

New South Wales Regional Forest Agreements

**First Review
of
Progress with Implementation of the
New South Wales Regional Forest Agreements**

Scoping Agreement

between

**The Commonwealth of Australia
&
The State of New South Wales**

February 2008

Contents

1. Preamble	2
2. Background	2
3. The RFA Requirements for Five Year Reviews	3
4. Principles for Conduct of the Review	3
5. Limitations of the review	4
6. Items for the Review	4
7. Linkages to other Processes	4
8. Roles and Responsibilities	5
9. The Review Process (including time frame)	6
10. Financial Issues	7
Signing page	8
Attachment 1: Items for the Review	9
A. Eden RFA Milestones	
B. North East RFA Milestones	
C. Southern RFA Milestones	
Attachment 2: Terms of Reference for the Independent Assessor	20

1 Preamble

This Scoping Agreement is to record the arrangements agreed by the New South Wales and Commonwealth Governments (the Parties) to undertake the first review of performance against the agreed milestones and commitments of the three New South Wales Regional Forest Agreements (RFAs) in accordance with the provisions of Clauses 38-41 of the Eden RFA, Clauses 40-43 of the North East NSW RFA and Clauses 38-41 of the Southern RFA.

The provisions of this Scoping Agreement are not intended to give rise to legally enforceable rights or obligations between the Parties.

The Parties recognise that this Scoping Agreement cannot impose on a party any obligation that is inconsistent with a law of New South Wales or the Commonwealth of Australia where that law is binding on that party.

2 Background

The State of New South Wales and the Commonwealth of Australia made the RFAs as follows:

Regional Forest Agreement	Date of making	Date of expiry
Eden	26 August 1999	26 August 2019
North East New South Wales	31 March 2000	31 March 2020
Southern New South Wales	27 April 2001	27 April 2021

The RFAs:

- (a) identify areas in the region or regions that the Parties believe are required for the purposes of a Comprehensive, Adequate and Representative Reserve System, and provides for the conservation of those areas; and
- (b) provide for the ecologically sustainable management and use of forested areas in the regions; and
- (c) are for the purpose of providing long-term stability of forests and forest industries; and
- (d) have regard to studies and projects carried out in relation to all of the following matters that are relevant to the regions:
 - (i) environmental values, including Old Growth, Wilderness, endangered species, National Estate Values and World Heritage Values;
 - (ii) Indigenous heritage values;
 - (iii) economic values of forested areas and forest industries;
 - (iv) social values (including community needs); and
 - (v) principles of Ecologically Sustainable Forest Management.

The duration of each RFA is twenty years, which can be extended with the agreement of both Parties as part of the third five yearly review. Each RFA has a requirement for five year reviews.

The three New South Wales RFAs were developed as a result of Comprehensive Regional Assessments (CRAs) undertaken by the Commonwealth Government and the Government of New South Wales.

Each of the New South Wales RFAs includes the requirement for reporting. This occurs through:

- Annual reports for the first five years; and
- Five yearly reviews of performance against the specified milestones and commitments.

3 The RFA Requirements for Five Year Reviews

The three RFAs require that:

“Within each five year period, a review of the performance of the Agreement will be undertaken. The purpose of the five-yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:

- (a) The extent to which milestones and obligations have been met, including management of the National Estate;
- (b) The results of monitoring of Sustainability Indicators; and
- (c) Invited public comment on the performance of the Agreement.”

Additionally, parameters for the review, as specified in each RFA include:

- The mechanism for the review will be agreed by the Parties;
- The five year reviews/report on performance will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the reviews on performance;
- “The outcomes of the review will be made public”;
- “...the review will be completed within three months”;
- Outcomes of the five-yearly review of performance against milestones and commitments will be tabled in Federal Parliament.

4 Principles for Conduct of the Review

The purpose of this review is to assess and report on progress achieved since the RFAs were signed with implementation of the milestones and commitments specified in each RFA and it will not open up the Agreement to re-negotiation.

In undertaking the review the Parties agree that they are jointly responsible for the review and agree to undertake such measures as are necessary to ensure effective coordination and communication within and between both Parties to enable the conclusion of the review.

The review will avoid duplication of process and take into account and utilise other State and National forest processes and reporting requirements.

The Parties recognise their responsibility to account for the management of New South Wales' forests under the RFAs. Therefore the conduct of the review is to be undertaken in a manner that:

- is open, transparent and equitable;
- is consistent with other forest management and reporting requirements; and
- is reliant on objective, documented information on milestone progress as required by the RFA.

5 Limitations of the Review

The review of the NSW Regional Forest Agreements will not lead to re-negotiation of the scope of the agreements. The review will concentrate on the progress achieved against the milestones listed in RFA documents for the first five years. Both Parties may agree to some minor modifications to incorporate the results of the review.

6 Items for the Review

The milestones in the RFAs subject of this review are those milestones specified in Attachment 4 of the Eden RFA and Attachment 5 of the other RFAs (Attachment 1). The review will cover progress of the milestones for the first five years of each RFA including the years August 1999 – August 2004 for the Eden RFA, March 2000 – March 2005 for the North East RFA and April 2001 – April 2006 for the Southern RFA.

Consideration will be given to updating the RFAs in matters of fact (e.g. agency names, any changes made to requirements in legislation such as recovery plans or National Estate).

7 Linkages to other Processes

There are a number of processes producing complementary information aimed at reporting on sustainable management of forest ecosystems. These include the reporting against Montreal Process Criteria and Indicators including Australian State of the Forests reporting, Australian and New South Wales

State of the Environment reporting, and NSW reports such as DECC's State of the Parks Report and Forest NSW's Social, Environmental and Economic Report.

In a separate process New South Wales will also review the NSW Forest Agreements and Integrated Forestry Operations Approvals as required by the *Forestry and National Park Estate Act 1998* (NSW). The review of Forest Agreement/Integrated Forestry Operations Approvals will include consideration of the ecologically sustainable forest management (ESFM) criteria and indicators specified in each NSW Forest Agreement, being identical to the sustainability indicators referred to in the RFAs.

In addition, the Commonwealth Government, as a signatory to the Montreal Process, is obligated to report under the Montreal Process by December 2008.

Both Parties will use their best endeavours to collect and store information in a form which is readily transferable to and from other reporting mechanisms.

The approach for the RFA review in this Scoping Agreement is consistent with arrangements for RFA reviews in other States.

8 Roles and Responsibilities

Review Committee

Facilitation of the review will be by a joint New South Wales and Commonwealth Government Review Committee.

The Review Committee will have primary responsibility for developing elements of the review as outlined in the next section of this Agreement, including, where appropriate, reports for the consideration and/or approval of Ministers and determination of the work by the Independent Assessor. The Committee will be comprised of both Commonwealth and State agencies involved in the implementation of the RFAs such as Commonwealth Department of Agriculture, Fisheries and Forestry and NSW Department of Environment and Climate Change and Department of Primary Industries.

The Committee will be jointly chaired by Commonwealth Department of Agriculture, Fisheries and Forestry – Forest Industries Branch and NSW Department of Environment and Climate Change – Resource and Conservation Unit.

The Review Committee will be responsible for:

- Day to day implementation of this Scoping Agreement;
- Developing procedures for the operation of the Review Committee;
- Preparation of a *Draft Report on Progress with Implementation of the New South Wales RFAs*;

- Preparation of a report titled *Final Report on Progress with Implementation of the New South Wales RFAs*; and
- Preparation of Governments' response to the Review.

Independent Assessor

An independent assessor with expertise and knowledge of the New South Wales RFAs and sustainable natural resource management will review the Review Committee's draft report and public comments to compile a final report to Governments. The assessor will be selected based on jointly developed criteria. Terms of Reference for the Independent Assessor are contained in Attachment 2.

Ministerial

The parties to this Scoping Agreement are represented by:

New South Wales

The Hon Verity Firth MP
Minister for Climate Change, Environment and Water

Commonwealth

The Hon Tony Burke MP
Minister for Agriculture, Fisheries and Forestry

The Ministers will receive the reports, decide on publication and decide on a response to the Review findings.

9 The Review Process (including time frames)

The following time frame for the Review is proposed:

Phase 1 – Review including preparation of a draft review report

- five months after signing of the Scoping Agreement:
 - *A Draft Report on Progress with Implementation of the New South Wales RFAs*. The content of this report will include:
 - background information on the agreement and its milestones;
 - consideration of milestone progress;
 - proposed outcomes from the review; and
 - the results of monitoring of Sustainability Indicators.
 - Determine selection criteria for the Independent Assessor and choose a candidate.

Phase 2 – Two-month Public Consultation/Comment on draft review report

- seven months after signing of the Scoping Agreement:
 - Public consultation or comment will be sought for the *Draft Report on Progress with Implementation of the New South Wales RFAs*.

Phase 3 – Consideration of submissions, Assessment by Independent Assessor and release of second report on the review

- 10 months after signing of the Scoping Agreement:
 - Consideration of public submissions including a response to the comments.
 - The *Draft Report on Progress with Implementation of the New South Wales RFAs* and comments from the public consultation process and a response to these comments will be reviewed by the Independent Assessor.
 - A report prepared by the Independent Assessor.
- 11 months after signing of the Scoping Agreement:
 - *Final Report on Progress with Implementation of the New South Wales RFAs* and it is presented to both Governments. This report provides the outcomes of the review and will include:
 - a description of the process by which public submissions were considered and what additional information was used;
 - details from the report of the Independent Assessor; and
 - further work that is required (such as the completion of incomplete milestones) and any recommended amendments to the agreements.

The *Final Report on Progress with Implementation of the New South Wales RFAs* will be tabled in Commonwealth Parliament as required by the *Regional Forest Agreements Act 2002*.

Phase 4 – Public Reporting and Governments Response

- 12 months after signing of the Scoping Agreement:
 - Governments' response to the Review findings published.

10 Financial Issues

The State and the Commonwealth are to be responsible for all their own internal costs associated with the implementation of this Scoping Agreement.

The parties will share evenly the agreed additional costs involved with the:

- public consultation process;
- preparation and publication aspects of all reports and documents involved in the consultation processes in the review (including public consultation and Independent Assessor processes); and
- work of the Independent Assessor.

Signing page

IN WITNESS WHEREOF this Agreement has been signed for and on behalf of the Parties on the

12th day of June in the year 2008

Signed for and on behalf of the **Commonwealth of Australia** by the Hon Tony Burke MP, Minister for Agriculture Fisheries and Forestry or an authorised delegate

[signed]

[signed]

Signature of witness

Signature of representative

ANN-MARIE WILCOCK

TONY BURKE

Name of witness (print)

Name of representative (print)

Signed for and on behalf of the **New South Wales Government** by the Hon Verity Firth MP, Minister for Climate Change, Environment and Water

[signed]

[signed]

Signature of witness

Signature of representative

RACHEL CREWE

VERITY FIRTH

Name of witness (print)

Name of representative (print)

Attachment 1: Items for the Review

A. EDEN RFA MILESTONES

Clause	Action	Timeline
6	The Parties to determine the process for extending the Agreement for a further period	As part of the third five-yearly review
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.
37	Parties to report annually on the achievement of milestones in this Agreement	Annually for the first five years
40	The Parties to determine the mechanism for the five-year review	Before the end of the five-year review period
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
46(c)	New South Wales to complete and publish a Regional ESFM Plan for State forests	By 1 April 2000
46(d)	New South Wales to implement the Forest Management Zoning system for the Eden region	By 1 October 1999
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.
46(g)	New South Wales to grant an Integrated Forestry Operations Approval covering the Eden region.	Within three months of signing
46(h)	New South Wales to develop and implement environmental management systems	Within five years of signing
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 <i>Eden Region Forest Agreement</i> , and to furnish a copy to the Commonwealth	Annually from 1999
52(d)	Both Parties to further develop, review, and if necessary revise Sustainability Indicators	In time for the first 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

Clause	Action	Timeline
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
87	New South Wales to establish a Research Liaison Committee and publish a list of research priorities	Within 12 months of signing
89	New South Wales to prepare a Compendium of New South Wales Forest Research	By the first five-yearly review
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
Att 1 Point 4	New South Wales to prepare plans of management for Crown Reserves	By 1 January 2002
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
Att 2 Table 1	New South Wales to develop Recovery Plans for species listed in Table 1	Within five years of signing
Att 3 Point 8	Both Parties to finalise Statewide Guidelines for the Management of Cultural Heritage Values and Places	End of 1999
Att 5 Point 1(p)	New South Wales to publish a State of Parks report	By April 2000
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
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
Att 5 Point 2(d)	New South Wales to publish the results from the Yambulla and Tantawangalo Research Catchments	By the year 2000
Att 5 Point 2(e)	New South Wales to publish the results from the Eden Burning Study	By the first five-yearly review
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
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
Att 5	New South Wales to publish a description of the	By the first five-

Clause	Action	Timeline
Point 2(h)	methods and results of calculating Sustainable Yield on Public Land.	yearly review
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
Att 5 Point 2(i)	New South Wales to table in each House of Parliament an annual report on the New South Wales <i>Eden 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 region	Annually from 1999
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
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
Att 7 Point 13	New South Wales to undertake audits as described above.	By the first and subsequent five-yearly reviews of the Agreement
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
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 reviews.
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

B. NORTH EAST RFA MILESTONES

Clause	Action	Timeline
6	The Parties to determine the process for extending the Agreement for a further period.	As part of the third five-yearly review
33	Commonwealth to use its best endeavours to secure the enactment of legislation which amends <i>the Environmental Protection and Biodiversity Conservation Act 1999</i> (Cwlth)	By 30 June 2000
39	Parties to report annually on the achievement of milestones in this Agreement.	Annually for the first five years
42	The Parties to determine the mechanism for the five-year review.	Before the end of the five-year review period
43	Commonwealth will table the signed RFA in the Commonwealth Parliament.	Following Signature
43	Commonwealth will table in the Commonwealth Parliament the annual reports of achievement of milestones for the first four years.	Annually
43	Commonwealth will table in the Commonwealth Parliament the first five yearly review on performance against milestones and commitments.	Following first five yearly review
48(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 1 January 2005
48(d)	New South Wales to complete and publish Regional ESFM Plans for State forests.	By 30 June 2000
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
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.
48(h)	New South Wales to develop and implement environmental management systems.	Within five years of signing

Clause	Action	Timeline
51	NSW to report on compliance of the <i>Integrated Forestry Operations Approval for the Upper North East Region</i> and the <i>Integrated Forestry Operations Approval Lower North East Region</i> and furnish the Commonwealth with a copy of these reports.	Annually
53(d)	Both Parties to further develop, review, and if necessary revise Sustainability Indicators.	In time for the first five-yearly review
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
58	NSW to complete Code of Practice for Plantations on Private Land.	31 December 2000
81	NSW to review FRAMES and Wood supply.	By 1 December 2006
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
100	New South Wales to establish a Research Liaison Committee and publish a list of research priorities.	By August 2000
102	New South Wales to prepare a Compendium of New South Wales Forest Research.	By the first five-yearly review
105	New South Wales and the Commonwealth to lodge archival copies of Data.	Within six months of signing
Att 1A & Att 1 B Point 4	NSW to prepare Plans of Management for Crown Reserves.	By 1 January 2005
Att 1 A Point 5	NSW will finalise boundaries of CAR reserve to enable implementation.	Within six months of signing
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
Att 3 point 4	NSW will complete the Threat Abatement Plan for the European Red Fox.	By July 2000
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
Att 6 1(p)	New South Wales to publish a State of Parks report.	By April 2001

Clause	Action	Timeline
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
Att 6 point 2(c)	New South Wales to publish the <i>Native Forest Silviculture Manual</i> (SFNSW).	By 31 December 2000
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
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
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
Att 6 point 2(f)	New South Wales to table in each House of Parliament an annual report on the New South Wales <i>Upper North East Region Forest Agreement</i> and <i>Lower North East 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
Att 8 1(a)	NSW NPWS will develop and Environmental Management System for lands dedicated under the NPWS Act 1974.	By April 2004
Att 8 1(b)	SFNSW develop a native Forest Management System as an Environmental Management System.	By April 2001
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
Att 8 1(m)	New South Wales to incorporate within the Regional ESFM Plans and Plans of Management under the NPWS Act 1974 integrated feral animal and weed control programs.	By the first five-year review.
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

Clause	Action	Timeline
Att 8 1(n)	New South Wales to undertake audits as described above.	By the first and subsequent five-yearly reviews of the Agreement
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
Att 8 1(q)	NSW will develop a model to predict recruitment and maintenance of habitat trees over time.	By the end of 2010.
Att 8	NSW will publish the <i>Native Forest Silviculture Manual</i> (SFNSW).	By 31 December 2000
Att 12 Part B 15	SFNSW will complete the enhancement of FRAMES, commission and publish an independent review of the enhanced system and review the timber and annual volume to be harvested from 2007 – 2018.	By 1 December 2006.
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
Att 12 Part C 19	Subject to availability of suitable land NSW will establish at least 10,000ha of hardwood Plantations.	By the end 2004
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.
Att 12 Part E 22 Dot 4	Report on the annual production of all timber products.	Annually
Att 12 Part E 22 Dot 6	Monitor FRAMES through comparison of Actual versus predicted volumes.	Annually
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 2 nd and 3 rd five-yearly reviews.

C. SOUTHERN RFA MILESTONES

clause	Action	Timeline
6	The Parties to determine the process for extending the Agreement for a further period.	As part of the third five-yearly review
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
37	Parties to report annually on the achievement of milestones in this Agreement.	Annually for the first five years
40	The Parties to determine the mechanism for the five-year review.	Before the end of the five-year review period
41	Commonwealth will table the signed RFA in the Commonwealth Parliament.	Following signature
41	Commonwealth will table in the Commonwealth Parliament the annual reports of achievement of milestones for the first four years.	Annually
41	Commonwealth will table in the Commonwealth Parliament the first five yearly review on performance against milestones and commitments.	Following first five yearly review
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
47(d)	New South Wales to complete and publish Regional ESFM Plans for State forests.	By 31 December 2001
47(e)	New South Wales to implement the Forest Management Zoning system for the Southern region.	By 31 December 2001
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.
47(h)	New South Wales to develop and implement environmental management systems.	By 30 April 2004
50	NSW to report on compliance of the Integrated Forestry Operations Approval applying to the	Annually

clause	Action	Timeline
	Southern region and furnish the Commonwealth with a copy of these reports.	
52(d)	Both Parties to further develop, review, and if necessary revise Sustainability Indicators.	In time for the first 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
57	NSW to complete Code of Practice for Plantations on Private Land.	By 30 June 2001
98	New South Wales to establish a Research Liaison Committee and publish a list of research priorities.	By 30 September 2001
100	New South Wales to prepare a Compendium of New South Wales Forest Research.	By the first five-yearly review
103	New South Wales and the Commonwealth to lodge archival copies of data.	By 30 June 2001
Att 1 Point 4	NSW to prepare Plans of Management for Crown Reserves.	By 31 January 2006
Att 1 Point 5	NSW will finalise boundaries of CAR reserve with the exception of the Forest Management Zoning System.	By 30 June 2001
Att 1 Point 5	NSW will finalise the Forest Management Zoning System.	By 31 December 2001
Att 1 Point 8	New South Wales to establish all Dedicated Reserve components of the CAR Reserve System.	By 30 June 2001
Att 1 Point 8	New South Wales to establish all Informal Reserve components of the CAR Reserve System.	By 31 December 2001
Att 3 point 4	NSW will complete the Threat Abatement Plan for the European Red Fox.	By 31 December 2001
Att 3 Table 1	New South Wales to develop Recovery Plans for species listed in Table 1.	Within five years of signing
Att 4 point 14	NSW will identify and assess cultural heritage values in areas excluded from CRA assessments.	By 31 December 2001
Att 6 Point 1(o)	New South Wales to publish a State of Parks report.	By 31 August 2001
Att 6 Point 2(b)	NSW will publish Eco Field Guides for Southern region.	By 31 December 2001

clause	Action	Timeline
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
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
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
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
Att 6 Point 2(f)	NSW will produce annual reports of progress for meeting targets in regional ESFM plans.	Annually
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
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
Att 8 Point 2(b)	NSW NPWS will develop an Environmental Management System for lands dedicated under the NPWS Act 1974.	By 30 April 2004
Att 8 Point 2(c)	SFNSW develop a native Forest Management System as an Environmental Management System.	By 30 April 2001
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 <i>National Parks and Wildlife Act 1974</i> (NSW).	By the first five-yearly review
Att 8 Point 2(m)	New South Wales to incorporate within the Regional ESFM Plans and Plans of Management under the NPWS Act 1974 integrated feral animal and weed control programs.	By the first five-yearly review.
Att 8	New South Wales to establish a process, including	By 31

clause	Action	Timeline
Point 2	public reporting, for regular audits of compliance and reviews of Codes of Practice, Eco-Field Guides and Regional Prescriptions.	December 2002
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
Att 8 Point 5	SFNSW will publish all FRAMES CRA reports for the Southern region.	By 30 September 2001
Att 8 Point 6(b)	NSW will develop a model to predict recruitment and maintenance of habitat trees.	By end 2010
Att 8 Point 6(d)	Report production of all timber products.	Annually
Att 8 Point 6(e)	Undertake additional FRAMES plot inventory measurements.	By the first five yearly review.
Att 8 Point 6(f)	Monitor FRAMES performance through comparison of actual versus predicted volumes.	Annually
Att 8 Point 7	NSW will establish and implement an ongoing FRAMES development program.	By 1 December 2006
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
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

Attachment 2: Terms of Reference for the Independent Assessor

Background

The Regional Forest Agreements (RFAs) identify areas in the region or regions that the Parties believe are required for the purposes of a Comprehensive, Adequate and Representative Reserve System, and provide for the conservation of those areas; and provide for the ecologically sustainable management and use of forested areas in the regions; and provide long-term stability of forests and forest industries; and had regard to studies and projects carried out in the Comprehensive Regional Assessment in relation to all of the following matters that are relevant to the regions:

- (i) environmental values, including old growth, wilderness, endangered species, national estate values and world heritage values;
- (ii) Indigenous heritage values;
- (iii) economic values of forested areas and forest industries;
- (iv) social values (including community needs); and
- (v) principles of Ecologically Sustainable Forest Management.

The State of New South Wales and the Commonwealth of Australia made the Regional Forest Agreements (RFAs) as follows:

Regional Forest Agreement	Date of making	Date of expiry
Eden	26 August 1999	26 August 2019
North East New South Wales	31 March 2000	31 March 2020
Southern New South Wales	27 April 2001	27 April 2021

Reporting requirements under the New South Wales RFAs include five yearly reviews (Clause 38 of Eden and Southern RFAs and Clause 40 of North East RFA). Clause 38 of Eden and Southern RFAs and Clause 40 of the North East RFA specify that:

“Within each five year period, a review of the performance of the Agreement will be undertaken. The purpose of the five-yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:

- (a) The extent to which milestones and obligations have been met, including management of the National Estate;
- (b) The results of monitoring of Sustainability Indicators; and
- (c) Invited public comment on the performance of the Agreement.”

Instead of reviewing implementation of each RFA separately it has been agreed to review the three RFAs together.

The RFAs also state that while the review process will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the review.

The milestones in the RFAs subject of this review are those milestones specified in Attachment 4 of the Eden RFA and Attachment 5 of the other RFAs (Attachment 1). Consideration will be given to updating the RFAs in matters of fact (e.g. agency names, any changes made to requirements in legislation such as recovery plans or National Estate provisions).

The report on progress against milestones (titled *Draft Report on Progress with Implementation of the New South Wales RFAs*) will be prepared by the Review Committee. This report, comments received during public consultation, and the Committee's response to these comments will be reviewed by an Independent Assessor and will lead to a report to Governments.

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*.

The Assessor will be engaged on an hourly contract basis, with the bulk of the work to occur between early September and October 2008, and it is anticipated that the task will require between 30-50 hours in this period.