

**JOINT AUSTRALIAN AND WESTERN
AUSTRALIAN GOVERNMENT RESPONSE TO
THE REVIEW OF THE IMPLEMENTATION
OF THE REGIONAL FOREST AGREEMENT
FOR THE SOUTH-WEST FOREST REGION
OF WESTERN AUSTRALIA FOR THE
PERIOD 1999 – 2009
NOVEMBER - 2014**

Preface

The Commonwealth of Australia and the State of Western Australia (the Parties) entered into a Regional Forest Agreement (RFA) by the signing of *The Regional Forest Agreement for the South-West Forest Region of Western Australia* (Western Australian RFA) on 9 May 1999.

The RFAs are twenty-year agreements that aim to balance the social, environmental and economic values of key forest areas in each Australian state. The Western Australian RFA was developed as part of a series of RFAs between the Commonwealth Government and the Governments of New South Wales, Tasmania, Victoria and Western Australia in the late 1990s and early 2000s. While all the RFAs have their own unique elements, they have all been drawn up in support of the *National Forest Policy Statement* (1992).

The Western Australian RFA establishes a bilateral framework for the sustainable management of the public multiple-use forests and conservation reserves within the State's south-west region and provides the framework to allow wood processing industries to develop a long term sustainable native forest based timber and wood products industry.

The Parties remain committed to ensuring that the Western Australian RFA is durable and that the milestones, obligations and commitments that it contains are delivered to ensure effective conservation of areas in the comprehensive, adequate and representative reserve system, ecologically sustainable forest management and long-term forest industry outcomes.

The Western Australian RFA requires five-yearly reviews of the performance of the RFA during its 20-year duration.

The purpose of the first and second five-yearly reviews was to assess and report on progress with the implementation of specified milestones and commitments specified in the Western Australian RFA, and included:

- the extent to which milestones and obligations have been met, including the management of the National Estate
- the results of monitoring of sustainability indicators
- inviting public comment
- independent review of the progress report and public submissions
- preparation of the joint Government response to the recommendations from the independent review.

A Report on Progress with the Implementation of the Regional Forest Agreements for the South-West Forest Region of Western Australia (Report on Progress) was made publicly available by the Parties in July 2013¹. This Report on Progress covered the first and second five-yearly reporting periods from the date the Western Australian RFA was signed in May 1999, that is the first period from May 1999 to June 2004 and the second period from July 2004 to June 2009.

On 29 July 2013, the Report on Progress was released for public comment over an eight week period, closing 23 September 2013. Release of the Report of Progress was supported by:

- a public notice, sponsored by the Parties, in the State-wide newspaper The West Australian and the following regional media Albany Advertiser, Augusta Margaret River Times, Bunbury South Western Times, Hills Gazette, Manjimup Bridgetown Times, and the Koori Mail between 31 July to 16 August 2013 (Annex A)
- a letter to key stakeholders to inform them of the release for comment of the Report of Progress, where a selection of stakeholders received a copy of the Report on Progress
- the Report on Progress published to the Department of Parks and Wildlife website.

Public submissions on the Report on Progress were directed to the Department of Parks and Wildlife and 12 submissions² were received for consideration by the Independent Reviewer.

Subsequently, the Parties contracted the services of an Independent Reviewer, Dr Glen Kile, with experience in RFA implementation, to undertake an analysis of the Report on Progress and all public submissions received during the public comment period and provide a review report to the Parties. The Independent Reviewer also met with the Parties seeking clarification on issues documented in the Report on Progress and comments from stakeholders in the public submissions.

¹ The Report on Progress is available at: www.daff.gov.au/forestry/policies/rfa/regions/wa/rfa or www.dpaw.wa.gov.au/management/forests/managing-our-forests/74-wa-regional-forest-agreement-progress-report.

² Submissions are made publicly available at: www.agriculture.gov.au/forestry/policies/rfa/regions/wa/rfa

The Independent Reviewer provided the following comments on the public comment process:

“The submissions varied greatly in depth and coverage of issues but key matters included the following:

- *timeliness of RFA reviews*
- *questioned the interpretation of the Parties’ position in achieving some milestones and commitments relating to the RFA industry clauses*
- *impact of forest reservation beyond that agreed in the original RFA, particularly on wood supply and consequential impact on industry and timber dependent communities*
- *monitoring and compliance with the FMP 2004-2013, a key mechanism for implementation of several areas of the RFA.”*

and

“The reason for the small number of submissions is unclear but could be related to:

- *A stakeholder view that the FMP is the major forest policy and management instrument for Western Australia and is the mechanism for implementing many aspects of the RFA. The development of the FMP 2014-2023 has involved a significant public and intergovernmental consultation process in recent times*
- *Reduced interest due to the lateness of the review and that it only covers Periods 1 and 2 of the RFA i.e. from 1999 to 2009 and not to current year and hence is historical in context.”*

The report, Review of the Implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia for the Period 1999 - 2009 prepared by the Independent Reviewer, was provided to the Parties on 9 January 2014. The Independent Reviewer’s Report was accepted on behalf of the Parties by Senator the Hon. Richard Colbeck, Australian Government Parliamentary Secretary to the Minister for Agriculture and the Hon Albert Jacob MLA, Western Australian Government Minister for the Environment. This report was tabled in the House of Representatives and the Senate of the Australian Parliament on 18 March 2014 and was made publicly available on 21 March 2014.

³ The report is available at: www.agriculture.gov.au/forestry/policies/rfa/regions/wa/rfa or www.dpaw.wa.gov.au/management/forests/managing-our-forests/74-wa-regional-forest-agreement-progress-report.

The Independent Reviewer's report identified 13 recommendations. Having carefully considered the Independent Reviewer's report, this document is the Joint Australian and Western Australian Government Response to the Independent Reviewer's recommendations. This Joint Government Response by the Parties to the Independent Reviewer's Report outlines the agreed details and proposed actions to each of the Independent Reviewer's recommendations.

With the publication of this Joint Australian and Western Australian Government Response to the Independent Reviewer's Report, the process as agreed in the May 2013 Scoping Agreement for the joint first and second five-yearly reviews of the Western Australian RFA is concluded.

Going forward

The Parties will continue to collaborate on implementing the recommendations, where possible, during the period leading up to the third five-yearly review. The next review is expected to commence in early 2015 and will include a report on the progress to implement the Independent Reviewer's recommendations.

The Parties reconfirm their commitment to continuously improve on the delivery of ecologically sustainable forest management as envisaged by the National Forest Policy Statement and the RFAs. The commitments in this Joint Government Response aim to ensure that Western Australia's forest management system for public forests is responsive to new information and community expectations.

The Parties remain committed to the Western Australian RFA as an appropriate mechanism for effective environmental protection and conservation, forest management and forest industry practices in the region covered by the RFA.

The Australian Government supports long-term Regional Forest Agreements and a 20-year rolling life for each RFA and will work cooperatively with the Western Australian Government to ensure that the process to extend the Western Australian RFA will provide resource security and a stable investment environment for the forest industry while streamlining administrative arrangements.

The Western Australian Government similarly acknowledges the importance of the Western Australian RFA, in that it provides a durable and long-term framework for managing the State's south-west forest region. Western Australia supports the Australian Government in working towards extending the life of the Western

Australian RFA as the RFA delivers effective conservation, forest management and forest-based industry outcomes.

Response to Independent Reviewer's recommendations

Reviewer's Recommendation 1

The Parties clarify some matters in *A Report on Progress with the Implementation of the Regional Forest Agreement for the South-West Region of Western Australia* in a revised published (online) version.

Joint Government Response

The Parties agree to address and clarify certain factual information raised by stakeholders in submissions during the public comment period on *A Report on Progress with the Implementation of the Regional Forest Agreement for the South-West Region of Western Australia*.

The Parties have addressed this recommendation, attached as an addendum to this Joint Government Response at **Annex B**.

Reviewer's Recommendation 2

The Parties develop an agreed statement or addendum of the legislative and administrative changes at Commonwealth and State level that affect the Regional Forest Agreement.

Joint Government Response

The Parties agree to outline the legislative and administrative changes made by the Australian and Western Australian Governments that affect The Regional Forest Agreement for the South-West Forest Region of Western Australia.

The Parties have addressed this recommendation, attached as an addendum to this Joint Government Response at **Annex C**.

Annex C provides an overview of the changes in legislation (Acts and Regulations) made by the Australian and Western Australian Governments since the signing of the Western Australian RFA in May 1999 up to 2014. This annex also lists the key administrative changes to the primary and supporting departments or agencies which oversee the Western Australian RFA and the Western Australian Government policies which support ecologically sustainable forest management within the Western Australian RFA area.

Reviewer's Recommendation 3

The Parties recommit to timely and regular reviews of the implementation of the Regional Forest Agreement recognising the scope of reviews will change as the RFA is progressively implemented.

Joint Government Response

The Parties support the intent of this recommendation in terms of the next five-yearly review of the Western Australian RFA.

The Parties appreciate that the next five-yearly review of the Western Australian RFA needs to be completed in a timely manner to ensure public confidence in the management of the State's public forests and the transparency of the review process.

The Parties commit to undertaking the next five-yearly review and expect it to commence in early 2015.

Reviewer's Recommendation 4

The Government of Western Australia agrees on the mechanism to achieve external input into Research and Development (R&D) priorities and opportunities to expand cooperative research programmes.

Joint Government Response

The Parties agree that external input into research and development priorities and opportunities provides for the views of academics and the wider community to be considered and, as appropriate, incorporated into forest management.

The State will continue to seek opportunities for external input into research and development. Western Australia has an existing mechanism in place that provides a mechanism to take into account input from external parties.

The *Forest Management Plan 2014-2023*⁴ lists the following management activities which assist in setting the research direction for forest management in the Western Australian RFA area. The Department of Parks and Wildlife has responsibility for:

126 *The Department and other proponents where required by the Department, will:*

126.1 *seek to address knowledge gaps, including through relevant 'benchmarking' activities and research programs, as appropriate*

126.2 *work collaboratively with other agencies and institutions on matters of mutual interest*

126.4 *conduct adaptive management projects in a manner that has regard to an adaptive management policy, to be prepared by the Department.*

128 *The Conservation Commission and the Department will:*

128.1 *evaluate the results from research, monitoring, audits and adaptive management projects to determine whether the plan, or guidelines and policies referred to in the plan, should be amended.*

The Forest Products Commission (FPC), through cooperative arrangements with industry, universities, government agencies and other research providers coordinates the research requirements for industry development. This provides for

⁴ <http://www.dpaw.wa.gov.au/management/forests/managing-our-forests/161-a-plan-for-managing-our-state-s-south-west-forests>

a high level of external input and ensures a high degree of collaboration with industry participants.

FPC is a member of Forest and Wood Products Australia (FWPA). FWPA provide research and development services for the forest and wood products industry across Australia. FWPAs research priorities are developed based on industry and research community input.

In line with its science policy guidelines⁵, relevant research within the Department of Parks and Wildlife is coordinated and integrated with related activities undertaken by relevant agencies/research entities.

⁵ http://www.dpaw.wa.gov.au/images/documents/about/policy/Science_Policy_Guidelines_1-6.pdf

Reviewer's Recommendation 5

The Government of Western Australia continues to periodically review the sustained yield in relation to the changing biotic and abiotic risk factors.

Joint Government Response

The Parties agree that sustained yield from the multiple-use native forests in the Western Australian RFA area require a periodic review to provide confidence to all stakeholders on the reliability of the volumes allocated to wood processing industries.

The Parties commit to continued periodic reviews of the sustained yield, taking into account changing biotic and abiotic risk factors, through the preparation of Forest Management Plans as required every 10 years by the *Conservation and Land Management Act 1984* (CALM Act).

The Chair of the Conservation Commission of Western Australia in his introduction to the *Forest Management Plan 2014-2023*, addressed changing climate and sustained yield stating:

"... In this context, the sustained yield modelling undertaken for this plan and reviewed by a panel of independent experts has incorporated the latest climate projections (CSIRO, 2007). In addition a 'safety margin' has been applied to account for various risks, to determine the allowable levels of timber harvesting. ..."

The review of sustained yield undertaken for the Forest Management Plan 2014-2023 and the Department of Parks and Wildlife response to the review's recommendations was published on the Department's website⁶.

⁶ <http://www.dpaw.wa.gov.au/management/forests/managing-our-forests/59-preparing-the-forest-management-plan-2014-2023>

Reviewer's Recommendation 6

The Parties review the indicators used for Ecologically Sustainable Forest Management assessment in the Forest Management Plan 2014-2023 as part of the next 5-yearly Regional Forest Agreement to ensure they adequately address each of the Montreal Criteria.

Joint Government Response

The Parties agree to consider the indicators used for ecologically sustainable forest management in the *Forest Management Plan 2014-2023*, against the suite of criteria and indicators adopted by Australia under the Montreal Process and committed to in the Western Australian RFA.

This review will be carried out in the lead up to the next five-yearly review of the Western Australian RFA and will assist in informing the Parties on the extent to which the indicators used in the *Forest Management Plan 2014-2023* and those identified in the Western Australian RFA correspond.

It is acknowledged that the *Forest Management Plan 2014-2023* key performance indicators do not address all of the 44 national indicators committed to in the Western Australian RFA. The national level indicators used in the Western Australian RFA include some indicators that rely on information from Australian Government agencies. However, Western Australia reports on a number of these indicators every five years through Australia's State of the Forest reporting. *Australia's State of the Forest Report 2013* was released in March 2014⁷.

Any State level indicator must be practical, measurable, cost effective and capable of being implemented at a regional level.

⁷ <http://www.agriculture.gov.au/ABARES/forestsaustralia/Pages/SOFR/sofr-2013.aspx>

Reviewer's Recommendation 7

The Parties assess the adequacy of the compliance provisions related to the Forest Management Plan 2014-2023 as part of the next 5-yearly Regional Forest Agreement review.

Joint Government Response

The Parties submit that the intent of this recommendation is met through the legislative requirement to prepare a forest management plan in accordance with the CALM Act and related subsidiary documents and associated compliance requirements of the plan⁸.

The Parties support reporting on the implementation of forest management compliance using the key performance indicators outlined in the *Forest Management Plan 2014-2023*. This is assisted by independent performance assessments undertaken by the Conservation Commission of Western Australia.

The FPC's systems for management of its forest operations, including monitoring compliance with legislative requirements, have been recognised through achieving Environmental Management System (ISO14001:2004) and Australian Forestry Standard (AS4708—2007) certification. The Australian Forestry Standard is a recognised international standard for sustainable forest management. This certification is based on rigorous independent auditing and is recognition of FPC's ongoing commitment to ecologically sustainable forest management practices.

A key initiative of the *Forest Management Plan 2014-2023* is the preparation of a forest industry regulation policy, which has been completed by the Department of Parks and Wildlife (Policy Statement 89)⁹. As required by the *Forest Management Plan 2014-2023*, inter-agency working arrangements to clarify the statutory roles and responsibilities of the Department of Parks and Wildlife and the FPC will be prepared to improve the current arrangements.

⁸ CALM Act Section 19(g)(iii)

⁹ <http://www.dpaw.wa.gov.au/about-us/36-policies-and-legislation>

Reviewer's Recommendation 8

The Government of Western Australia considers the development of a comprehensive forest health assessment system.

Joint Government Response

The Parties agree that a comprehensive forest health assessment system, which integrates information gathered through monitoring by relevant government agencies and research organisations, would provide a valuable tool to assist in managing forest health and vitality.

Western Australia submits that native forest ecosystem health is recognised as a key issue in the *Forest Management Plan 2014-2023*.

Throughout preparation of the plan, including assessment by the Environmental Protection Authority, report on appeals by the Appeals Convenor and determination of appeals by the Minister for Environment, it was noted that management activities 23 to 35 of the *Forest Management Plan 2014-2023* provide a comprehensive approach to address key threats to the health and vitality of native forests and plantations in the plan area, with the objective of minimising the impact of weeds, animal pests and plant diseases.

The FPC actively manages softwood and hardwood plantations in line with the principles of the *Plantation Forest Biosecurity Plan* prepared under the auspices of Plant Health Australia. The plan ensures biosecurity planning and implementation at the forest management unit level. Planning identifies procedures to put into place to reduce impacts of pest incursions.

Forest health measures are also supported through relevant Commonwealth and State legislation and activities undertaken by various agencies and industry participants.

Reviewer's Recommendation 9

The Parties ensure the climatic trends evident in the Regional Forest Agreement region are considered in future forest management planning and management for forest goods and services including conservation, wood and catchment water yields.

Joint Government Response

The Parties acknowledge the need to consider and include current climate trends in future forest management planning.

The Parties propose that planning for climate trends is effectively accounted for in 10-yearly intervals with the development of a forest management plan in accordance with the CALM Act, covering publically managed south-west native forests. A forest management plan gives effect to the obligations and commitments of the Western Australian RFA.

The Parties note the following statements by the Conservation Commission of Western Australia in its preparation of the *Forest Management Plan 2014-2023*:

"...It has been particularly concerned with the vulnerability of forests to climate change in developing the plan. The potential impact of climate change on the health and productive capacity of the natural ecosystems has been central to the Conservation Commission's consideration of the elements that make up the plan. ..."

and

"... Planning for climate change has been considered in developing the range of proposed operations (management activities) outlined in the 'Biological diversity', 'Ecosystem health and vitality', 'Soil and water' and 'Productive capacity' chapters. Some socio-economic benefits may also be affected. ..."

The Parties also refer to the response provided to Recommendation 5, relating to the periodic review of the sustained yield in relation to the changing biotic and abiotic risk factors.

Reviewer's Recommendation 10

The Government of Western Australia undertakes an analysis of the adoption of research outputs into management practice as part of the process of determining future research priorities.

Joint Government Response

The Parties agree that an analysis of the adoption of research outputs into forest management practice would be beneficial.

Western Australia agrees to assess the adoption of research outputs into management practices as part of the process to determine future research priorities.

Reviewer's Recommendation 11

The Parties review policy settings that affect the utilisation of wood harvested in the Regional Forest Agreement region in light of changing economic circumstances, technology and the opportunity for climate change mitigation.

Joint Government Response

The Parties support the full and sustainable utilisation of wood products harvested from the Western Australian RFA area.

The Parties acknowledge that wood is an important renewable resource. Ecologically sustainable forest management practices contribute to carbon sequestration in the forest and carbon storage in wood and wood-based products, and through avoidance of emissions associated with use of substitutes/alternatives to wood products.

The FPC has a role in ensuring the efficient and effective utilisation of wood harvested from the Western Australian RFA region, and as a component of its overall mission of contributing to the State's economic and regional development, it will promote 'innovation in forest management and local value adding for timber resources'. This is reflected in FPC's corporate goal to 'facilitate a viable forest industry to deliver social and economic benefits to the people of Western Australia', especially by increased utilisation and potential new markets.

The Forest Management Plan 2014-2023:

- requires, FPC to prepare a timber industry development strategy to align future industry opportunities with the location and log quality mix made available under this plan, and likely future plans based on woodflow modelling
- provides for, with Ministerial approval, access to the upper allowable cut which includes full utilisation of lower value wood products.

Reviewer's Recommendation 12

The Parties review the need for updating key data sets and any steps that should be taken to ensure ongoing access to historical data sets.

Joint Government Response

The Parties agree that the data sets generated by the Comprehensive Regional Assessment of the south-west forest region, prior to signing the Western Australian RFA in May 1999, hold a large amount of complex data applicable to the RFA at that time.

The Parties agree to form a working group with representatives from relevant Australian and Western Australian government agencies that will:

- identify the key data sets applicable to the ongoing implementation of the Western Australian RFA
- identify the custodian of the key master data sets and where and in what format these key data sets should have been archived
- establish how these key data sets have been maintained and their operability since initial archiving
- identify which of the key data sets may require updating and the agency/agencies responsible for undertaking this activity.

The Parties note that essential data sets which support the *Forest Management Plan 2014-2023*, for example changes in forested tenure over time, level of reservation of native forest ecosystems, the extent of old-growth forest types, planned and unplanned fire history, silvicultural treatment of harvested areas and the calculation of sustainable yield (past wood product yields from harvested areas to verify assumptions on wood volume) are maintained by the Department of Parks and Wildlife.

The Parties agree to establish a master register of key data sets which satisfy relevant criteria in terms of ongoing implementation of the Western Australian RFA.

Reviewer's Recommendation 13

The Parties consideration of the scope of the next 5-yearly Regional Forest Agreement review should ensure the ongoing Regional Forest Agreement requirements are met in Forest Management Plan 2014-2023 particularly in relation to:

- a. Ecologically Sustainable Forest Management**
- b. protection of threatened flora and fauna, and that**
- c. the indicators of Ecologically Sustainable Forest Management are sufficiently comprehensive to cover social, economic and environmental aspects of forest management.**

Joint Government Response

The Parties support a targeted focus of the next five-yearly review which concentrates on ongoing commitments and obligations in the Western Australian RFA, including where these link to the *Forest Management Plan 2014-2023* implementation of the principles of ecologically sustainable forest management and the protection of threatened flora and fauna.

The Parties acknowledge that in line with Clause 43 of the Western Australian RFA, the commitments and obligations of the RFA will be implemented through a forest management plan. The current plan is the *Forest Management Plan 2014-2023*, which came into effect on 1 January 2014 and was prepared having regard to the principles of ecologically sustainable forest management as defined in Section 19 of the CALM Act.

The Parties agree that the intent of this recommendation will be considered in the scope of the next five-year review of the Western Australian RFA.

Annex A

Public notice for release of the Western Australian RFA Report on Progress



Government of **Western Australia**
Department of Parks and Wildlife



Australian Government

Notice

Request for submissions on A Report on Progress with Implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia

The Western Australian and Australian Governments are reporting on the progress made to implement the Western Australian Regional Forest Agreement. The reporting period covers the first (Period 1 - 1999 to 2004) and second (Period 2 - 2004 to 2009) five years of the Agreement. The report considers the performance of the Agreement and provides an assessment of progress of the Agreement against the milestones and commitments. The reporting process does not open up the Agreement for re-negotiation, however, both Parties may agree to some minor modifications to incorporate the results of the process.

The public are invited to make submissions on A Report on Progress with Implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia. The report provides: background information on the Agreement; an outline of the key changes impacting on the Agreement; a detailed consideration of progress against the milestones and commitments contained in the Agreement.

Enquiries and Written Representations

A copy of the report is available online at www.dpaw.wa.gov.au or for enquiries phone 08 9442 0300 or email Forest.Info@dpaw.wa.gov.au

Written submissions should be mailed to: Regional Forest Agreement for the South-West Forest Region of Western Australia Review, Project Officer, Office of the Director, Sustainable Forest Management, Department of Parks and Wildlife, Locked Bag 104, Bentley Delivery Centre, Western Australia, 6983 or emailed to Forest.Info@dpaw.wa.gov.au

Submissions must be received by mail or email as indicated above by no later than Friday 13 September 2013. All submissions should include your contact details.

Please note that all submissions will be treated as public documents unless the submitter clearly indicates to the contrary by marking all or part of the submission as 'confidential'. Requests for access to confidential comments can be determined in accordance with the Freedom of Information Act 1992 (WA).

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Annex B

Recommendation 1

Clarification of information provided in A Report on Progress with the Implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia

Additional clarification is provided in **bold underlined text**.

1 – Page 14

The WA RFA established a 20-year framework to manage the use of WA's south-west forests that sought to implement effective conservation, forest management and forest industry practices. In particular, the WA RFA provided for:

- The conservation of environment and heritage values through identifying and establishing a Comprehensive, Adequate and Representative (CAR) reserve system.
- Ecologically sustainable management and use of forests.
- Future growth and development of WA industries associated with forests and wood products.
- Assistance to develop forest-based tourism and recreational opportunities based on WA's environmental advantages.
- Certainty of resource access to the forest industry.
- Certainty of **resources** access to the **minerals and petroleum** industry.
- Approval of the relevant controls (exemption for unprocessed wood or woodchips from plantations) in the Export Control Act 1982 (Cwth).
- A range of new or enhanced initiatives to assist with forest-based development.
- The development of forest-based research.
- Significant employment opportunities and investment throughout WA.

The Parties note that a reconfiguration of the stream reserve system has been recommended by the Western Australian Water and Rivers Commission. This may form part of the next Forest Management Plan which will be scientifically assessed by the Environmental Protection Authority. While that reconfiguration, in its current form is expected to be neutral in its effect on timber resources, the Parties will ensure that security of access to resources for industry is maintained following implementation of any new stream reserve configuration.

Clause number
68

This commitment was achieved during Period 1 and Period 2.

In 2001, the Waters and Rivers Commission prepared *A Review of Stream and River Logging Buffers to ensure their adequacy in protecting our waterways from salinity, degradation and turbidity*. The configuration of the stream reserve system remained unchanged in the FMP.

While the stream reserve system does not have any formal status under WA environmental, mining and petroleum legislation, its delineation by and purpose in any management plan should reflect security of access to resources for industry.

Extractive industries

Mining legislation took precedence over the CALM Act, but concurrence of the State Environment Minister was required for mining operations to proceed on most DEC-managed public land tenures, including the areas covered by the WA RFA. In addition, all mining and associated development projects were required to undergo environmental, heritage and native title assessments.

State Agreement Act (SAA) projects were in force for the major mining projects operating within the area of the WA RFA (mostly State forest), covering the bauxite and alumina operations of Alcoa and Worsley, and coal mining operations of Griffin and Premier Coal. The *Mining Act 1978* controlled other mineral resource extraction activities and mineral exploration. Petroleum (includes gas) exploration and production within State land and waters was authorised under the *Petroleum and Geothermal Energy Resources Act 1967*. **The Petroleum Pipelines Act 1969 covers the Dampier to Bunbury pipeline which encroaches on the WA RFA near Australind and this Act would be used for the proposed extension of the pipeline from Bunbury to Albany.**

The Department of **Mines** and Petroleum (DMP) was the lead regulator and decision-making authority for non-SAA projects. All significant proposals underwent environmental impact assessment under Part IV of the EP Act.

The total mining tenement area within the WA RFA is 2 853 536 hectares with granted Mining Act tenements of 930 940 hectares and SAA tenements of 1 992 596 hectares. This is the gross land area and is not the area specifically covered by exploration and production activities. Around 30,000 hectares of mainly State forest was cleared for mining activity. Each year¹⁰ approximately 1,000 hectares or 0.07 per cent of State forest and timber reserves were subject to mining operations that included clearing, principally for extraction of bauxite (Darling Scarp north from Collie), coal (east of Collie) and gold (near Boddington). SAAs and mineral and petroleum titles covered just over 40 per cent of State forest and timber reserves, with 95 per cent of this area within Alcoa and Worsley's SAA areas. **It should be noted that progressive rehabilitation is undertaken after mining and is a notable feature of bauxite mining in particular.**

As at December 2009 the value of mineral and petroleum production across the south-west (that is the area cover by DEC's three forest regions) was in excess of \$3 billion, with the major commodities produced being alumina, coal, mineral sands and gold (DMP, 2010).

8 – Page 52

The *Mining Act 1978* and the *Petroleum **and Geothermal Energy Resources Act** 1967* provided the legislative framework for mineral exploration and mining and petroleum exploration and production in WA. Exploration that was regulated under these two Acts was subject to approval with environmental conditions imposed by the DMP⁹⁷.

9 – Page 53

The parties note that rehabilitation of any Mining site will be in accordance with the provisions of the <i>Mining Act 1978</i> (WA) and will aim to achieve world's best practice.	Clause number 86
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This ongoing commitment was achieved during Period 1 and Period 2.

¹⁰ DEC's 2009/2010 Year Book shows 990 hectares **of annual clearing** for mining and **clearing for** utilities, Table 19: Silvicultural Objectives, page 64, <http://www.dec.wa.gov.au/about-us/about-dec/annual-reports.html>

The Parties affirm that the WA RFA definitions of 'mining' and 'minerals' cover petroleum activities and include rehabilitation under the *Petroleum and Geothermal Energy Resources Act 1967*.

The DMP document *Mining Environmental Management Guidelines: Mining Proposals in WA11* provides guidance to proponents on rehabilitation requirements **and were current during the review period.**

The DMP is working with the EPA to provide guidelines covering the preparation of mine closure plans.

11 – Page 107

Minerals industry

The Parties will jointly facilitate minerals industry development and related employment by:

- advocating and supporting the Agreement as providing secure access for mineral and petroleum exploration and production in relevant areas covered by the Agreement, subject to compliance with the approval processes which apply to the land tenure status of those areas; and
- through data acquisition and research, support the development of an improved geoscientific knowledge base at regional and continental scale to promote investment in mineral and petroleum exploration.

The State will provide and maintain relevant mineral industry related databases and search and retrieval systems for clients.

These commitments were achieved during Period 1 and Period 2.

The RFA Assessment of Minerals and Hydrocarbon Resources in the SW Forest Region of WA (Jan. 1998) showed that the south-west State forests contained metaliferous, energy and basic raw material resources of State economic importance all of which have potential for further development. Access to mineral and petroleum resources require governmental approval principally through the *Mining Act 1978* and *Petroleum and Geothermal Energy Resources Act 1967*.

Since 2006, mining proposals are publicly available through the Department of Mines and Petroleum library once assessed and approved.

¹¹ http://www.dmp.wa.gov.au/documents/ED_Min_GL_MiningProposalsInWA_Jan07.pdf OR <http://www.dmp.wa.gov.au/documents/ENV-MEB-200.pdf>

The Department of Mines and Petroleum website¹² offers a range of free access online systems, including:

Mines and Mineral Deposits (MINEDEX)– a continuously updated database containing information on mines, minerals deposits and prospects along with their operating status, location and project ownership. Geological attributes include commodities, mineralisation style, resource estimates and production history.

Mineral Titles Online (MTO) – provides details of mineral exploration and mining tenements in WA. Users may also order, pay for and receive tenement title searches online through this system.

TENGRAPH Online – is a tenement graphics system that displays the position of WA’s mining tenements and petroleum titles in relation to other land information and allows users to determine what land is available for mineral exploration. It provides a current and accurate picture of land under mining activity.

Interactive Geological Map (GeoVIEW.WA) – is an interactive (GIS-based) mapping system where geological maps can be constructed to incorporate other mineral and petroleum exploration datasets including mines and mineral deposits, petroleum wells, active leases

Minerals Exploration Reports (WAMEX) – provides access to non-confidential reports on mineral exploration (excluding oil and gas) in Western Australia.

Petroleum and Geothermal Information (WAPIMS) – provides access to non-confidential reports and data on petroleum exploration (oil and gas) and mineral drill holes in Western Australia

Petroleum Geothermal Register (PGR) – provides information relating to petroleum and geothermal licences in Western Australia and its waters.

There is also publicly available information on mining and petroleum applications and activities, including environmental conditions and annual environmental reports¹³.

¹² <http://www.dmp.wa.gov.au/3959.aspx>

¹³ <http://www.dmp.wa.gov.au/17206.aspx>

Annex C

Statement of legislative and administrative changes within the Australian and Western Australian Governments from the signing of the Western Australian RFA (May 1999) to 2014

Figure 1 Legislative Changes – Australian Government

Australian Government Legislation			
Previous	Current	Page	Reference in Western Australian RFA text
<i>Australian Heritage Commission Act 1975</i>	<i>Environment Protection and Biodiversity Conservation Act 1999 and Australian Heritage Council Act 2003</i>	2	Part 1 2 Definitions and General Provisions - Australian Heritage Commission or the Commission
		5	Part 1 2 Definitions and General Provisions - National Estate
		6	Part 1 2 Definitions and General Provisions - Register of the National Estate
		10	Clause 20
		58/59	Attachment 2, Clause 13 (e)
		59	Attachment 2, Clause 14 (e)
		102	Attachment 12 1 Definitions Derived Data

Australian Government Legislation			
Previous	Current	Page	Reference in Western Australian RFA text
<i>Endangered Species Protection Act 1992</i>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	6	Part 1 2 Definitions and General Provisions - Recovery Plan
		7	Part 1 2 Definitions and General Provisions - Threat Abatement Plan
		10	Clause 24
		14	Clause 56
		14	Clause 57
		14/15	Clause 58
		15	Clause 59
		72	Attachment 4 Table
		82-87	Attachment 8 General Status of Threatened Flora and Fauna A: Threatened Fauna B: Threatened Flora
		102	Attachment 12, 1 Definitions Derived Data

Australian Government Legislation			
Previous	Current	Page	Reference in Western Australian RFA text
<i>Environmental Protection (Impact of Proposals) Act 1974</i>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	3	Part 1 2 Definitions and General Provisions - EP(IP) Act
		10	Clause 23
		102	Attachment 12, 1 Definitions Derived Data
<i>World Heritage Properties Conservation Act 1983</i>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	102	Attachment 12, - 1 Definitions Derived Data

The *Regional Forest Agreements Act 2002*, in relation to RFAs, gave legislative effect to certain provisions of the Commonwealth under the Regional Forest Agreements. Particularly provisions on termination and compensation, publishing information on and tabling of RFAs and exclusion of specified Commonwealth laws in relation to RFA wood or RFA forestry operations.

Figure 2 Legislative Changes – Western Australian Government

Western Australian Government Legislation			
Previous	Current	Page	Reference in Western Australian RFA text
<i>Commercial Arbitration Act</i>	<i>Commercial Arbitration Act</i>	24	Clause 97.13

<i>1985 (WA)</i>	<i>2012 (WA)</i>		
		25	Clause 97.14
		25	Clause 97.15
		26	Clause 97.18
		119	Schedule 2 to Attachment 12, Clause 18
<i>Financial Administration and Audit Act 1985 (WA)</i>	<i>Auditor General Act 2006; and Financial Management Act 2006 (WA)</i>	73	Attachment 4 Table
<i>Petroleum Act 1967 (WA)</i>	<i>Petroleum and Geothermal Energy Resources Act 1967 (WA)</i>	5	Part 1 2 Definitions and General Provisions – Mineral, Mineral and Petroleum Exploration, Mining Title
		19	Clause 85
		88	Attachment 9

The CALM Act was amended, through the *Conservation and Land Management Amendment Act 2000* (CALM Amendment Act) to separate forest conservation and management functions from responsibility for forest products harvesting and sale contracts. This legislative amendment also established the Conservation Commission of Western Australia.

The *Forest Products Act 2000* gave effect to the Western Australian Government policy objective to separate commercial native forest management responsibilities from conservation objectives. This Act established the Forest Products Commission, a statutory authority with responsibilities including contracting for

the harvesting of forest resources from public land and timber sharefarm land and the selling of those forest resources.

Figure 3 Administrative Changes – Commonwealth departments and agencies

Australian Government	
At time of signing the Western Australian RFA	Changes to date
Department of Agriculture, Fisheries and Forestry - Australia	Department of Agriculture, Fisheries and Forestry - from December 2003
	Department of Agriculture - from September 2013
The Department of the Environment and Heritage	The Department of the Environment and Water Resources - from January 2007
	The Department of the Environment, Water, Heritage and the Arts - from December 2007
	The Department of the Sustainability, Environment, Water, Population and Communities - from September 2010
	The Department of the Environment - from September 2013

Figure 4 Administrative policy changes – State departments and agencies

Western Australian Government	
At time of signing the Western Australian RFA	Policy change
<i>Regional Forest Agreement for the South-West Forest</i>	In 1999, changes to forest management included an end to harvesting in old-growth karri and tingle forest after 2003 and an end to larger scale

Western Australian Government	
At time of signing the Western Australian RFA	Policy change
<i>Region of Western Australia</i>	clear felling in karri forest
	In 2001, the <i>Protecting our old-growth forests</i> policy was implemented through the <i>Forest Management Plan 2004-2013</i> .

Figure 5 Administrative Changes – State departments and agencies

Western Australian Government	
At time of signing the Western Australian RFA	Current disposition
Department of Conservation and Land Management	Department of Environment and Conservation – from July 2007
	Department of Parks and Wildlife – from July 2013
Forest Products Commission	2000 to current