

Joint Australian and Victorian Government Response to the

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

June 2018

Prepared by
the Australian Government Department of Agriculture and Water Resources
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Preface

The State of Victoria and the Commonwealth of Australia (the Parties) entered into five Regional Forest Agreements (RFAs) which are in place until 31 March 2020:

RFA Region	Agreement commenced	Agreement in force until
East Gippsland	3 February 1997	31 March 2020
Central Highlands	27 March 1998	31 March 2020
North East	9 August 1999	31 March 2020
West Victoria	31 March 2000	31 March 2020
Gippsland	31 March 2000	31 March 2020

The RFAs aim to balance the social, environmental and economic values of key forested regions. They establish a bilateral framework for the sustainable management of forests within the Victorian RFA regions and development of forest industry in the State. The Parties remain committed to ensuring that the RFAs are durable and that the milestones and obligations that they contain are delivered to ensure effective conservation, forest management and forest industry outcomes.

The five Victorian RFAs were developed as part of a series of RFAs between the Commonwealth Government and the Governments of Victoria, New South Wales, Western Australia and Tasmania. Whilst all the RFAs have their own unique elements, they have all been drawn up under the aegis of the National Forest Policy Statement and all have an agreed requirement for reviews of progress with implementation of milestones and obligations.

An important element of each of the Victorian RFAs is the requirement for a five-yearly review of performance.

The purpose of the five-yearly reviews is to report on progress made against the milestones specified in the RFAs, and are to include:

- the extent to which milestones and obligations have been met
- the results of monitoring of sustainability indicators, and
- invited public comment on the performance of the RFAs.

A Report on Progress with Implementation of the Victorian RFAs Period 3: 2009-2014 (Parties Report) was jointly prepared by the Parties for the third five-yearly review period of 1 July 2009 to 30 June 2014 (Period 3). The Parties invited public comment on the report from 6 December 2017 to 29 January 2018. During this public comment period 426 submissions were received on the report.

The Parties appointed an Independent Reviewer, Mr Graham Wilkinson of Tasmania, to undertake an analysis of the Parties' Report and all public submissions that were received during the public comment period, and prepare a report. Mr Wilkinson has significant experience in regulation of forest practices and assessment of sustainable forest management.

On 28 February 2018, Mr Wilkinson, the Independent Reviewer, submitted his report the 'Independent Review of the *Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 – 2009-2014*' (Independent Review) to Senator the Hon. Anne Ruston, the Australian Government Assistant Minister for Agriculture and Water Resources, and the Hon. Lily D'Ambrosio MP, the Victorian Government Minister for Energy, Environment and Climate Change.

Senator the Hon. Anne Ruston tabled the Independent Review and this Joint Government Response in the Australian Parliament on 18 June 2018. The comprehensive Independent Review identified 14 recommendations and is available at: <https://www.forestsandreserves.vic.gov.au/forest-management/regional-forest-agreements>.

The Parties have carefully considered the Independent Reviewer's recommendations. This *Joint Australian and Victorian Government Response to the Independent Review on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs)* provides the Parties agreed response to each of the Independent Reviewer's recommendations.

The Parties will continue to collaborate on implementation of the Victorian RFAs leading up to the next five-yearly review. We will report on progress with the agreed actions within this joint government response as part of the next five-yearly review.

The Parties reconfirm their commitment to continuous improvement in ecologically sustainable forest management as envisaged by the National Forest Policy Statement and Victoria's RFAs. The commitments in this joint government response will ensure that Victoria's management of public multiple use and conservation forests continues to adapt to reflect new information, priorities and community expectations.

In May 2018, the Parties entered into a Memorandum of Understanding setting out actions to work towards 20 year extensions to the Victorian agreements within a modernised and harmonised framework to meet the needs of communities, industry and the environment for the future.

The process of extension and modernisation of Victoria's RFAs will consider all recommendations of the Independent Review.

The Parties remain committed to RFAs as an appropriate mechanism for effective environmental protection, forest management and forest industry development and prosperity in regions covered by RFAs.

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Relationship to statutory obligations

Recommendation 1

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

Joint Government Response

The Parties agree to this recommendation.

For all Victorian RFAs, including amendments to the agreements, the Commonwealth has included signed and dated versions of the agreements on the Department of Agriculture and Water Resources' website.

Recommendation 2

The Parties re-affirm their commitment to deliver transparency and certainty of outcomes under the RFAs, noting that:

- (1) the RFAs should be regularly updated as required in response to new information and changes to operating environments;
- (2) all changes should follow a formal amendment process;
- (3) all proposed changes should be publicly released for comment; and
- (4) the Parties should formally consider and respond to any submission from a person who can demonstrate a direct and material disadvantage from the proposed changes.

Joint Government Response

The Parties support this recommendation in-principle.

The Parties reaffirm a commitment to transparency and certainty of outcomes under the RFAs.

Changes to the operational environment and state processes can occur without requiring changes to the RFA itself. Operational forest management is undertaken by state government agencies and includes various management plans, policies and codes. These documents do, and will continue to, include an element of public consultation and response to affected stakeholders.

The Parties acknowledge that changes do occur in response to the acquisition of new information or to changes in the operational, legislative or policy frameworks for forest management. These changes are documented in the five-yearly reviews' implementation reports as a consolidated package.

Parties may agree to some minor modifications to incorporate the results of the review and it is up to the Parties to negotiate further amendments to the RFAs based on the scale and scope of the changes made at the time.

The Parties aim to realise the intent of this recommendation through negotiating a modernised RFA framework to support longer term extensions to the Victorian RFAs, before March 2020.

Recommendation 3

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

Joint Government Response

The Parties support this recommendation in-principle.

Victoria's forest management system requires adaption to changing circumstances under the principles of adaptive management and continuous improvement.

The Parties agree to consider reports on progress with the implementation of the RFAs for future Victorian RFA five-yearly reviews when negotiating long-term extensions and updates to the Victorian RFAs.

Recommendation 4

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

Joint Government Response

The Parties support this recommendation in-principle.

The Parties will work together to improve the clarity of the relationship between the RFA and the *Environment Protection and Biodiversity Conservation Act 1999*. Community concerns will be addressed by providing clear communication on how forestry operations conducted in accordance with an RFA are deemed to meet the relevant objectives of the *Environment Protection and Biodiversity Conservation Act 1999*.

Five-yearly review

Recommendation 5

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

Joint Government Response

The Parties agree to this recommendation.

The Parties agree to consider the timeframes for future Victorian RFA reviews when negotiating long-term extensions and updates to the Victorian RFAs.

The Parties have recently executed short term extensions to the East Gippsland, Central Highlands and North East RFAs to align the expiry and reporting dates for all five agreements. The parties also have a shared intent for a more outcomes focussed reporting structure, based on sustainability criteria, and will seek to negotiate this as part of the long-term extensions.

Victoria's [State of the Parks Report](#) and the [State of the Forests Report](#) are important inputs into the five-yearly RFA reviews.

Recommendation 6

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

Joint Government Response

The Parties agree to this recommendation.

The Parties agree that responding to the reviewer's report is best done through a separate Joint Government Response, rather than through a revised progress report.

The Parties agree to expand their on-line commentary on relevant lead-agency websites around the five-yearly reviews to meet the intent of this recommendation.

Recommendation 7

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

Joint Government Response

The Parties agree to this recommendation.

The Parties will ensure that relevant state and Commonwealth agencies or departments are suitably engaged in the preparation of and are appropriately attributed in the publication of future progress with implementation reporting.

Ecologically sustainable forest management

Recommendation 8

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

Joint Government Response

The Parties support this recommendation in-principle.

The parties recognise that public multiple use forests make a significant contribution to the conservation of biodiversity and the achievement of nationally agreed reserve criteria targets.

Victoria has implemented a Comprehensive, Adequate and Representative reserve system made up of dedicated and informal reserves on public land, and management prescriptions for public and private land, designed to protect environmental, cultural and social values.

Victoria reports on a range of performance indicators under its [State of the Forests Report \(SoFR\)](#) and the [State of the Environment Report \(SoER\)](#) every five years. Some of the appropriate indicators include forest fragmentation and species conservation in the SOFR and conservation of Victorian ecosystems and species, threatened species in Victoria, and extent and condition of Victoria's native vegetation in the SoER. The next reports will be released in 2019. Victoria also contributes information to the counterpart national reports.

Through the RFA modernisation process Victoria will investigate ways to enhance reporting on the contribution of forest outside reserves to the conservation of biodiversity, including areas of multiple use State forest, private forests, and those with conservation covenants in place.

Recommendation 9

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

Joint Government Response

The Parties agree to this recommendation.

Victoria recognises the importance of managing forests based on robust data and systematically monitoring, evaluating and reporting on the objectives of forest management.

Since 2010, the Victorian Government has implemented the Victorian Forest Monitoring Program (VFMP), a statewide forest monitoring information system. This system provides information, including baseline data for long-term trend detection, which informs continuous improvement in the management of Victoria's forests.

VFMP is Australia's most comprehensive state wide public land monitoring system, and is now collecting widespread and consistent information about Victoria's forests by assessing and

monitoring change in the extent, state and sustainable management of Victoria's forests and parks in a timely and accurate manner. To date, 649 ground plots have been installed and measured by trained forest measurement specialists and botanists. In October 2015 the five year re-measurement cycle of these ground plots commenced.

Additionally, Parks Victoria applies an integrated quality assurance system specifically within national parks. This includes the use of Conservation Action Plans, and a tiered system of monitoring, evaluation and reporting that extends from park-level condition reporting to the production of the [State of the Parks Report](#) every three years.

Threatened flora and fauna

Recommendation 10

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

Joint Government Response

The Parties agree to this recommendation.

The Parties are committed to protecting and improving the conservation of Victoria's threatened species and ecological communities and will continue to work together in the development of statutory conservation planning documents to guide conservation effort for threatened species and ecological communities. The Parties will work together to include a summary of cumulative progress on statutory conservation planning documents in future five-yearly review progress reports.

Recommendation 11

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

Joint Government Response

The Parties agree to this recommendation.

The Parties are committed to protecting and improving the conservation of Victoria's threatened species and ecological communities and will continue to work together in the implementation of relevant statutory conservation planning documents for threatened species and ecological communities and the associated reporting of progress. The Parties recognise that reporting on implementation progress is a key component of an adaptive management framework. The Parties will develop a mechanism for periodic reporting on implementation of conservation planning documents. In developing a reporting process, the Parties agree to work together to ensure consistency and alignment with existing reporting

frameworks to ensure reporting can also inform other relevant State and national reporting obligations on threatened species and ecological communities.

Industry development

Recommendation 12

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

Joint Government Response

The Parties agree to this recommendation.

Recognising that VicForests is responsible for regeneration following timber harvesting, Victoria will work with VicForests to explore options for preparing short-form material to improve public communication of regeneration success and the status of planned regeneration in individual coupes.

Research

Recommendation 13

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

Joint Government Response

The Parties agree to this recommendation.

The Parties recognise that continuing research can contribute to improved outcomes with respect to adaptive management and continual improvement in forest management and in the management of Matters of National Environmental Significance, as well as in social impacts and benefits, and industry development.

The Parties note that research priorities will change and evolve through time as new information is generated, as circumstances change, and as new issues present.

The Parties will determine the appropriate process to identify and report on priority research themes as part of the modernisation process for the RFAs.

The Parties agree, wherever practical, to make research reports relevant to this Agreement publicly available.

Data agreement

Recommendation 14

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

Joint Government Response

The Parties agree to this recommendation.

The Parties will seek to amend the RFAs as part of the RFAs modernisation process.

The Parties commit to a policy of open access to information and agree that all data held by each of them that is used for ongoing implementation and monitoring of this Agreement is published under the least restrictive AusGOAL endorsed licences (including Creative Commons) unless otherwise agreed, or where data is confidential or otherwise restricted.

Documents cited in this report

DELWP (2017). *Report on Progress with Implementation of the Victorian RFAs Period 3: 2009-2014*. Department of Environment, Land, Water and Planning, East Melbourne

Wilkinson, G. (2018). *Independent Review of the 'Report on Progress with Implementation of the Victorian Regional Forest Agreements (RFAs): Period 3 – 2009-2014' A report to the Commonwealth of Australia and the State of Victoria, to be tabled in the Australian Parliament in accordance with the Scoping Agreement for the third five-yearly review of the Victorian Regional Forest Agreements*. Graham Wilkinson, Independent Reviewer February 2018.