Dedicated Reserve components of the CAR Reserve System.

By 30 June 2001

Southern RFA – clause Attachment 1 Point 8

New South Wales to establish all Informal Reserve components of the CAR Reserve System.

By 31 December 2001

Milestone 21 has been completed and delivers on one of the most critical part of the RFAs as the expanded CAR reserves are now in place. While there will always be arguments about the adequacy of the reserve system, including connectivity issues, this is perhaps the single biggest initiative in the RFAs. It clearly has had a major positive impact on the protection of biodiversity in NSW. The achievement is important and should not be underestimated. Industry submitters made the point about the extent of the NSW now not available for forestry activities. However this was at the heart of the RFAs and on the basis that wood supply has been contracted for 20 years, both industry and conservation interests have been catered for. While conservation and other interests would like to see the area larger, ultimately this is a judgement for governments. Overall this commitment has been delivered.

Milestone 22

North East Attachment 3 point 4

NSW will complete the Threat Abatement Plan for the European red fox.

By July 2000

Southern RFA Attachment 3 point 4

NSW will complete the Threat Abatement Plan for the European red fox.

By 31 December 2001

Milestone 23

Eden Attachment 2 Table 1; Southern RFA Attachment 3 Table 1

New South Wales to develop recovery plans for species listed in Table 1

Within five years of signing

North East RFA Attachment 3 Table 1

New South Wales to develop recovery plans for species listed in Table 1 of Attachment 3

Within five years of signing

As mentioned earlier both levels of government have changed their approach to threatened species management and the activities underway now reflect the requirements of the most recent legislative changes. This significantly impacts on **Milestones 22-23**. The Draft Report provides considerable detail of new arrangements at both levels of government.

As a result of changes to the processes for management of threatened species, recovery plans are not needed for all listed species listed in the RFAs. This is understandable. The debate is largely about the focus and extent of recovery plans now specified under the Priority Action Statement (PAS) (Appendix 3 to the Draft Report). This is an on-going process and the nature and quality of this work and its success or otherwise, needs to be kept under constant review so that relevant ministers can determine the adequacy of the response effort in accordance with their legislation. This is one milestone that would benefit in the future from a commentary on the adequacy of the work underway in terms of delivering the outcome. From first principles, dealing with threatened species requires some urgency and there appears to have been significant delays in this area. Nevertheless the difficulties in successfully delivering in this area should not be underestimated.

RECOMMENDATION 8

In future reviews the Parties should provide more information about development of various threatened species recovery plans to allow an assessment of the adequacy of progress in the management of threatened species as it relates to Milestone 23.

Milestone 24

Eden RFA Attachment 3 Point 8

Both parties to finalise Statewide Guidelines for the Management of Cultural Heritage Values and Places

End of 1999

Milestone 25

Southern RFA clause Attachment 4 point 14

NSW will identify and assess cultural heritage values in areas excluded from CRA assessments.

By 31 December 2001

Milestones 24 and 25 are listed as concluded and based on the Draft Report the work seems to fulfil all requirements of the Milestones. It is significant that some submissions expressed some disquiet about impacts on indigenous heritage. However the Milestone required completion of guidelines and assessment and this has been achieved.

Milestone 26

Eden RFA clause 46(h)

New South Wales to develop and implement environmental management systems

Within five years of signing

North East RFA clause 48(h)

New South Wales to develop and implement environmental management systems

Within five years of signing

North East RFA Attachment 8 1(a)

NSW NPWS will develop an environmental management system for lands dedicated under the NPWS Act 1974.

By April 2004

North East RFA Attachment 8 1(b)

SFNSW to develop a native forest management system as an environmental management system

By 1 April 2001

Southern RFA – clause 47 (h)

New South Wales to develop and implement environmental management systems

By 30 April 2004

Southern RFA Attachment 8 Point 2 (b)

NSW NPWS will develop an environmental management system for lands dedicated under the NPWS Act 1974.

By 30 April 2004

Southern RFA Attachment 8 Point 2 (c)

SFNSW develop a native forest management system as an environmental management system.

By 30 April 2001

Milestone 26 relates to one of the most important issues in the RFAs, the development of Environmental Management Systems consistent with the principles in the RFAs. Forests NSW claims to have now made excellent progress despite acknowledging that initially the size and complexity of the task was significantly underestimated. Clearly the certification process has helped drive this initiative. Based on the comments in the Draft Report, DECCW does not appear to have made as much progress with park management planning. The task is large and complex and the Park Management Plan approach has considerable merit. Good progress appears to have been made on some components but the overall task is far from complete. Given the timeframes in the original RFAs and the fundamental importance of the process to the long term

sustainability of the system, this would appear to be an area where progress is less than needed to ensure the long term delivery of the RFAs.

RECOMMENDATION 9

The NSW Government should give high priority to finalisation of its Park Management Program and this issue should be specifically reported on as part of the second 5 yearly RFAs Review.

Milestone 27

Eden RFA Attachment 7 Point 12

New South Wales to incorporate codes of practice that address bush and other fires within Regional ESFM Plans and plans of management for areas dedicated under the National Parks and Wildlife Act 1974 (NSW)

By the first five-yearly review

North East RFA Attachment 8 1(l)

New South Wales to incorporate codes of practice that address in an integrated fashion bush and other fires within Regional ESFM Plans and plans of management for areas dedicated under the National Parks and Wildlife Act 1974 (NSW).By the first five-yearly review

Southern RFA Attachment 8 Point 2(l)

New South Wales to incorporate provisions that address in an integrated fashion bush and other fires within Regional ESFM Plans and plans of management for areas dedicated under the National Parks and Wildlife Act 1974 (NSW).

By the first five-yearly review

Milestone 28

North East RFA Attachment 8 1(m); Southern RFA Attachment 8 Point 2 (m)

New South Wales to incorporate within the Regional ESFM plans and plans of management under the NPW Act 1974 integrated feral animal ... programs

By the first five-year review

Milestone 29

North East RFA Attachment 8 1(m); Southern RFA Attachment 8 Point 2 (m)

New South Wales to incorporate within the Regional ESFM Plans and Plans of Management under the NPW Act 1974 integrated weed control programs

By the first five-year review

Milestones 27, 28 and 29 deal with the vexed question of integration of the management of fire, feral animals and weeds. While a number of public submitters were critical of effort in this area both the agencies involved and non-government interests understand the importance of this issue. Recognising the enormity of these challenges there has been reasonable progress *against the RFA milestones*. While each

of these Milestones is listed as completed, none of the Parties appear in any doubt that this area requires constant vigilance and will remain a challenging and resource intensive undertaking.

Milestone 30

Eden RFA Attachment 7 Point 13; North East RFA Attachment 8 1(n)

New South Wales to establishing a process, including public reporting, for regular audits of compliance and reviews of Codes of Practice, Eco-Field Guides and/ Regional Prescriptions

By December 2002

Southern RFA Attachment 8 Point 2 (n)

New South Wales to establish a process, including public reporting, for regular audits of compliance and reviews of Codes of Practice, Eco-Field Guides and Regional Prescriptions

By 31 December 2002

Milestone 31

Eden RFA Attachment 7 Point 13

North East Attachment 8 1(n)

Southern RFA Attachment 8 Point 2 (n)

New South Wales to undertake audits as described above

By the first and subsequent five-yearly reviews of the RFA

The RFA auditing requirements outlined in **Milestones 30 and 31** are listed as completed. There appears to be a regular system of review relating to Environmental Protection Licences. Forests NSW Environmental Management System also has an audit function included.

Nevertheless based on the information provided in the Draft Report, the actual auditing can be best described as patchy.

However during the Independent Assessment, the NSW Government provided considerably more information on these milestones. The additional advice is as follows;

Replacement information on the Results of auditing licences held by Forests NSW

The following up-dates the information presented in Tables 4.1 to 4.5 in the *Draft Report on Progress with the Implementation of the NSW Regional Forest Agreements*. Additional information has been sourced from DECCWW records.

Asterisks (*) have been used in the table to note where information is not available given the transition from previous licensing arrangements to the IFOAs. The use of an asterisk does not mean that compliance and enforcement work was not undertaken.

All enforcement action is recorded under the year it was signed off and issued to FNSW, in some cases however the associated audit may have been conducted in the previous financial year.”

UNE region

Table 4.1: Auditing licences held by Forests NSW in the UNE region

Audit results	1999/2000	2000/ 2001	2001/ 2002	2002/ 2003	2003/ 2004	2004/ 2005	2005/ 2006
Environment Protection Licence							
Audits	4	5	10	4	4	4	2
Non-compliance incidents	*	12	79	20	58	61	7
Complaints	*	0	0	Yes	0	2	1
Feedback	*	Yes	Yes	Yes	Yes	Yes	Yes
Penalty notices	2	0	2	2	0	1	0
Warning letters	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Clean-up notice	*	0	1	0	0	0	0
Remedial work (number of locations)	*	8	6	4	29	5	5
Request to obtain expert advice (number)	*	7	0	0	4	2	4
Prosecutions	*	0	0	0	0	0	0
Threatened Species Licence							
Audits	1	7	15	3	2	3	1
Complaints	6	20	7	6	8	0	1
Breaches/contraventions	*	Yes	Yes	Yes	Yes	Yes	Yes
Enforcement action	0	0	0	Warning letters issued	Warning letters issued	Warning letters issued	Warning letter issued
Fisheries licence							
Audits/complaints	0	0	0	0	0	0	0
Contraventions (number)	0	0	0	0	0	0	0
Advice provided/enforcement	0	0	0	0	Yes	Yes	0

Lower North East region

Table 4.2: Auditing licences held by Forests NSW in the LNE region

Audit results	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006
Environment Protection Licence							
Audits	*	2	8	7	4	4	4
Non-compliance incidents	*	16	55	140	77	66	155
Complaints	*	0	1	0	0	2	4
Feedback	*	0	Yes	Yes	Yes	Yes	Yes
Penalty notices	*	3	0	0	0	2	3
Warning letters	*	Yes	Yes	Yes	Yes	Yes	Yes
Remedial work (number of locations)	*	5	9	8	19	7	29
Request to obtain expert advice (number)	*	0	0	4	1	2	8
Clean-up notices	*	0	0	0	0	1	1
Prosecution	*	0	0	0	Prosecution action commenced	One Prosecution (finalised for two offences).	0
Threatened Species Licence							
Audits	21	4	2	2	2	3	2
Complaints	4	9	9	3	1	2	4
Breaches/non-compliances	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Enforcement action	0	0	Warning Letter issued	PIN	Warning letters issued	Warning letters issued	Warning letters Issued
Fisheries Licence							
Audits/complaints	0	0	Yes	0	0	0	0
Non-compliances/ contraventions	0	0	1	0	0	0	0
Advice provided/enforcement	0	0	Yes	Yes	Yes	0	0

Southern region

Table 4.3: Auditing licences held by Forests NSW in the Southern region

Audit results	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006
Environment Protection Licence					
Audits	1	6	4	2	2
Non-compliance incidents	3	196	35	1	87
Complaints	0	1	0	3	4
Penalty notices	0	0	0	0	0
Warning letters	Yes	Yes	Yes	0	Yes
Remedial work (number of locations)	2	4	7	1	14
Request to obtain expert advice (number)	0	1	2	0	1
Clean up notices	*	0	0	0	0
Prosecution	0	0	0	0	0
Threatened Species Licence					
Audits	*	6	4	2	2
Complaints	*	2	3	3	4
Breaches/Contraventions	*	0	0	0	Yes
Enforcement action	*	0	0	0	Warning letter issued
Fisheries licence					
Audits/complaints	*	0	0	0	0
Contraventions (number)	*	0	0	0	0
Advice provided/enforcement	*	0	Yes	Yes	0

Eden

Table 4.4: Auditing licences held by Forests NSW in the Eden region

Audit Results	1999/2000	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005	2005/2006
Environment Protection Licence							
Audits	2	3	5	2	2	4	1
Non-compliance incidents	*	34	36	24	32	17	83
Complaints	*	0	1	0	0	3	1
Penalty notices	0	0	0	0	0	0	0
Warning letters	Yes						
Remedial work (number of locations)	*	17	5	2	13	5	8
Request to obtain expert advice (number)	*	0	1	0	1	1	1
Clean-up notices	*	0	0	0	0	0	1
Prosecution	0	0	0	0	0	0	0
Threatened Species Licence							
Audits	*	0	1	1	1	4	1
Complaints	0	0	0	0	2	3	1
Breaches/contraventions	*	0	Yes	Yes	Yes	0	Yes
Enforcement action	0	0	0	0	0	0	Warning letter issued
Fisheries licence							
Audits/complaints	0	0	Yes	0	0	0	0
Contraventions (number)	0	0	0	0	0	0	0
Advice provided/enforcement	0	0	Yes	0	Yes	Yes	0

This information suggests that, for most aspects, the processes are more robust and systematic than was apparent from the Draft Report. While it is unfortunate that this information was not provided in the Draft Report, with some exceptions, the audit functions do appear to be well established. There are some areas such as fisheries where the processes do not appear to be systematic and these should not be ignored

It needs to be acknowledged that the outcomes of the auditing/compliance process attracted considerable and largely adverse comment from public submitters. Much of the criticism relates to the lack of any prosecutions. Good compliance systems will always have the capacity to resort to action before the Courts. However they involve a whole suite of activity ranging from information and advice, to warnings, restoration and ultimately prosecution and made good provisions. The lack of prosecution does not necessarily mean the system is not working. It is certainly not possible for the Independent Assessment to comment on whether Court action should have proceeded in any particular case as this requires a case by case, legally forensic analysis of the

facts. Nevertheless it would seem that this issue needs careful consideration as part of the NSW Review as it is a multi agency undertaking which presumably is central to that review.

RECOMMENDATION 10

The NSW Government should continue to give priority to audit and compliance activity by each agency involved in the RFAs and that auditing be closely scrutinised as part of the NSW Review.

Milestone 32

Eden RFA Attachment 5 Point 2(b)

New South Wales to publish the document Ecologically Sustainable Forest Management for the Eden RFA Assessment

Within six months of signing

Milestone 33

Eden RFA clause 56; North East RFA clause 57; Southern RFA clause 56

New South Wales to produce a code of practice for timber harvesting of native forest on private lands

By the first five-yearly review

Milestone 34

North East RFA Clause 58

NSW to complete code of practice for plantations on private land

31 December 2000

Southern RFA clause 57

NSW to complete code of practice for plantations on private land

By 30 June 2001

Milestone 35

Eden RFA Attachment 5 Point 2(f); North East RFA Attachment 6 2(d); Southern RFA Attachment 6 Point 2 (d)

New South Wales to document and publish a description of the NSW Forest Management System covering public and private lands.

In time for the first five-yearly review

Milestones 32-35 dealing with forest management system (FMS) on public and private land by Forests NSW appears to have been delivered. While the various guides and the description of the FMS are yet to be completed, this should not detract from the progress in this area. Nevertheless, the lack of completion of the public documentation has sapped confidence in the process. Every effort should be made to complete this work by the next review. It should also be noted that acceptance or otherwise of the various codes often relates to the perspective of the individual making the judgement but in terms of this review, overall the required milestones are generally progressing satisfactorily.

RECOMMENDATION 11

The NSW Government should continue to give high priority to the release of the NSW Forest Management System covering public and private land. It should be completed before the next review.

Milestone 36

Eden RFA clause 46(c)

New South Wales to complete and publish a Regional ESFM Plan for state forests

By 1 April 2000

North East RFA clause 48(d)

New South Wales to complete and publish Regional ESFM Plans for state forests.

By 30 June 2000

Southern RFA clause 47 (d)

New South Wales to complete and publish Regional ESFM Plans for state forests

By 31 December 2001

Milestone 37

Eden RFA clause 46(d)

New South Wales to implement the Forest Management Zoning system for the Eden region

By 1 October 1999

North East RFA clause 48(e)

New South Wales to implement the Forest Management Zoning system for the Upper North East and Lower North East regions

By 30 June 2000

Southern RFA clause 47 (e)

New South Wales to implement the Forest Management Zoning system for the Southern region

By 31 December 2001

Southern RFA clause Attachment 1 Point 5

NSW will finalise the Forest Management Zoning System

By 31 December 2001

Milestone 38

North East RFA Attachment 8 1(o)

NSW will establish demonstration areas in both the Upper North East Region and the Lower North East Region for illustrating silvicultural practices and the suite of silvicultural regimes practiced

By April 2001

Milestone 39

North East RFA Attachment 6 2(b)

NSW will publish of eco field guides for the Upper North East Region and the Lower North East Region

By 30 June 2000

Southern RFA clause Attachment 6 Point 2(b)

NSW will publish eco field guides for Southern region

By 31 December 2001

Milestone 40

Eden Attachment 5 Point 2(c)

New South Wales to document the basis for silvicultural practices and publish silvicultural guidelines for commercial forest types

By 31 March 2000

North East RFA Attachment 6 2(c)

North East RFA Attachment 8 1(s)

New South Wales to publish a native forest silviculture manual (SFNSW)

By 31 December 2000

Southern RFA clause Attachment 6 Point 2 (c)

New South Wales to document the basis for silvicultural practices and publish a native forest silviculture manual (SFNSW)

By 31 March 2001

Milestone 41

Southern RFA Attachment 6 Point 2 (f)

NSW will produce annual reports of progress for meeting targets in regional ESFM plans

Annually

Milestones 36 – 41 deal with management by Forests NSW. Milestone 36 requires ESFM Plans to be completed and published and this has occurred albeit 4-5 years late. Similarly various zoning system and guides and other documents have been completed. Again they were completed well beyond the specified date.

It is somewhat concerning that Milestone 41 relating to the requirement (i.e. it is not optional) to produce annual reports of progress on meeting regional ESFM targets in ESFM Plans has not been delivered. This is surely central to accountability under the RFAs and while it may be technically much more complex than was originally envisioned, it should not be delayed further.

RECOMMENDATION 12

The NSW Government should initiate immediate action to establish and deliver the regional ESFM performance reports as required under Milestone 41.

It would be remiss not acknowledge that many public submitters made a large number of comments about the performance of Forests NSW. It is neither the role nor would it be possible for the Independent Assessment to comment on the veracity of these comments. Again it may be best be undertaken through the NSW Review process.

Milestone 42

North East RFA Attachment 12 Part D 21 Dot 5

Use best endeavours to undertake an inventory of private forests to determine the basis of yields softwood products

Within five years of signature

While the work on private forests inventories has only been partially completed, it needs to be acknowledged that this can be a very difficult undertaking. **Milestone 42** is a “best endeavours” requirement and while it is again very late, there now has been some progress. Given the increasingly important role that private land is playing in ensuring access to wood supplies this work should continue to be progressed. It is recognised that without co-operation from private land holders this task will continue to be difficult and time consuming.

Milestone 43

Eden RFA clause 86

New South Wales to review legislation and policies relevant to the allocation and pricing of hardwood logs from State forests as part of the Competition Principles Agreement

Before the end of 1999

Milestone 43 has largely been overtaken by the wider economic reform agenda. NSW is clearly an active participant in the wider national economic reform agenda overseen by the Council of Australian Governments (COAG).

Milestone 44

North East RFA Attachment 12 Part C 19

Subject to availability of suitable land, NSW will purchase private lands and/ or timber rights to supply high-quality large sawlogs and large veneer logs

By the end 2004

Milestone 45

North East RFA Attachment 12 Part C 19

Subject to availability of suitable land NSW will establish at least 10,000 hectares of hardwood plantations

By the end 2004

In terms of timber supply supplementation (**Milestones 44, 45**), while the RFA targets have not been completely satisfied, there has been substantial progress and the work is on-going. There has obviously been heavy reliance on private land/timber rights to meet contracted volumes and as noted in the Draft Report, Forests NSW has made substantial progress in meeting the targeted outcome. In terms of plantations it is noted that the target was a *minimum* of 10 000 ha by the end of 2004. Given that both these Milestone are dependent to at least some extent on third party participation and financial capacity, in the current economic circumstances progress can be considered reasonable, provided the final intent is delivered. These initiatives are a key part of Forests NSW's wood supply strategy. Given the large number of comments about the long term sustainability of current forestry undertaking and the impact of issues such as climate change, the sooner this Milestone is delivered or even exceeded the better for both the industry and the natural resource.

Milestone 46

Eden RFA Attachment 5 Point 2(g)

New South Wales to publish a description of the FRAMES system referred to in clause 46 (f)

Within three months

Milestone 47

Southern RFA Attachment 8 Point 5

SFNSW will publish all FRAMES CRA reports for the Southern region

By 30 September 2001

Milestone 48

Eden RFA Attachment 11 Point 5

New South Wales to establish a continuous FRAMES development program for the Eden region consistent with the Statewide FRAMES

By the first five yearly review

North East RFA clause 81 NSW to review FRAMES

By 1 December 2006

North East RFA Attachment 12 Part B 15

SFNSW will complete the enhancement of FRAMES

By 1 December 2006

Southern RFA Attachment 8 Point 7. NSW will establish and implement an ongoing FRAMES development program

By 1 December 2006

Milestone 49

Eden RFA clause 46(f)

New South Wales to develop and implement an inventory system for regrowth forests

In time for the first five-yearly review

Eden RFA Attachment 11 (5) Dot point 4

Implementing an ongoing system of strategic inventory plot measurement as described in section 3.5 of the RFA

North East RFA Attachment 12 Part E (22) Dot point 5

Undertake additional inventory plot measurement consistent with FRAMES principles to improve the accuracy of volume estimates at the regional level, funded at \$500,000 per year for the first five years of this RFA

Southern RFA Attachment 8 Point 6 (e)

Undertake additional FRAMES plot inventory measurements

By the first five-yearly review

Milestone 50

North East RFA Attachment 12 Part B 15

SFNSW will commission and publish and (sic) independent review of the enhanced system

By 1 December 2006

Southern RFA Attachment 8 Point 8

NSW Agrees to commission and publish an independent review of the enhanced FRAMES systems and processes applying to both the South Coast and Tumut subregions

By 1 December 2006

Milestone 51

Eden RFA Attachment 11 (1)

Continuous monitoring of predicted versus actual annual product yields and component measures as described in section 3.5 of the RFA

North East RFA Attachment 12 Part E 22 Dot 6

Monitor FRAMES through comparison of actual versus predicted volumes.

Annually

Southern RFA clause Attachment 8 Point 6 (f)

Monitor FRAMES performance through comparison of actual versus predicted volumes.

Annually

Milestones 46-51 deal with yield modelling and wood supply and have been met in part. The work under Milestones 46 and 47 has been completed.

The Draft Report under Milestone 48 provides a summary of the Forest Resource Assessment and Management Evaluation System (FRAMES). One of the key issues to emerge from this information is that FRAMES is a state wide system (except Eden) at the "RFA" level. On the basis of this information it appears to operate at a relatively high resolution. It does not yet provide sub-regional outcomes although this work is underway. The milestone itself is somewhat ambiguous in that it merely requires the establishment of a continuous development program for FRAMES which is occurring. In some respects therefore it could be argued that this milestone has been achieved. However the Draft Report itself recognised this highly complex task is on-going and has not been completed. This more liberal interpretation of the Milestone is supported.

However given the importance of this work and the original timelines, there is understandable concern that much of this work is significantly delayed in the Southern Region and, as such, annual allocations have continued at existing levels. At the very least this will reduce public confidence in the process and at worst have impacts on the environment and wood supplies beyond the current RFA agreements.

Similar comments apply to milestone 49. This sub regional work must be a priority if there is to be any confidence in supply modelling. While important progress has been made in a number of areas it needs to be given the highest priority given that it is in many instances, at least 4 years late.

RECOMMENDATION 13

The NSW Government should give the highest priority to the continuous improvement system for FRAMES as required under Milestone 48 and development of the inventory plot measurement systems required across the various regions as required under Milestone 49.

The highly complex work to upgrade FRAMES is likely to be on-going by its very nature. The work is fundamental to wood supply determination and attracted a significant degree of mainly adverse comment in public submissions. There are suggestions that the work is inadequate and as such available wood volumes have been overestimated. However there has been independent review of the system and to this extent there would appear to be compliance with RFA requirements. Nevertheless the last independent consideration of the system was at least 7 years ago. There have been a number of enhancements since that date and new data are presumably available. Public confidence in the efficacy of the system would be enhanced if these types of independent reviews were a regular occurrence. At a minimum these should occur every 5 years.

RECOMMENDATION 14

The NSW Government should ensure that its FRAMES and associated supply models undergo regular (5 yearly) expert independent assessment to confirm the efficacy any of improvement and other amendments to the system.

The Draft Report outcome under Milestone 50 indicates that the Southern region work be recognised as “concluded”. This drew many adverse criticisms. From first principles this reaction was understandable. The Milestone specifically requires an independent review of the enhanced FRAMES as it applies to Southern region.

However, consideration of FRAMES indicates that it is a whole of state system – it is not regionally specific. As such, until the sub regional work is completed regionally based reviews may not be possible. Nevertheless the information provided in the Draft Report under Milestone 50 lacks the necessary detail for the lay reader to understand this issue. Better explanation may go at least some way to allaying concerns in this area.

In this regard, further information has been sought from Forests NSW as part of the Independent Assessment. Forests NSW provided the following advice;

“Forests NSW commissioned and published an independent review of the FRAMES enhanced system and processes in 2002. The review was a desk study that sought to establish whether the FRAMES procedures were appropriate and likely to provide a reliable and repeatable estimate of timber volumes for the north coast region as a whole. The review focussed on

elements such as stratification systems, net area prediction, product volume prediction, yield simulator and scheduler tools. The review confirmed that the outputs from FRAMES were similar to estimates from previous north coast timber supply monitoring studies.

More recently the NSW State Parliament commissioned the Audit Office to undertake a performance audit aimed at assessing whether or not Forests NSW manages the supply of hardwood to meet wood supply commitments and sustain the native forests. The audit placed significant emphasis on scrutiny of the FRAMES system.

Because FRAMES is a state-wide system used by all regions, and the more recent performance audit extended to all native forest regions, Forests NSW considers that the requirements of Milestone 50 have been met (sic) for both the Northern and Southern regions.”

Given this situation the Parties to the agreement need to confirm that they are satisfied by the approach adopted by Forests NSW. It would also appear that a number of the FRAMES related milestones may be difficult to deliver because of what appears to have been a misunderstanding of the nature of the system when the RFAs were originally negotiated. While the regular independent reviews suggested in **Recommendation 14** may assist in future, it would appear that further work on FRAMES in the Southern region will add little to the debate.

Taking this advice into account, on balance the conclusions of the Draft Report relating to this issue could be considered reasonable.

Milestone 51 is also listed as concluded. It is accepted that tracking performance of FRAMES is difficult as outlined in the Draft Report. It appears that scale issues are also a major impediment to completion of this Milestone. However it is a *specific* RFA requirement to monitor modelled and actual performance *on a continuous basis*. The reasons for such a requirement seem quite obvious and to not do so suggests that models should be accepted without reference to whether they reflect reality. The actual wording of Milestone 51 requires *continuous* monitoring at least in the Eden Region and annually elsewhere, which implies an on-going process. Admittedly this is a highly technical issue and the rationale for not proceeding as originally outlined may not be obvious to the lay observer. In these circumstances again further information was sought from Forests NSW about this matter. The advice provided is as follows;

“FRAMES performance has been monitored through comparison of actual versus predicted volumes. Each year, actual volumes harvested have been reported against allowable cut, which is calculated according to the whole-of-region predicted volumes from FRAMES.

Because of the strategic nature of FRAMES (one plot per 250 hectares across the entire estate), it has not been possible to undertake meaningful analysis of predicted yield below the whole-of-forest estate level. However, plans are in place, subject to cost-benefit analysis, to predict wood supply at a subregional level.

Although the performance monitoring described above may be able to identify whether actual volumes are close to or different from predicted volumes, they do not identify whether detected variation is significant with respect to sustainability or to timber-supply agreements. For instance, if actual volume is less than predicted volume, it cannot be ascertained whether this is because volume available for harvest was overestimated or because harvestable volume was retained for some reason. Similarly, it is not known whether the difference is due to one part of the region being cut instead of another.

To address this limitation, Forests NSW introduced a continuous replacement inventory program and has also undertaken more comprehensive monitoring work, including silvicultural and net area studies. These studies can inform both FRAMES models and management of variation in predictions or assumptions and enable these to inform future estimates.

Monitoring designed to assess performance at a much finer scale (at an operational level) and/or to determine the causes of detected variation (via post-harvest assessment) would be prohibitively expensive and would involve unsatisfactory occupational health and safety risks.”

Given this advice Forests NSW appears to be arguing that Milestone 51 is simply not deliverable in any safe and cost effective manner. Again there appears to have been a misunderstanding of the nature of FRAMES when the RFAs were negotiated. While FRAMES is being improved and will eventually provide detail at a sub regional scale, this is unlikely to be available in the near future. Nor is it likely to be at the scale which appears to have been contemplated when the RFAs were initiated. While this may be disappointing it appears to be the reality. Consequently there would appear to be little point in continuing to pursue an outcome under Milestone 51 as it is currently drafted. The Parties need to satisfy themselves that this is the case. The Parties also need to consider the type of performance information that is available, or could be reasonably be made available and ensure that it is used in the context of RFA performance monitoring.

There was a strong belief amongst some public submitters that this information would be available. The delay in the producing the first 5 yearly reviews and an apparent lack of any action to indicate that production of this information would not be possible impacts on the entire RFA process.

RECOMMENDATION 15

The Parties should;

- (a) Satisfy themselves that the requirements of Milestone 51 to provide annual comparisons of actual and modelled yields can not be cost effectively or safely delivered in the form originally envisioned in the RFAs; and**
- (b) If so, initiate action to develop an alternative arrangement that allows consideration of actual v modelled performance using the information already produced by Forests NSW. This data should be published annually.**
- (c) Keep this matter under continuous review to take advantage of refinements in FRAMES that might allow better comparison of actual v modelled performance at a sub regional scale.**

Milestone 52

North East RFA clause 48(g)

New South Wales to develop the strategic and operational requirements of sustainable yield systems and processes.

By 1 December 2006

Southern RFA clause 47 (g)

New South Wales to develop the strategic and operational requirements of sustainable yield systems and processes.

By 1 December 2006

Milestone 53

Eden RFA clause 46(f)

New South Wales review the calculation of sustainable yield, using methods consistent with Attachment 11 and the principles and processes used in the Forest Resource and Management Evaluation System (FRAMES)

In time for the first five-yearly review

Eden RFA Attachment 11 Point 1

The parties to commission complete and publish a review of the systems and processes used, and the sustainable yield calculated from public land as a result of the NSW review of sustainable yield described in clause 46(f)

By the first five-yearly review

North East RFA clause 48(g)

New South Wales to implement the review and monitoring processes of sustainable yield systems and processes to enable a review of sustainable yield

By 1 December 2006

Southern RFA clause 47 (g)

New South Wales to implement the review and monitoring processes of sustainable yield systems and processes to enable a review of sustainable yield

By 1 December 2006

Milestone 54

Eden RFA Attachment 5 Point 2(h)

New South Wales to publish a description of the methods and results of calculating sustainable yield on public land

By the first five-yearly review

North East RFA Attachment 6 2(e)

New South Wales to publish a description of the methods and results of calculating sustainable yield on public land

By 1 December 2006

Southern RFA Attachment 6 Point 2 (e)

New South Wales to publish a description of the methods and results of calculating sustainable yield on public land

By 1 December 2006

Milestone 55

Eden RFA Attachment 5 Point 2(h)

New South Wales to publish independent audits of Sustainable Yield as outlined in Attachment 11

For the second and subsequent five-yearly reviews

Eden RFA Attachment 11 Point 2

New South Wales to undertake, complete and publish independent audits of sustainable yield in time for the second and subsequent five-yearly reviews

North East RFA Attachment 6 2(e)

New South Wales to publish independent audits of sustainable yield as outlined in attachment 12

For the second and subsequent five-yearly reviews

North East RFA Attachment 12 Part E 23

NSW will undertake independent audits of the progress of the sustainable wood supply strategy

To be completed in time for the second and third five-yearly reviews

Southern RFA Attachment 6 Point 2 (e)

New South Wales to publish independent audits of sustainable yield as outlined in attachment 8

For the second and subsequent five-yearly reviews

Milestone 56

North East RFA clause 81

NSW to review ... Wood supply

By 1 December 2006

North East RFA clause 83

Changes in contracted volumes following review to be incorporated in this RFA and wood supply agreement holders to be advised

By 1 December 2006

North East RFA Attachment 12 Part B 15

SFNSW will review the timber and annual volume to be harvested from 2007–18

By 1 December 2006

In relation to sustainable yield and wood supply strategy and volume review (**Milestones 52 – 56**) the *Milestones* appear to have now been achieved for the North Coast (or not yet required). However the significant delays for the Southern and Eden regions reviews (3 years behind schedule) need to be addressed as soon as possible to minimise uncertainty and to allow an accurate picture about sustainability of current harvesting to emerge.

It is noted that the review of yields for the Southern region was expected to be completed by June 2009. Latest advice to the Assessment is that while this work is substantially complete, checking and other quality assurance requirements mean that this work now will not be published until mid 2010.

While it is repetitious, it can not be stressed enough how much delays of this nature impact on confidence in the entire process. It is accepted that the work is resource intensive. But it would seem essential that it be completed to ensure delivery of sustainable harvesting. No real reason is provided for the delays. This work should receive priority.

This aside, it is important to acknowledge that revision of timber yields occurred before wood supply contracts were signed. The outcomes of the 2004 wood availability study resulted in reduced supply in the agreements signed from 2004. There are now agreed volumes to be delivered over the contract period. As noted earlier the supplementation strategies appear to be a key to ensuring certainty of access for the industry.

From the information available forest agencies appear to be reasonably confident about future supply until 2023. Importantly the NSW Auditor General supports the view that there is sufficient wood available to meet contracted volumes. However the Auditor General, in his April 2009 Performance Review of Forests NSW effectively comes to the same conclusion of this Independent Assessment that there is a definite need to, at the very least, revisit estimates of wood availability as a matter of priority. There is concern amongst many public submitters about harvesting rates at least on the North

Coast and more information is required across all regions to get a more definitive picture of the likely future state of the resource. As acknowledged above (and also by the NSW Auditor General) plantations and wood supply from purchased sources (Milestones 44 and 45) will be central to future supplies.

The publication of the description of methods of calculation of sustainable yield for the Eden region as required under Milestone 54 is late and should also be completed as soon as possible for transparency if for no other reason.

RECOMMENDATION 16

The NSW Government should take early action to complete the various review of sustainable yield calculations as required under Milestone 53. These reviews should be made available publicly when completed. Publication of a description of sustainable yield calculation methodologies as required by Milestone 54 should occur as soon as possible.

Milestone 55 is not yet required but will be in the near future. Action should commence immediately to ensure it occurs within the next reviews' timelines.

Adjustments to wood supplies levels required under Milestone 56 occurred before completion of the new agreements. While many parties are critical of the extent of change to the volumes allocated, RFAs have two components and adequate wood supply is part of that arrangement. The agreements appear to be in line with RFA requirements.

Milestone 57

Southern RFA Attachment 11 Point 7

NSW will have long-term wood supply contracts in place for South Coast and Tumut

By 1 January 2001 and 1 January 2002 respectively

Milestone 58

North East RFA Attachment 12 Part E 22 Dot 4

Report on the annual production of all timber products

Annually

Southern RFA Attachment 8 Point 6 (d)

Report production of all timber products

Annually

Milestone 57 has been achieved as has **Milestone 58** although timeliness is an issue that is always challenging with this type of reporting.

Milestone 59

North East RFA Attachment 8 1(q)

NSW will develop a model to predict recruitment and maintenance of habitat trees over time

By the end of 2010

Southern RFA – clause Attachment 8 Point 6 (b)

NSW will develop a model to predict recruitment and maintenance of habitat trees

By end 2010

Milestone 59 is reported as underway but is not required for this review.

6. Review of monitoring of Sustainability Indicators – Specific Comments

Overview

The Draft Report provides considerable detail under each of the specified sustainability criteria and generally provides a good overall picture of progress in each area. There are indications that actual condition of the resource in many areas in the period under review was significantly impacted by severe bushfires in the early part of the decade. This is likely to have distorted condition and trend outcomes during the period. As noted earlier, governance changes may have also impacted on investment levels with consequent impacts on performance under a number of criteria.

Based on the information presented, with some exceptions, it appears that processes are in place to adequately monitor the various sustainability indicators although many submitters challenged this proposition. It also needs to be acknowledged that this is the first of four reviews required under the RFAs and it is probably too early in the process to draw any lasting conclusions about changes in many of the indicators *as a result* of the various RFA initiatives. With some obvious exceptions (e.g. additions to CAR reserves) it is unlikely that this will ever be totally possible given the other influences (such as fire or potential disease outbreaks in forests or broader economic impacts on forestry related socio-economic issues – in fact these issues themselves make up part of the indicator suite).

Nevertheless monitoring remains a critical part of the overall management process and as further information emerges it could also be used to assist in judging the effectiveness of the RFAs and form the basis of any potential adjustments in management regimes to better deliver on overall outcomes.

To ensure monitoring is of real value there needs to be commitment to on-going investment and data need to be presented as a time series to allow judgements to be made about both condition and trend. This ideally would involve a comprehensive and systematic monitoring regime. While this is in place for many indicators, it is not

universal. This matter needs some consideration if the maximum value is to be obtained from monitoring efforts.

Taking all these qualifiers into account and also recognising that RFAs are strategic documents, the data and information *in the Draft Report* tends to suggest that from environmental, industry and community viewpoints, the RFAs have made positive contributions towards the various outcomes originally envisioned.

This proposition has been strongly disputed by many submitters. The difficulty in reaching a considered view on this issue is that there is no way of comparing what would have happened in the absence of the RFA. The very fact that CAR reserves have been significantly expanded suggests that there has been progress. The debate now largely centres on the adequacy of prescriptions on logged areas and whether the industry has adequate access to the timber. These are the dual objectives of the RFAs but often views are established from a single perspective. In this regard taking account of these dual objectives, it does appear that the RFAs can be considered to have made a positive impact.

It is again worth reiterating that many of the public submissions provided very specific information about short comings in practice. This included implementation of various codes, guidelines and management activity and compliance. These issues should be considered seriously but seem to be best suited to the NSW Review underway. The RFA sets the strategic framework agreed to by the Commonwealth and NSW. However much of the detail regarding delivery and day to day management is within the NSW Forest Agreements.

A full list of sustainability indicators considered in the Draft Report is at Appendix 3

Indicators – Specific Comments

Biodiversity

The major issue under the Biodiversity criterion relates to the expanded protected area estate which is a key plank of all RFAs and, by definition, improves the maintenance of biodiversity. Although the absence of hard data on connectivity is not an issue that is confined to NSW, it is an area that requires attention as it is one of the fundamental drivers of biodiversity maintenance.

Over time the condition of the expanded CAR reserves will also need to be monitored more comprehensively.

Ecologically Sustainable Forest Management (ESFM) planning is also designed to deliver biodiversity outcomes in logged forests. While these ESFM Plans are in place, this is also a time and location dependent issue and it would be dangerous to generalise other than to say that the requirements under RFA Framework have been met.

With many of the initial milestones now delivered more attention should be given to the sustainability indicators in future as these will provide condition and trend outcomes and point to necessary changes in approach to management. These changes will need to accommodate the access arrangements for industry.

The Draft Report proffers the view that the increase in the number of threatened species is likely to be associated with listing effort rather than real change. In other words, more species were identified because of more in-field observation work. This may be the case, but the Draft Report offers no time series data on this issue. While the monitoring complies with the requirements of the sustainability indicator (provision of a list and status assessment) the absence of any real comparative data on this issue makes it virtually impossible to determine whether there is improvement or not. Many submitters are adamant that the situation has worsened and provide information to support this view. Unfortunately the current formal data collection process is ad hoc as it is directly related to the level of “in forest” activity. This is a fundamental weakness in the system and while it is a difficult and potentially costly issue to address, outcomes would be improved if there was a more systematic approach to collection of information relating to threatened species. Even in the absence of such a system it may be useful to give more consideration to whether appropriately qualified comparative data could be provided until a better system is developed.

RECOMMENDATION 17

That the Parties consider whether more systematic, cost effective approaches could available to collect data on threatened species over time or in its absence, whether it would be valid to release appropriately qualified comparative data developed from existing sources.

The size of this task should not be underestimated and it must be acknowledged that processes are in place to manage this difficult issue.

Productive Capacity

Not surprisingly the information provided under the criteria dealing with productive capacity is more expansive and seems relatively comprehensive, especially for public land. While a number of public responses were critical of the levels of utilisation of the resource, from all the information available they are in line with the original intention of the RFAs which is the critical issue for this review. This must be viewed in the context of the FRAMES review outlined above.

Forestry agencies also argue that the available information also indicates that the agreed levels of utilisation are sustainable. Many submitters strongly dispute this although both industry and conservation interests have used the recent Auditor General’s report to support their position. As stated earlier it is not the role of this review to deal with fundamental policy settings. The NSW Review may be best placed to make judgements about what are fundamentally different points of view on this issue. There is insufficient information for a judgement to be made through the Independent Assessment process.

Regular independent reviews of yield calculations and the modelling methodology (as recommended above) may improve public confidence in the current arrangements in this area.

Ecosystem Health and Vitality

Performance under these indicators is measured in terms of the prevalence of animal and plant pests, disease and wildfires. All of these issues are a major challenge for forest managers world-wide and exist whether there is an RFA or not. The Draft Report gives a frank assessment of the size of these challenges.

While it is possible to be critical of some individual programs or activities (or lack thereof), in a resource limited environment, forest managers will need to continue to make calls on investment priorities to counter what are on-going threats to forest ecosystems. Based on the information provided the efforts seem reasonable and focussed in the current resource limited environment. The area clearly requires on-going vigilance and again the size of the task should not be underestimated.

Soil and Water Resources

To be meaningful sustainability indicators need to be associated with a comprehensive and systematic approach to monitoring. In reality the ability of any natural resource manager to deliver on this objective is entirely dependent on the resources available. The Draft Report has limited information on either soils or water from which useful conclusions can be drawn about performance in this area. The processes do not appear to be always systematic and some border on being opportunistic. Again this is not a situation unique to NSW.

Harvesting activities allow some assessment for soil erosion and water quality, and there are “periodic” surveys reported relating to erosion on roads. Representative sampling appears to occur for water quality. However given that vast areas of NSW covered by these RFAs, continuous monitoring at 21 water quality stations is unlikely to provide representative results.

Clearly resourcing and capacity is an issue. This appears to be an area where DECCW and Forests NSW can obtain assistance from other agencies including relevant water authorities, the Bureau of Meteorology, CSIRO, Catchment Management Authorities and even voluntary Landcare groups. In the absence of a major new investment in this area (which seems unlikely) accessing the best data from all sources would appear the only way meaningful condition and trend data will be developed in this area.

RECOMMENDATION 18

The NSW Government should explore accessing data on soil and water quality from all relevant Commonwealth, State and Local government agencies including community natural resource management volunteer groups, with a view to developing a more systematic and comprehensive approach to monitoring of these attributes in forest areas.

Carbon

The forest global carbon pool has become a major issue since the concept of RFAs was first conceived in the 1990s. The information in the Draft Report suggests NSW forest agencies are actively involved in the process and have the technical capacity to deal

with this issue. Given the rapid and significant policy changes that are likely to occur in this arena, NSW agencies seem well placed to assume an important role in this process.

The carbon discussion in the Draft Report is the only real reference to the climate change issue that has become prominent post signing of the RFAs. While the issue is critical to future forest policy, as it is to all natural resource management issues, it can not be addressed in this review as it did not form part of the original RFA. This is a major issue for consideration by both governments.

However climate issues should not be ignored. They provide genuine opportunities for forest related economic activity and but also pose potential threats to the long term sustainability of forests generally.

Forest agencies and other interested parties need to engage in the broader climate change policy development processes to ensure forest issues are factored in to these policies. While it may be tempting to wait, early engagement is important to ensure appropriate consideration.

From an RFA perspective there may be some scope to deal with climate change matters through adaptive management and continuous improvement in practice. For instance, it is at least theoretically possible to build climate change considerations into forest models. Codes of Practice can be modified to be more climate-sensitive. New forest-based economic opportunities are likely to emerge. In any process of this nature existing commitments would need to be taken into account.

Accommodating climate change impacts will not be easy or without cost. However early responses are likely to maximise opportunity and allow any negative impacts to be reduced.

Socio-Economic Criterion

The Draft Report confirms the importance of both forestry activities and forest related recreational and cultural considerations in the fabric of the NSW community, especially but not limited to, non-metropolitan NSW. The data appear relatively reliable and comprehensive but will need to be maintained to ensure future management regimes can deal with the impacts of these activities including the potential for access conflict. In particular the Draft Report confirms the importance of responsible and culturally appropriate management to protect and preserve aboriginal cultural heritage.

On-going access to forests for economic utilisation of wood and other forest products is an important determinant of the success of an RFA. The RFAs under consideration allow for this to occur. The challenge is for these activities to remain viable in both an environmental and economic sense. Economic outcomes are also subject to external influences – the global economic climate, competition and the individual financial circumstances of the participants. Thus while economic issues are an important indicator of the success of RFAs, it becomes at times very difficult to isolate cause and effect. Ultimately business will survive on its merits.

Legal, Institutional and Economic Frameworks

A number of submitters were critical of the legislative frameworks and some suggested what they believe would be improvements. To a large extent the settings in place to deal with these indicators are a matter for broader consideration by respective governments. However, overall the arrangements seem to be relatively comprehensive.

From a forest perspective the institutional frameworks that provide for reporting regimes seem sound and transparent with the State of the Forest Report playing a key role in this process. As stated previously the overall extent of the effectiveness of any regime is dependent on the levels of investment and capacity available. Ultimately this is an issue for government to determine but as the current arrangements already face challenges. Once governments establish global resourcing limits, forest agencies will need to continuously assess priorities to ensure those activities essential to RFA key outcomes continue to be delivered.

Some of the institutional issues of concern about RFAs raised in public submissions may also in part be addressed by the Australian Government's EPBC Act Review.

As a final comment the real challenge with the legislative and institutional framework is to deliver a co-ordinated and comprehensive response. In all jurisdictions there are a large number of relevant statutes that apply to forests. Forest, land, water, vegetation, environment, planning, work place health and safety and fisheries legislation, to name just a few, all could apply at any one particular time. The current RFAs and the associated NSW Forest Agreements are an attempt to ensure a managed approach to the application of these laws. While there is always room for improvement it would seem that without the RFA framework, the situation could be even more complex and less effective.

7. LIST OF RECOMMENDATIONS

RECOMMENDATION 1

That for future reviews the Parties consider supplementing the notification process by directly advising key community, conservation and industry groups of the review and the various processes involved.

RECOMMENDATION 2

With the approval of the submitters, the Parties refer the submissions to this review to;

- the NSW Review**
- the Commonwealth Government to be taken into account during development of its response of the EPBC Review Act**
- Executive Management of the NSW forest agencies**

RECOMMENDATION 3

The Parties consider initiating a further review process as soon as possible to meet the agreed RFAs second review time requirements and;

- a) these reviews focus on progress with milestones due to commence in the second 5 years of the RFAs, actions underway from the first 5 years, and**
- b) indicators that are considered critical to the success of the RFAs is areas such as reserve management, species protection (including pest animal and weed management), management planning and wood supply estimates.**

RECOMMENDATION 4

That the Parties to the RFA consider:

- c) The resource requirements of on-going and yet to commence undertakings under the three RFAs to determine whether implementation is likely within agreed timelines, and/or**
- d) Whether reprioritisation of any milestones is necessary to ensure delivery of initiatives which are essential to the implementation of the RFAs.**

RECOMMENDATION 5

In future five yearly reviews the Parties consider further including more commentary for Milestones in the “Underway” and “Concluded” categories to provide an assessment of the adequacy of progress of these milestones.

RECOMMENDATION 6

The Parties continue to ensure their current data release and publication strategies align with modern practice for the release of publicly held information.

RECOMMENDATION 7

The NSW Government continue to give priority to completion and publication of plans of management for various dedicated areas.

RECOMMENDATION 8

In future reviews the Parties should provide more information about development of various threatened species recovery plans to allow an assessment of the adequacy of progress in the management of threatened species as it relates to Milestone 23.

RECOMMENDATION 9

The NSW Government should give high priority to finalisation of its Park Management Program and this issue should be specifically reported on as part of the second 5 yearly RFAs Review.

RECOMMENDATION 10

The NSW Government should continue to give priority to audit and compliance activity by each agency involved in the RFAs and that auditing be closely scrutinised as part of the NSW Review.

RECOMMENDATION 11

The NSW Government should continue to give high priority to the release of the NSW Forest Management System covering public and private land. It should be completed before the next review.

RECOMMENDATION 12

The NSW Government should initiate immediate action to establish and deliver the regional ESFM performance reports as required under Milestone 41.

RECOMMENDATION 13

The NSW Government should give the highest priority to the continuous improvement system for FRAMES as required under Milestone 48 and development of the inventory plot measurement systems required across the various regions as required under Milestone 49.

RECOMMENDATION 14

The NSW Government should ensure that its FRAMES and associated supply models undergo regular (5 yearly) expert independent assessment to confirm the efficacy any of improvement and other amendments to the system.

RECOMMENDATION 15

The Parties should;

- a) Satisfy themselves that the requirements of Milestone 51 to provide annual comparisons of actual and modelled yields can not be cost effectively or safely delivered in the form originally envisioned in the RFAs and**
- b) If so, initiate action to develop an alternative arrangement that allows consideration of actual v modelled performance using the information already produced by Forests NSW. This data should be published annually.**
- c) Keep this matter under continuous review to take advantage of refinements in FRAMES that might allow better comparison of actual v modelled performance at a sub regional scale.**

RECOMMENDATION 16

The NSW Government should take early action to complete the various review of sustainable yield calculations as required under Milestone 53. These reviews should be made available publicly when completed. Publication of a description of sustainable yield calculation methodologies as required by Milestone 54 should occur as soon as possible.

RECOMMENDATION 17

That the Parties to the RFAs consider whether more systematic, cost effective approaches could available to collect data on threatened species over time or in its absence, whether it would be valid to release appropriately qualified comparative data developed from existing sources.

RECOMMENDATION 18

The NSW Government should explore accessing data on soil and water quality from all relevant Commonwealth, State and Local government agencies including community natural resource management volunteer groups, with a view to developing a more systematic and comprehensive approach to monitoring of these attributes in forest areas.

8. APPENDICES

APPENDIX 1 - Terms of Reference for Independent Assessor

1. To review the *Draft Report on Progress with Implementation of the New South Wales RFAs* prepared by the Review Committee.
2. To consider the comments from the public consultation process and the Committee's response to these comments.
3. Prepare and present to Governments an Independent Assessor's report on progress with implementation of the New South Wales RFAs.
4. The Independent Assessor's report would include the following:
 - A brief statement verifying that a five-year review process has been undertaken against the established milestones according to State and Commonwealth Terms of Reference, including preparation of *Draft Report on Progress with Implementation of the New South Wales RFA*.
 - A brief statement verifying that the five-year review process has included adequate opportunity for comment by the public.
 - A statement, in the judgement of the Independent Assessor, on the progress of the implementation of the RFAs, after taking into account comments received during consultation.
 - Any other brief comments, if necessary, that could assist the State and Commonwealth to complete its review and in preparing the *Final Report on Progress with Implementation of the New South Wales RFAs*.

APPENDIX 2 - List of Milestones for each RFA Region and Draft Report Conclusions

The various categories under 'Review conclusion' mean:

- Completed – has been undertaken and will not be discussed in any future review
- Concluded – is concluded or is no longer being undertaken and will not be discussed in any future review
- Underway – has started but not completed. Will be discussed in the next review
- To be done – is still to occur
- Not applicable – is not relevant for this review
- Not required until second five-year review – milestone is not required until then

A. Eden RFA milestones

Clause/ attachment etc	Action	Timeline	Review conclusion	Report milestone number
6	The parties to determine the process for extending the agreement for a further period	As part of the third five-yearly review	Not applicable	1
17	The parties to develop and consider regional development initiatives to be funded from unspent Commonwealth and State funds committed under the South East Forest Agreement	Within six months of signing this agreement	Completed	11
37	Parties to report annually on the achievement of milestones in this agreement	Annually for the first five years	Completed	5
40	The parties to determine the mechanism for the five-year review	Before the end of the five-year review period	Completed	2
46(b)	New South Wales to complete and publish plans of management for areas dedicated under the <i>National Parks and Wildlife Act 1974</i> (NSW)	By 1 January 2002	Underway	18
46(c)	New South Wales to complete and publish a regional ESFM plan for State forests	By 1 April 2000	Completed	36
46(d)	New South Wales to implement the forest management zoning system for the Eden region	By 1 October 1999	Completed	37
46(f)	New South Wales to develop and implement an inventory system for regrowth forests and review the calculation of sustainable yield, using methods consistent with attachment 11 and the principles and processes used in the Forest Resource and Management Evaluation System (FRAMES)	In time for the first five-yearly review	Inventory – Underway ----- Review sustainable yield – Underway	49 ----- 53
46(g)	New South Wales to grant an integrated forestry operations approval covering the Eden region.	Within three months of signing	Completed	9
46(h)	New South Wales to develop and implement environmental management systems	Within five years of signing	Forests – Completed ----- DECCW – Underway	26
49	New South Wales to report annually to Parliament on compliance with any integrated forestry operations approval for the Eden region and the New South Wales Eden Region Forest Agreement, and to furnish a copy to the Commonwealth	Annually from 1999	Completed	8
52(d)	Both parties to further develop, review, and if	In time for the first	Underway	3

Clause/ attachmen t etc	Action	Timeline	Review conclusion	Report milestone number
	necessary revise sustainability indicators	five-yearly review		
56	New South Wales to produce a code of practice for timber harvesting of native forest on private lands	By the first five-yearly review	Completed	33
86	New South Wales to review legislation and policies relevant to the allocation and pricing of hardwood logs from State forests as part of the Competition Principles Agreement	Before the end of 1999	Concluded	43
87	New South Wales to establish a research liaison committee and publish a list of research priorities	Within 12 months of signing	Concluded	12
89	New South Wales to prepare a compendium of New South Wales forest research	By the first five-yearly review	Up to 2002 – Underway ----- Post-2002 – Concluded	13
92 and 93	New South Wales and the Commonwealth to develop a data agreement and lodge archival copies of data	Within six months of signing	Completed	14
Att 1 point 4	New South Wales to prepare plans of management for Crown reserves	By 1 January 2002	Concluded	19
Att 1 point 7	New South Wales to establish all dedicated reserve and informal reserve components of the CAR reserve system	Within six months of signing	Completed	21
Att 2 table 1	New South Wales to develop recovery plans for species listed in table 1	Within five years of signing	Underway	23
Att 3 point 8	Both parties to finalise statewide guidelines for the management of cultural heritage values and places	End of 1999	Completed	24
Att 5 point 1(p)	New South Wales to publish a State of Parks report	By April 2000	Completed	20
Att 5 point 2(b)	New South Wales to publish the document Ecologically Sustainable Forest Management for the Eden RFA Assessment	Within six months of signing	Completed	32
Att 5 point 2(c)	New South Wales to document the basis for silvicultural practices and publish silvicultural guidelines for commercial forest types	By 31 March 2000	Completed	40
Att 5 point 2(d)	New South Wales to publish the results from the Yambulla and Tantawangalo research catchments	By the year 2000	Yambulla – Underway ----- Tantawangalo – Concluded	15
Att 5 point 2(e)	New South Wales to publish the results from the Eden burning study	By the first five-yearly review	Completed	16
Att 5 point 2(f)	New South Wales to document and publish a description of the NSW forest management system covering public and private lands	In time for the first five-yearly review	Underway	35
Att 5 point 2(g)	New South Wales to publish a description of the FRAMES system referred to in clause 46 (f).	Within three months	Completed	46
Att 5 point 2(h)	New South Wales to publish a description of the methods and results of calculating sustainable yield on public land	By the first five-yearly review	To be done	54
Att 5 point 2(h)	New South Wales to publish independent audits of sustainable yield as outlined in attachment 11	For the second and subsequent five-yearly reviews	Not required until the second five-year review	55
Att 5 point 2(i)	New South Wales to table in each House of Parliament an annual report on the New South Wales Eden Region Forest	Annually from 1999	Tabling – Underway	8

Clause/ attachment etc	Action	Timeline	Review conclusion	Report milestone number
	Agreement in accordance with the <i>Forestry and National Park Estate Act 1998</i> (NSW) which will include an ESFM report and the outcomes of compliance with any integrated forestry operations approval for the region			
Att 7 point 12	New South Wales to incorporate codes of practice that address bush and other fires within regional ESFM plans and plans of management for areas dedicated under the <i>National Parks and Wildlife Act 1974</i> (NSW)	By the first five-yearly review	Completed	27
Att 7 point 13	New South Wales to establishing a process, including public reporting, for regular audits of compliance and reviews of codes of practice, eco-field guides and/ regional prescriptions	By December 2002	Completed	30
Att 7 point 13	New South Wales to undertake audits as described above	By the first and subsequent five-yearly reviews of the agreement	Completed	31
Att 11 point 5	Continuous monitoring of predicted s annual yields		Concluded	51
Att 11 point 1	The parties to commission, complete and publish a review of the systems and processes used, and the sustainable yield calculated from public land as a result of the New South Wales review of sustainable yield described in clause 46 (f)	By the first five-yearly review	Underway	53
Att 11 point 2	New South Wales to undertake, complete and publish independent audits of sustainable yield	In time for the second and subsequent five-yearly review	Not required until the second five-year review	55
Att 11 point 5	New South Wales to establish a continuous FRAMES development program for the Eden region consistent with the statewide FRAMES	By the first five-yearly review	Underway	48

B. North East RFA milestones

Clause/ attachment etc	Action	Timeline	Review conclusion	Report milestone number
6	The parties to determine the process for extending the Agreement for a further period	As part of the third five-yearly review	Not applicable	1
33	Commonwealth to use its best endeavours to secure the enactment of legislation which amends the Environmental Protection and Biodiversity Conservation Act 1999 (Cwth)	By 30 June 2000	Completed	17
39	Parties to report annually on the achievement of milestones in this Agreement	Annually for the first five years	Completed	5
42	The parties to determine the mechanism for the five-year review	Before the end of the five-year review period	Completed	2
43	Commonwealth will table the signed RFA in the Commonwealth Parliament	Following Signature	Completed	7
43	Commonwealth will table in the Commonwealth Parliament the annual reports of achievement of milestones for the first four years	Annually	Completed	6
43	Commonwealth will table in the Commonwealth Parliament the first five yearly review on performance against milestones and commitments	Following first five yearly review	Not applicable	4
48(c)	New South Wales to complete and publish plans of management for areas dedicated under the National Parks and Wildlife Act 1974 (NSW)	By 1 January 2005	Underway	18
48(d)	New South Wales to complete and publish regional ESFM plans for State forests	By 30 June 2000	Completed	36
48(e)	New South Wales to implement the Forest Management Zoning system for the Upper North East and Lower North East regions	By 30 June 2000	Completed	37
48(g)	New South Wales to implement the review and monitoring processes and develop the strategic and operational requirements of sustainable yield systems and processes to enable a review of sustainable yield	By 1 December 2006	Review – Completed ----- Develop – Completed	53 ----- 52
48(h)	New South Wales to develop and implement environmental management systems	Within five years of signing	DECCW – Underway ----- Forests NSW – Completed	26
51	NSW to report on compliance of the Integrated Forestry Operations Approval for the Upper North East Region and the Integrated Forestry Operations Approval Lower North East Region and furnish the Commonwealth with a copy of these reports	Annually	Reporting – Completed ----- Tabling – Underway	8
53(d)	Both parties to further develop, review, and if necessary revise sustainability indicators	In time for the first five-yearly review	Underway	3
57	New South Wales to produce a code of practice for Timber Harvesting of native forest on private lands	By the first five-yearly review	Completed	33
58	NSW to complete code of practice for plantations on private land	31 December 2000	Completed	34
81	NSW to review FRAMES and wood supply	By 1 December 2006	FRAMES – Underway ----- Wood – Completed	48 ----- 56

83	Changes in contracted volumes following review to be incorporated in this agreement and wood supply agreement holders to be advised	By 1 December 2006	Completed	56
100	New South Wales to establish a research liaison committee and publish a list of research priorities	By August 2000	Concluded	12
102	New South Wales to prepare a compendium of New South Wales forest research	By the first five-yearly review	Up to 2002 – Underway ----- Post 2002 – Concluded	13
105	New South Wales and the Commonwealth to lodge archival copies of data	Within six months of signing	Completed	14
Att 1A & Att 1 B point 4	NSW to prepare plans of management for Crown reserves	By 1 January 2005	Concluded	19
Att 1 A point 5	NSW will finalise boundaries of CAR reserves to enable implementation	Within six months of signing	Completed	21
Att 1A point 8 & Att 1B point 12	New South Wales to establish all dedicated reserve and informal reserve components of the CAR reserve system	Within six months of signing	Completed	21
Att 3 point 4	NSW to complete the threat abatement plan for the European red fox	By July 2000	Completed	22
Att 2 table 1	New South Wales to develop recovery plans for species listed in table 1 of attachment 2	Within five years of signing	Underway	23
Att 6 1(p)	New South Wales to publish a <i>State of Parks</i> report	By April 2001	Completed	20
Att 6 2(b)	NSW will publish of eco-field guides for the Upper North East region and the Lower North East region	By 30 June 2000	Completed	39
Att 6 point 2(c)	New South Wales to publish the Native Forest Silviculture Manual (SFNSW)	By 31 December 2000	Completed	40
Att 6 point 2(d)	New South Wales to document and publish a description of the NSW forest management system covering public and private lands	In time for the first five-yearly review	Underway	35
Att 6 point 2(e)	New South Wales to publish a description of the methods and results of calculating sustainable yield on public land	By 1 December 2006	Completed	54
Att 6 point 2(e)	New South Wales to publish independent audits of sustainable yield as outlined in attachment 12	For the second and subsequent five-yearly reviews	Not required until second five-year review	55
Att 6 point 2(f)	New South Wales to table in each House of Parliament an annual report on the New South Wales Upper North East Regional Forest Agreement and Lower North East Regional Forest Agreement in accordance with the <i>Forestry and National Park Estate Act 1998</i> (NSW) which will include an ESFM report and the outcomes of compliance with any integrated forestry operations approval for the regions	Annually	Underway	8
Att 8 1(a)	NSW NPWS will develop an environmental management system for lands dedicated under the NPW Act	By April 2004	Underway	26
Att 8 1(b)	SFNSW develop a native forest management system as an environmental management system	By April 2001	Completed	26

Att 8 1(l)	New South Wales to incorporate codes of practice that address in an integrated fashion bush and other fires within regional ESFM plans and plans of management for areas dedicated under the <i>National Parks and Wildlife Act 1974</i> (NSW)	By the first five-yearly review	Completed	27
Att 8 1(m)	New South Wales to incorporate within the regional ESFM plans and plans of management under the NPW Act integrated feral animal and weed control programs	By the first five-year review	Completed	28 & 29
Att 8 1(n)	New South Wales to establishing a process, including public reporting, for regular audits of compliance and reviews of codes of practice, eco-field guides and/ regional prescriptions	By December 2002	Completed	30
Att 8 1(n)	New South Wales to undertake audits as described above	By the first and subsequent five-yearly reviews of the agreement	Completed	31
Att 8 1(o)	NSW will establish demonstration areas in both the Upper North East Region and the Lower North East region for illustrating silvicultural practices and the suite of silvicultural regimes practiced	By April 2001	Completed	38
Att 8 1(q)	NSW will develop a model to predict recruitment and maintenance of habitat trees over time	By the end of 2010	Underway but not required until second five-year review	59
Att 8 1 (s)	NSW will publish the native forest silviculture manual (SFNSW)	By 31 December 2000	Completed	40
Att 12 part B 15	State Forests NSW will complete the enhancement of FRAMES, commission and publish and independent review of the enhanced system and review the timber and annual volume to be harvested from 2007–18	By 1 December 2006	FRAMES improvements– Underway ----- Review – Completed ----- Wood/volume – Completed	48 50 56
Att 12 part C 19	Subject to availability of suitable land NSW will purchase private lands and/or timber rights to supply high-quality large sawlogs and large veneer logs	By the end 2004	Underway	44
Att 12 part C 19	Subject to availability of suitable land NSW will establish at least 10,000 hectares of hardwood plantations	By the end 2004	Underway	45
Att 12 part D 21 Dot 5	Use best endeavours to undertake an inventory of private forests to determine the basis of yield of wood products	Within five years of signature	Concluded	42
Att 12 part E 22 Dot 4	Report on the annual production of all timber products	Annually	Completed	58
Att 12 part E 22 Dot 5	Undertake additional inventory plot measurement consistent with FRAMES principles to improve the accuracy of volume estimates at the regional level		Underway	49
Att 12 part E 22 Dot 6	Monitor FRAMES through comparison of actual versus predicted volumes	Annually	Concluded	51
Att 12 part E 23	NSW will undertake independent audits of the progress of the sustainable wood supply strategy	To be completed in time for the 2nd and 3rd five-yearly reviews	Not required until second five-year review	55

C. Southern RFA milestones

Clause/ attachment etc	Action	Timeline	Review conclusion	Report milestone number
6	The parties to determine the process for extending the agreement for a further period	As part of the third five-yearly review	Not applicable	1
34	NSW will have in place a forest agreement covering the Southern region and grant an integrated forestry operations approval applying to the Southern region	By 30 June 2001	Completed	10
37	Parties to report annually on the achievement of milestones in this agreement	Annually for the first five years	Completed	5
40	The parties to determine the mechanism for the five-year review	Before the end of the five-year review period	Completed	2
41	Commonwealth will table the signed RFA in the Commonwealth Parliament	Following signature	Completed	7
41	Commonwealth will table in the Commonwealth Parliament the annual reports of achievement of milestones for the first four years	Annually	Completed	6
41	Commonwealth will table in the Commonwealth Parliament the first five-yearly review on performance against milestones and commitments	Following first five-yearly review	Not applicable	4
47(c)	New South Wales to complete and publish plans of management for areas dedicated under the <i>National Parks and Wildlife Act 1974</i> (NSW)	By 31 January 2006	Underway	18
47(d)	New South Wales to complete and publish regional ESFM plans for state forests	By 31 December 2001	Completed	36
47(e)	New South Wales to implement the forest management zoning system for the Southern region	By 31 December 2001	Completed	37
47(g)	New South Wales to implement the review and monitoring processes and develop the strategic and operational requirements of sustainable yield systems and processes to enable a review of sustainable yield	By 1 December 2006	Review – Underway ----- Develop – Underway	53 ----- 52
47(h)	New South Wales to develop and implement environmental management systems	By 30 April 2004	DECCW – Underway ----- Forests NSW – Completed	26
50	NSW to report on compliance of the integrated forestry operations approval applying to the Southern region and furnish the Commonwealth with a copy of these reports	Annually	Completed	8
52(d)	Both parties to further develop, review, and if necessary revise sustainability indicators	In time for the first five-yearly review	Underway	3
56	New South Wales to produce a code of practice for Timber Harvesting of native forest on private lands	By the first five-yearly review	Completed	33
57	NSW to complete code of practice for plantations on private land	By 30 June 2001	Completed	34
98	New South Wales to establish a research liaison committee and publish a list of research priorities	By 30 September 2001	Concluded	12

Clause/ attachment etc	Action	Timeline	Review conclusion	Report milestone number
100	New South Wales to prepare a compendium of New South Wales forest research	By the first five-yearly review	Up to 2002 – Underway ----- Post 2002 – Concluded	13
103	New South Wales and the Commonwealth to lodge archival copies of data	By 30 June 2001	Completed	14
Att 1 point 4	NSW to prepare plans of management for Crown reserves	By 31 January 2006	Concluded	19
Att 1 point 5	NSW will finalise boundaries of CAR reserve with the exception of the forest management zoning system	By 30 June 2001	Completed	21
Att 1 point 5	NSW will finalise the forest management zoning system	By 31 December 2001	Completed	37
Att 1 point 8	New South Wales to establish all dedicated reserve components of the CAR reserve system	By 30 June 2001	Completed	21
Att 1 point 8	New South Wales to establish all informal reserve components of the CAR reserve system	By 31 December 2001	Completed	21
Att 3 point 4	NSW will complete the threat abatement plan for the European red fox	By 31 December 2001	Completed	22
Att 3 table 1	New South Wales to develop recovery plans for species listed in table 1	Within five years of signing	Underway	23
Att 4 point 14	NSW will identify and assess cultural heritage values in areas excluded from CRA assessments	By 31 December 2001	Concluded	25
Att 6 point 1(o)	New South Wales to publish a <i>State of Parks</i> report	By 31 August 2001	Completed	20
Att 6 point 2(b)	NSW will publish eco-field guides for Southern region	By 31 December 2001	SC – Completed ----- Tumut – Concluded	39
Att 6 point 2(c)	New South Wales to document the basis for silvicultural practices and publish the <i>Native Forest Silviculture Manual</i> (SFNSW)	By 31 March 2001	Completed	40
Att 6 point 2(d)	New South Wales to document and publish a description of the NSW forest management system covering public and private lands	In time for the first five-yearly review	Underway	35
Att 6 point 2(e)	New South Wales to publish a description of the methods and results of calculating sustainable yield on public land	By 1 December 2006	To be done	54
Att 6 point 2(e)	New South Wales to publish independent audits of sustainable yield as outlined in attachment 8	For the second and subsequent five-yearly reviews	Not required until the second five-year review	55
Att 6 point 2(f)	NSW will produce annual reports of progress for meeting targets in regional ESFM plans	Annually	Underway	41
Att 6 point 2(g)	NSW will report on the forest agreement covering the Southern region and on compliance with the IFOA applying to the Southern region	Annually	Completed	8
Att 6 point	New South Wales to table in each House of Parliament an annual report on the New South Wales <i>Southern Region Forest Agreement</i> in accordance with the <i>Forestry and National Park Estate Act 1998</i> (NSW) which will include an ESFM report and the outcomes of compliance with any integrated forestry operations approval for the regions	Annually	Underway	8

Clause/ attachment etc	Action	Timeline	Review conclusion	Report milestone number
Att 8 point 2(b)	NSW NPWS will develop an environmental management system for lands dedicated under the NPW Act	By 30 April 2004	Underway	26
Att 8 point 2(c)	SFNSW develop a native forest management system as an environmental management system	By 30 April 2001	Completed	26
Att 8 point 2(l)	New South Wales to incorporate provisions that address in an integrated fashion bush and other fires within regional ESFM plans and plans of management for areas dedicated under the NPW Act	By the first five-yearly review	Completed	27
Att 8 point 2(m)	New South Wales to incorporate within the regional ESFM plans and plans of management under the NPW Act 1974 integrated feral animal and weed control programs	By the first five-yearly review.	Completed	28 & 29
Att 8 point 2	New South Wales to establish a process, including public reporting, for regular audits of compliance and reviews of codes of practice, eco-field guides and regional prescriptions	By 31 December 2002	Completed	30
Att 8 point 2(n)	New South Wales to undertake audits as described above	By the first and subsequent five-yearly reviews of the agreement	Completed	31
Att 8 point 5	SFNSW will publish all FRAMES CRA reports for the Southern region	By 30 September 2001	Completed	47
Att 8 point 6(b)	NSW will develop a model to predict recruitment and maintenance of habitat trees	By end 2010	Underway but not required until the second five-year review	59
Att 8 point 6(d)	Report production of all timber products	Annually	Completed	58
Att 8 point 6(e)	Undertake additional FRAMES plot inventory measurements	By the first five yearly review.	Underway	49
Att 8 point 6(f)	Monitor FRAMES performance through comparison of actual versus predicted volumes	Annually	Concluded	51
Att 8 point 7	NSW will establish and implement an ongoing FRAMES development program	By 1 December 2006	Underway	48
Att 8 point 8	NSW agrees to commission and publish an independent review of the enhanced FRAMES systems and processes applying to both the South Coast and Tumut sub-regions	By 1 December 2006	Concluded	50
Att 11 point 7	NSW will have long-term wood supply contracts in place for South Coast and Tumut	By 1 January 2001 and 1 January 2002 respectively	Completed	57

APPENDIX 3 - List of Sustainability Indicators in Draft Report **(Including appropriate qualifiers and regionally specific indicators)**

Forest type by area

Montreal Implementation Group (MIG) Indicator 1.1.a: Extent of area by forest type and tenure (UNE, LNE, Southern regions)

Indicator 1.1: Extent of forest ecosystem types and vegetation types by growth stage (Eden region)

Sub-indicator 1.1.a.1: Understorey vegetation layer (Southern region)

Area of forest type by growth stage

MIG indicator 1.1.b: Area of forest type by growth stage distribution by tenure (UNE, LNE, Southern regions)

Indicator 1.1: Extent of forest ecosystem types and vegetation types by growth stage (Eden region)

Fragmentation

MIG Indicator 1.1.e: Fragmentation of forest types (UNE, LNE, Southern regions)

Indicator 1.2: Extent of connectivity in the forest landscape in relation to threatened species, habitat, general retained habitat on private land and conservation reserves (Eden region)

Listing forest-dwelling species

MIG indicator 1.2.a: A list of forest-dwelling species (UNE, LNE, Eden, Southern regions)

Indicator 1.3.b: List of representative species by abundance. Representative sample to include threatened species, key functional groups and indicator species (Eden region)

Status of threatened forest-dwelling species

MIG Indicator 1.2.b: The status (threatened, rare, vulnerable, endangered or extinct) of forest-dwelling species at risk of not maintaining viable breeding populations, as determined by legislation or scientific assessment (UNE, LNE, Eden, Southern regions)

Sub-indicator 1.2.b.1: The status of endangered populations and ecosystems as determined by legislation or scientific assessment (UNE, LNE, Southern regions)

Species extent and abundance

Indicator 1.3: Management measures in place to maintain species extent and abundance (interim for the first five years of RFA) (Eden region)

Land available for timber production

Montreal Implementation Group (MIG) Indicator 2.1.a: Area of forest land and net area of forest land available for timber production (UNE, LNE, Eden, Southern regions)

Total growing stock on timber production land

Indicator 2.1.b: Total growing stock of both merchantable and non-merchantable tree species on native forest land available for timber production (UNE, LNE, Southern regions)

Removal of wood products compared with sustainable volume

Indicator 2.1.d: Annual removal of wood products compared to sustainable volume (UNE, LNE, Southern regions)

Indicator 2.1.b: Annual removal of timber and non-timber products from forest ecosystems compared with those estimated to be ecologically sustainable by tenure (Eden region)

Indicator 2.1.d: Annual removal of timber products and non-timber products from forest ecosystems by volume (Eden region)

Indicator 6.1.a: Value and volume of wood and wood production (Southern region)

Volume of logs

Indicator 2.3: Standing volume of log stocks by species groups and diameter at breast height class for multi-aged and regrowth native forest and available for timber production by land tenure (Eden region)

Value of harvested logs

Indicator 6.1: Average volume and royalty value of logs harvested per annum by species and grade by tenure (Eden region)

This indicator was defined within the Eden region set of criteria and indicators under Criterion 6 – Socio-economic benefits. For continuity of reporting it has been included under Criterion 2 – Productive capacity of forests.

Removal of products from forest ecosystems

Indicator 2.1.b: Annual removal of timber and non-timber products from forest ecosystems compared with those estimated to be ecologically sustainable by tenure (Eden region)

Indicator 2.1.d: Annual removal of timber products and non-timber products from forest ecosystems by volume (Eden region)

2.1.e: Annual removal of non-timber forest products (e.g. berries, mushrooms, game, honey, wildflowers, tree ferns and possums) compared to the sustainable level (Southern region)

These indicators are applicable to the Eden and Southern regions. However, data have been provided on the quantities of non-timber products harvested for all regions (including the UNE and LNE regions). Values of products harvested have been provided for the Eden region only.

Established plantations

MIG Indicator 2.1.f: Area and percentage of plantation established meeting effective stocking one year after planting (UNE, LNE, Eden, Southern regions)

Effective regeneration of harvested forest

MIG Indicator 2.1.g: Area and percentage of harvested area of native forest effectively regenerated (UNE, LNE, Eden, Southern regions)

Animal pests

Indicator 3.1.a: Area and percentage of forest affected by processes or agents that may change ecosystem health and vitality (narrative as interim) (UNE, LNE, Eden, Southern regions)

Indicator 3.1: List of biological factors influencing forest health and vitality, including weeds, feral animals, insects and disease (Eden region)

Fire impacts

Indicator 3.2: Impact of fire on forest-related values (Eden region)

This is an Eden region indicator. For continuity of reporting, all regions are reported here.

Soil erosion

Indicator 4.1.a: Area and percentage of forest land covered by comprehensive road management plans, which include an assessment of the extent of existing road infrastructure, processes for ongoing improvement, targets and milestones (UNE, LNE, Southern regions)

Indicator 4.1: Road density by category and catchment, and stream crossing density by catchment, for the total forest agreement area, including forest and non-forest areas. Calculation of an ecologically sustainable road index and ecologically sustainable crossing index (Eden region)

MIG Indicator 4.1.a (interim): Area and percentage of forest land systematically assessed for soil erosion hazard, and for which site-varying scientifically-based measures to protect soil erosion and water values are implemented (UNE, LNE, Eden, Southern regions)

Forest biomass and carbon pool

MIG Indicator 5.1.a: Total forest ecosystem biomass and carbon pool, and if appropriate, by forest type, age class, and successional stages (UNE, LNE, Eden Southern regions)

Contribution to global carbon budget

MIG Indicator 5.1.c: Contribution of forest products to the global carbon budget (UNE, LNE, Eden, Southern regions)

Visitation

MIG Indicator 6.2.c: Number of visits per annum (UNE, LNE, Eden, Southern regions)

Use of recreation facilities

Indicator 6.3: Availability and usage of recreation/tourism facilities (Eden region)

- a. Data has been provided for all regions.

Employment benefits

MIG Indicator 6.5.a: Direct and indirect employment in the forest sector and forest sector employment as a proportion/percentage of total employment (UNE, LNE, Eden, Southern regions)

Indicator 6.4: Employment numbers by type across all forest users in the Eden region

Indicator 6.5: Gross income index related to forests (Eden region)

Cultural heritage benefits

Indicator 6.4.c: Change in condition and number of recorded places, artefacts, sites, buildings or other structures (UNE, LNE regions)

Indicator 6.6: Change in condition and number of recorded places, artefacts, sites, buildings or other structures (Eden region)

Indicator 6.4.c (i): Change in condition and number of Aboriginal cultural heritage features within the forest estate including recorded places, artefacts, sites, or other structures (Southern region)

Indicator 6.4.c(ii): Change in condition and number of historic heritage features within the forest estate including recorded places, artefacts, sites, buildings or other structures (Southern region)

Legal framework

MIG Indicator 7.1 (narrative): Extent to which the legal framework (laws, regulations, guidelines) supports the conservation and sustainable management of forests (UNE, LNE, Eden, Southern regions)

Indicator 7.1.a Provides mechanisms to clarify property rights and establish appropriate land tenure arrangements that recognise traditional management practices and self management as well as the existence of native title and the customary and traditional rights of indigenous people

MIG Indicator 7.2 (narrative): Extent to which the institutional framework supports the conservation and sustainable management of forests (UNE, LNE, Eden, Southern regions)

Indicator 7.2.b Undertake and implement periodic forest-related planning, assessment, and policy review including cross-sectoral planning and coordination
Indicator 7.2.c Develop and maintain human resource skills across relevant disciplines
Indicator 7.2.e Enforce laws, regulation and guidelines

Monitoring changes in conservation and sustainable management

MIG indicator 7.4 (narrative): Capacity to measure and monitor changes in the conservation and sustainable management of forests (UNE, LNE, Eden, Southern regions)

Indicator 7.4.a Availability and extent of up-to-date data, statistics and other information important to measuring or describing indicators associated with criteria 1-7

Indicator 7.4.b Scope, frequency and statistical reliability of forest inventories, assessments, monitoring and other relevant information

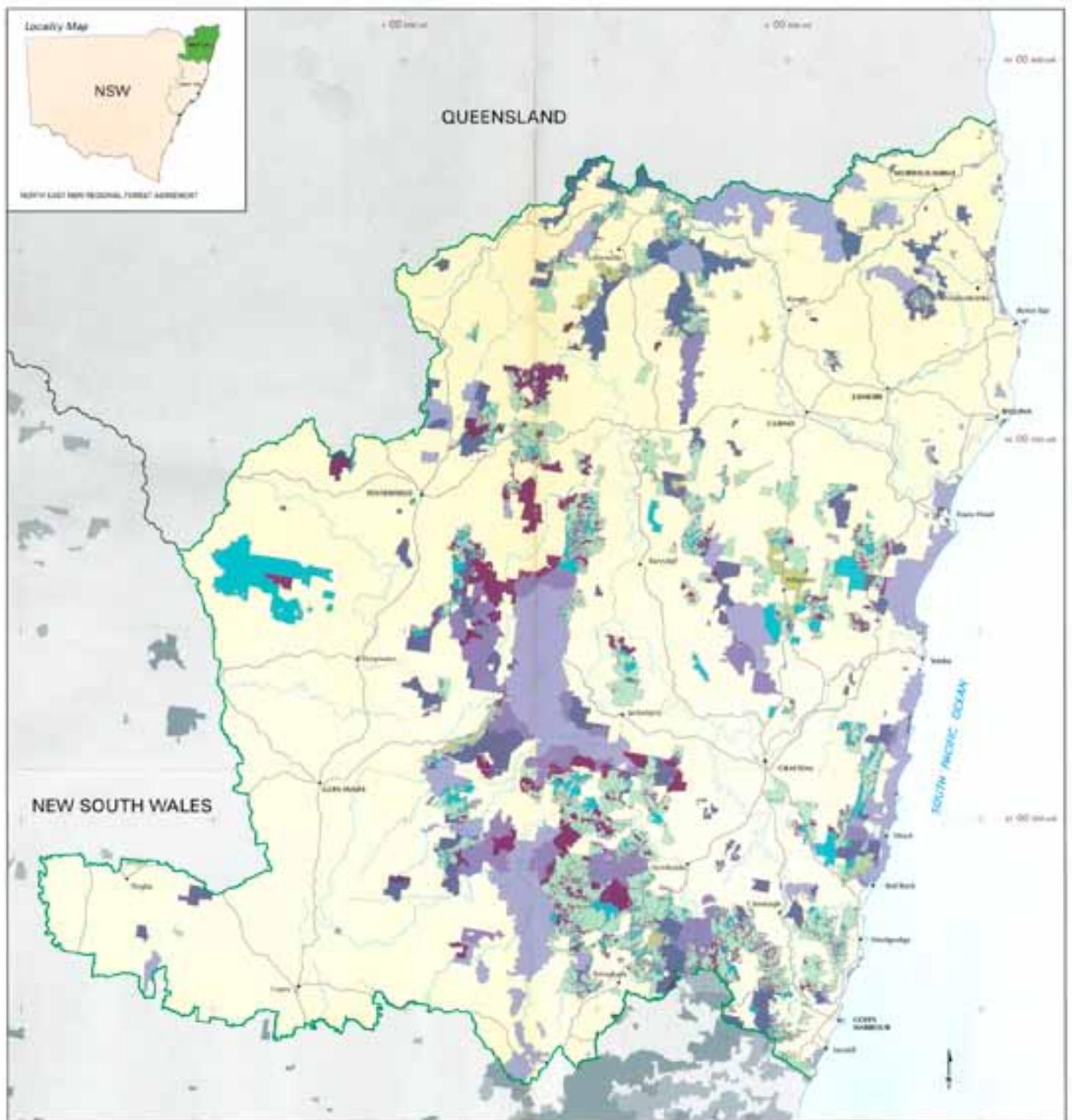
Research and management

MIG indicator 7.5 (narrative); Capacity to conduct and apply research and development aimed at improving forest management and delivery of forest goods and services (UNE, LNE, Eden and Southern regions)

Indicator 7.5.d Enhancement of ability to predict impacts of human intervention on forests

Indicator 7.5.f Per cent of native forests and plantations that are formally supported by silvicultural and utilisation research support

APPENDIX 4: Maps of RFA



NORTH EAST NSW REGIONAL FOREST AGREEMENT
Map 1 (A) Upper North East Region

Land Tenure and Zoning Including Comprehensive, Adequate and Representative (CAR) Reserve System

CAR Reserve System

- Dedicated Reserves (National Parks, Nature Reserves, Flora Reserves) as of December 1988
- Dedicated Reserves Added 1997 to December 1998
- Dedicated Reserves Added 1999
- Informal Reserves
- Reserved by Prescription

State Forest

- Native Forest and Hardwood Plantation
- Softwood Plantation

Other Tenure

- Freehold Land, Crown Land and Other Tenures

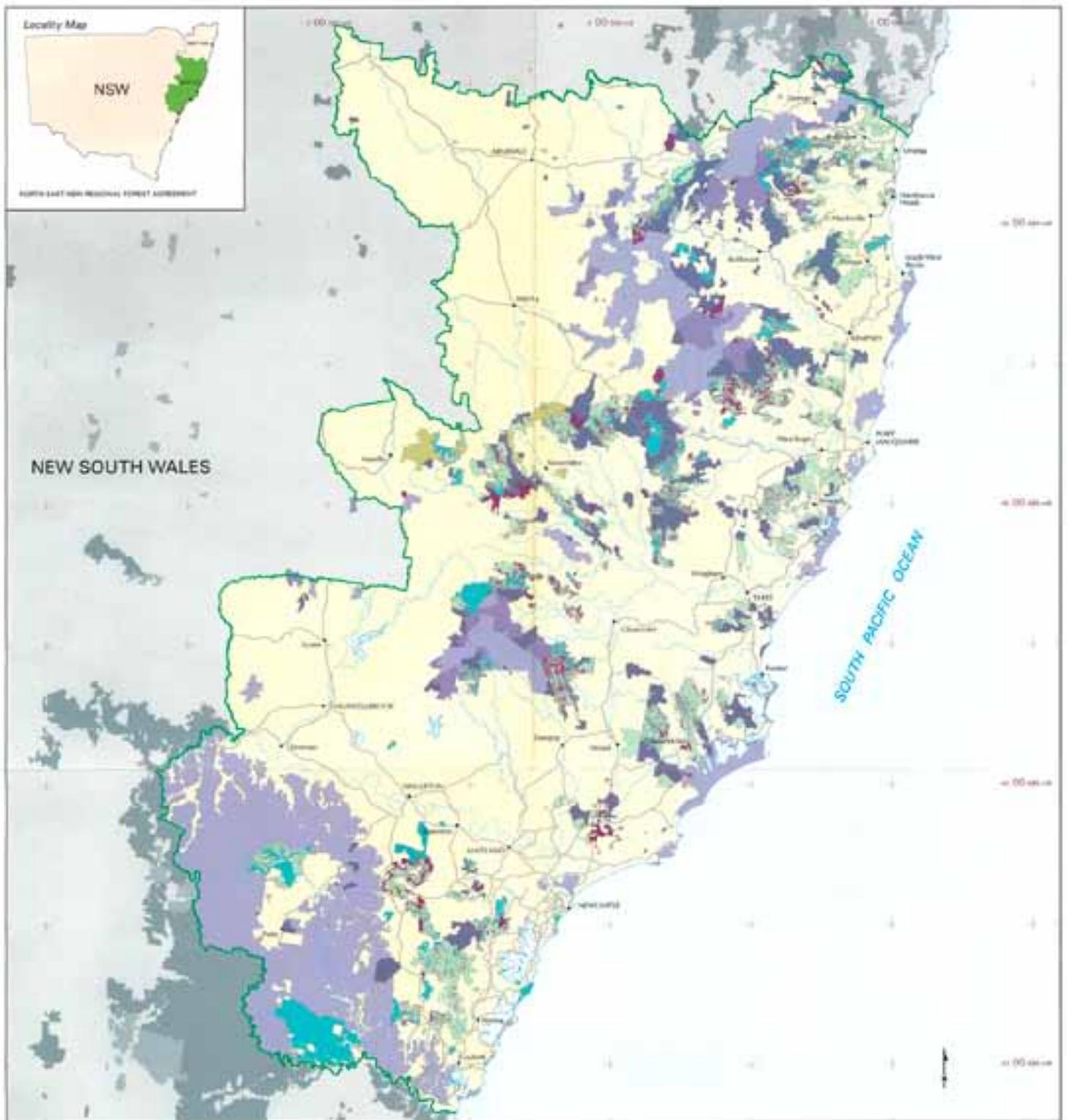
Tenures Outside Region

- National Parks, Nature Reserves
- State Forest
- Other Tenures

- Region Boundary
- Rivers
- Roads



Scale: 1:200,000
 0 5 10 20 40 80 Kilometres
 Map Projection: UTM-AZG Zone 58



NORTH EAST NSW REGIONAL FOREST AGREEMENT
Map 1 (B) Lower North East Region

Land Tenure and Zoning Including Comprehensive,
 Adequate and Representative (CAR) Reserve System

CAR Reserve System

- Dedicated Reserves (National Parks, Nature Reserves, Flora Reserves) as of December 1994
- Dedicated Reserves Additions 1997 to December 2008
- Dedicated Reserves Additions 2009
- Informal Reserves
- Informal Reserves on Commonwealth Land
- Reverted to Prescriptions

State Forest

- Native Forest and Freshwood Plantation
- Softwood Plantation

Other Tenure

- Freehold Land, Crown Land and Other Tenures

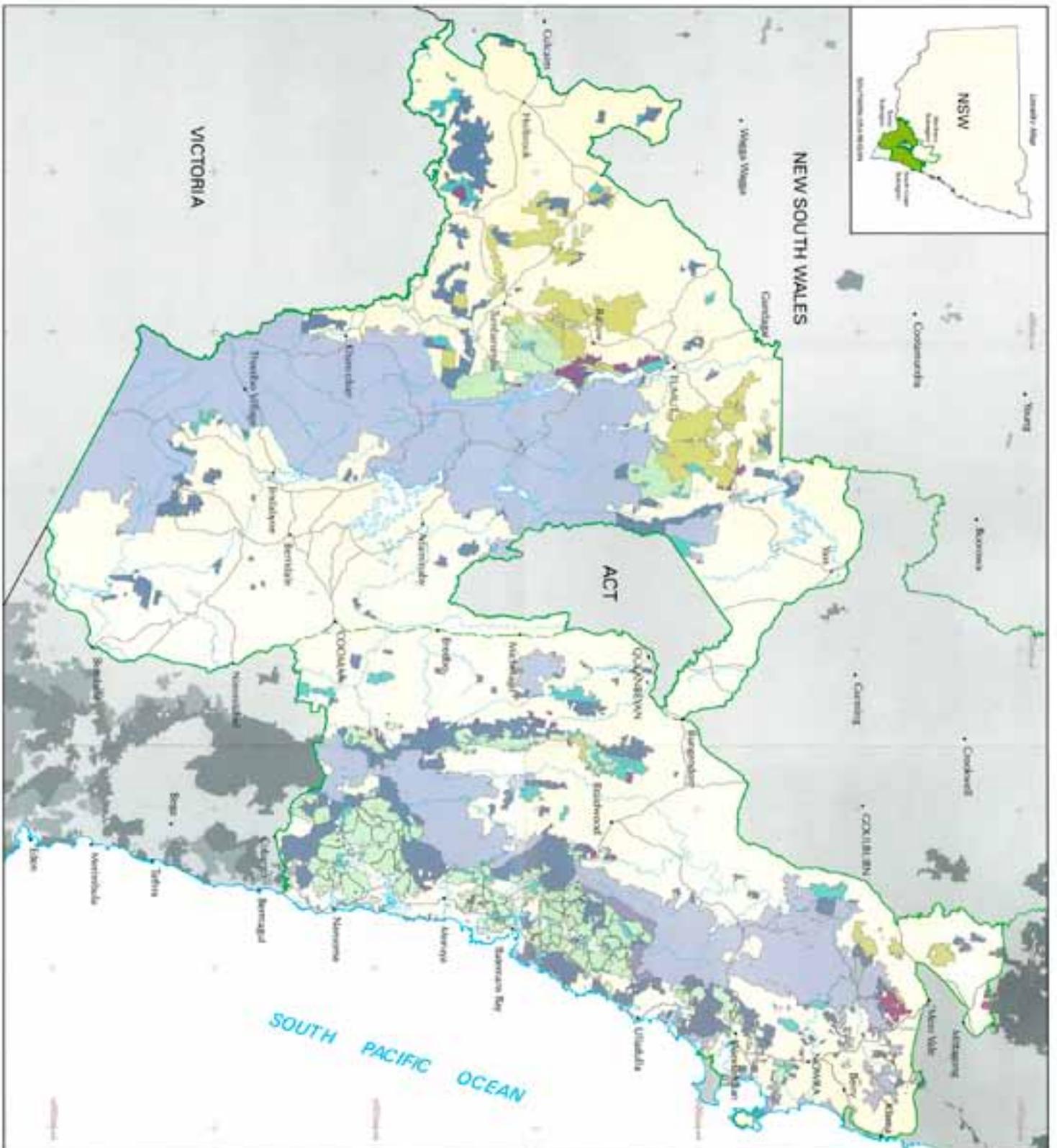
Tenures Outside Region

- National Parks, Nature Reserves
- State Forest
- Other Tenures

- Region Boundary
- Rivers
- Roads

Scale 1: 500 000
 0 5 10 15 20 25 Miles
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MAP 1 SOUTHERN NSW REGIONAL FOREST AGREEMENT

Land Tenure and Zoning Including Comprehensive, Adequate and Representative (CAR) Reserve System

CAR Reserve System

- Cultural Reserve as National Park Area
- Forests, First Reserve as Crown Land
- Cultural Reserve Addition 1997 as Crown Land
- Cultural Reserve as National Park
- National Reserve as National Park
- National Reserve as Commonwealth Land
- Reserved by Proclamation

State Forest

- National Forest and Regional Reserve
- National Reserve, National Park and area of special forest interest

Other Tenure

- Freehold Land, Crown Land and Other Tenure

Tenures Outside Region

- National Park, National Reserve
- State Forest
- Other Tenure

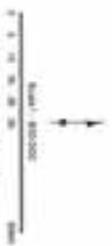
• Southern NSW Region Boundary

• NSW Region Boundary

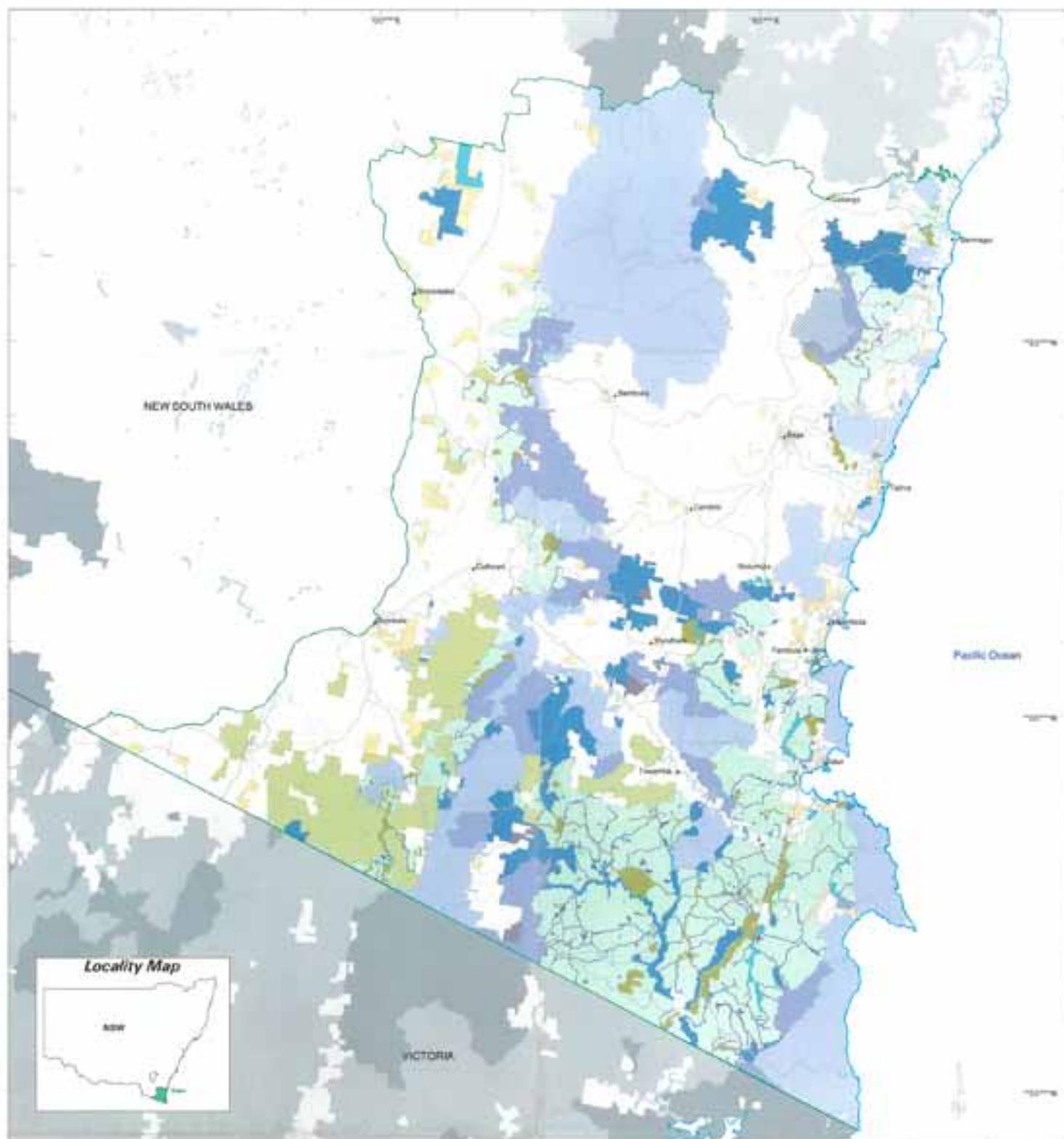
• Subregion Boundary

• Rivers

• Roads



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Map 1 Eden Regional Forest Agreement Land Tenure and Zoning Including Comprehensive, Adequate and Representative (CAR) Reserve System

CAR Reserve System

- Dedicated Reserves (National Parks, Nature Reserves, Flora Reserves) at December 1999
- Dedicated Reserves Additions Under NPWR Act 1997 to December 1998
- Dedicated Reserves Additions January to April 1998
- Informal Reserves
- Reserved by Prescriptions
- Special Prescription Zones*
- Crown Leasehold Managed by NPWS**

State Forest

- State Forest
- State Forest Plantation

Other Tenures

- Other Crown Land
- Land Proposed for Transfer to Local Aboriginal Land Council
- Freehold and Other Tenures
- Proposed Aboriginal Ownership and Leasehold as National Park (Schedule 14 NPWR Act)

Other Tenures Outside Eden Region

- National Park, Nature Reserves
- State Forest
- Other Tenures

- RFA Boundary
- Rivers
- Roads



0 2 4 6 8 10 Kilometres

Map scale: 1:250000
November 2000 (v1.0)

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*Special Prescriptions are subject to special conditions approved by NPWS.
**Crown Leasehold Managed by NPWS.