

1 Introduction

This paper has been prepared by the Joint Western Australian-Commonwealth Regional Forest Agreement (RFA) Steering Committee to assist stakeholders and the broader community to provide input to the development of the RFA for the South-West Forest Region of Western Australia. It builds on information contained in Comprehensive Regional Assessment reports released in late 1997 and in 1998, and on the results of extensive consultation conducted across the region with community and stakeholder groups. The Steering Committee regrets that the key conservation groups have declined to participate in the process.

The range of possible approaches to developing the RFA presented in this paper should not be seen as predetermining the outcomes of the RFA process, nor do they represent the full range of possibilities for meeting the RFA objectives. Rather, they have been designed to promote discussion and feedback as to the most appropriate ways to implement an RFA in the South-West Forest Region. The Commonwealth and Western Australian governments have not formally considered or expressed a preference for any of the approaches.

The RFA will operate for a period of twenty years and will be signed by the Prime Minister of Australia and the Premier of Western Australia. It will define the commitments made by both governments to forest conservation, forest use and the development of the region's forest-based industries. The RFA will be subject to five-yearly reviews of performance against the commitments that have been agreed.

The purpose of this paper

The paper outlines the objectives for the RFA and describes its components. It also provides an overview of the results of the CRA. Importantly, it contains discussion of some approaches which could be employed to achieve the objectives of the RFA and how each of its components could be developed. This discussion serves to highlight that the RFA objectives can be achieved in numerous ways and consequently, the need for careful and balanced consideration of the concerns of all stakeholders.

How can you respond?

The release of this paper marks the beginning of a six-week period of public consultation. To assist with this consultation, opportunities for discussion between the Steering Committee and interested parties will be made available throughout the South-West Forest Region to provide further information on the RFA process and the documents released to date. The locations of these will be advertised in *The West Australian* and major regional newspapers.

Written submissions on this paper are invited and should be forwarded to:

Mrs C Masters
Forests Taskforce (WA)
Department of Prime Minister and Cabinet
3-5 National Circuit
BARTON ACT 2600 or Fax No. 02-6271-5511

Those presenting written submissions could consider the following:

- discussion on the issues raised in the paper, their implications and possible solutions;
- any matters of substance that have not been considered;
- other issues associated with the information presented.

These submissions will be taken into account in the development of the RFA.

The **closing date for submissions** will be **Friday 10 July 1998**.

Other opportunities for public comment

Following release of this Public Consultation Paper and preceding the local discussion group phase of the social assessment (see Section 4.3.5), a series of open days will be held in Denmark, Manjimup, Pemberton, Nannup, Margaret River, Bunbury, Waroona, Mundaring and Perth. The open days will provide an opportunity for both general and technical questions to be answered. Maps from the CRA report will be available for examination and discussion. People will also be encouraged to record their comments.

1.1 THE REGION

The South-West Forest Region is an area of 4.25 million hectares which extends from near Gingin in the north-west to near Denmark in the south-east (a map of the area is attached). The region has a Mediterranean climate with warm dry summers, mild wet winters and occasional frosts.

Jarrah-marri forest occurs uniformly on lateritic soils throughout the northern part of the region and also in the south where annual rainfall ranges from 900mm to 1100mm. The main belt of karri forest occurs in the extreme south-west of the region within the 1100mm rainfall isohyet south of a line from Nannup to Denmark. Areas of wandoo forest and woodlands occur generally on the clay soils in the north-eastern sector of the region where the rainfall is below 900mm.

The South-West Forest Region had an estimated population of 155,000 in the 1991 Census. More than 40,000 families and 70,000 (full and part-time) employees lived and worked in the region.

The Region has unique biodiversity values, including important habitat for a number of endangered species. The CRA documented over 3,200 plant species and about 400 vertebrate fauna species. Twenty seven forest ecosystems and 312 native vegetation complexes were mapped within the region. Areas of high species richness, endemism, disjunct flora populations and refugia have also been mapped.

The region supports a wide range of industries including agriculture, mining, mineral processing, manufacturing, native forest and plantation timber milling, wood processing, recreation and tourism, and other forest product industries such as fine wood craft, beekeeping and floriculture. The major industries contributed \$8,896 million to Western Australia's Gross State Product for 1995-96 compared to \$6,388 million in 1990-91.

1.2 THE REGIONAL FOREST AGREEMENT PROCESS

1.2.1 Background

The RFA process arose out of the National Forest Policy Statement (NFPS) agreed by the Commonwealth, State and Territory governments in 1992.

RFAs are agreements between individual States and the Commonwealth and recognise the range of economic and environmental obligations which each government has regarding the long-term management and protection of forest values in specific regions. RFAs are intended to provide stability through the establishment of a sustainable resource base for industry, while at the same time ensuring the protection of Australia's biodiversity, heritage, old-growth and wilderness through a comprehensive, adequate and representative (CAR) reserve system and complementary off-reserve management.

The RFA will:

- identify areas in the region that both governments believe are required for the establishment of a CAR forest reserve system, and provide for the conservation of those areas;
- provide for the ecologically sustainable management and use of forested areas in the region; and
- provide for the long-term stability of the forest and forest-based industries.

In developing the RFA, the full range of forest values, benefits and costs, need to be recognised and considered.

1.2.2 Characteristics of Regional Forest Agreements

RFAs have a number of important characteristics. They should:

- clearly describe the commitments of governments;
- clearly delineate responsibilities for implementing specific commitments and provide timetables and milestones; and
- provide for a review of governments' performance every five years.

Governments make commitments in RFAs to actions that include:

- agreement to the means by which the governments will pursue ecologically sustainable forest management systems and processes;
- defining and describing the means for conserving those areas needed to form a CAR reserve system;
- operational mechanisms for the Agreement; and
- guidance for implementation of the Agreement, including review mechanisms, monitoring and reporting provisions, funding agreements, data agreements and mechanisms for continuing public participation and consultation.

1.2.3 Legislative and policy framework for the Regional Forest Agreement process

There are a range of legislative obligations and policies at the Commonwealth and State levels that form the framework for the RFA process. RFAs are intended to recognise and fulfil these obligations and policies.

The National Forest Policy Statement (NFPS)

The NFPS defines the policies of State and Commonwealth governments in relation to the RFA process and its objectives. The NFPS sets out the vision of the Commonwealth and State governments for Australia's forests and forest industries based on the principles of ecologically sustainable forest management. The elements of that vision are described in the NFPS and comprise the following:

- forest conservation;
- wood production and industry development;
- integrated decision making and management;
- private native forests;
- plantations;
- water supply and catchment management;
- tourism and other economic and social opportunities;
- employment, workforce education and training;
- public awareness, education and involvement;
- research and development; and
- international responsibilities.

National reserve criteria (JANIS)

In accordance with the NFPS a set of *Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia* was developed by an intergovernmental Technical Working Group on Reserve Criteria under the Joint Australian and New Zealand Environment and Conservation Council (ANZECC)/Ministerial Council on Forestry, Fisheries and Aquaculture (MCFFA) NFPS Implementation Sub-committee (JANIS).

These criteria (the JANIS criteria) were agreed by Ministers from ANZECC and MCFFA in 1997 and include provision for the protection of biodiversity, old-growth and wilderness, as well as recognising the role of off-reserve management in meeting conservation objectives. Further details of the JANIS criteria are provided in Box 1.1.

Commonwealth legislation

The Commonwealth's principal involvement in forest issues derives from the *Export Control Act 1982* which regulates the export of woodchips and unprocessed wood. In assessing applications for export licences under this Act, the relevant Minister is required to ensure that a range of Commonwealth legislative obligations are met. The major Commonwealth legislation includes:

- *Export Control Act 1982* and associated regulations;
- *Endangered Species Protection Act 1992*;
- *World Heritage Properties Conservation Act 1983*;

- *Australian Heritage Commission Act 1975*;
- *Environment Protection (Impact of Proposals) Act 1974*; and
- *Native Title Act 1993*.

Box 1.1 Summary of the JANIS reserve criteria

The JANIS reserve criteria are nationally agreed criteria for the establishment of a comprehensive, adequate and representative reserve system for forests in Australia. The criteria were developed by the Joint ANZECC-MCFFA National Forest Policy Statement Implementation Subcommittee (JANIS).

Regional conservation strategies

Conservation objectives will be best achieved through the development of integrated regional conservation strategies that provide for the establishment and effective management of conservation reserves (the CAR reserve system) and complementary management of adjoining forest areas.

Components of the comprehensive, adequate and representative reserve system

All reasonable efforts should be made to provide for biodiversity, old-growth and wilderness conservation in a dedicated reserve system on public land. However, where it is demonstrated that this is not possible or practicable, other approaches will be required. The components of the CAR system are dedicated reserves, informal reserves and values protected by prescription on public land as well as conservation arrangements on private land.

Biodiversity

1. As a general criterion, 15% of the pre-1750 distribution of each forest ecosystem should be protected in the CAR reserve system, with flexibility applied according to regional circumstances and recognising that as far as possible and practicable the proportion of dedicated reserves should be maximised.
2. Where forest systems are recognised as vulnerable, at least 60% of their remaining extent should be reserved.
3. All remaining occurrences of rare and endangered forest ecosystems should be reserved or protected by other means, as far as is practicable.
4. Reserved areas should be replicated across the geographic range of the forest ecosystem.
5. The reserve system should seek to maximise the area of high-quality habitat for all known elements of biodiversity wherever practicable.
6. Reserves should be large enough to sustain the viability, quality and integrity of populations.
7. To ensure representativeness, the reserve system should, as far as possible, sample the full range of biological variation within each forest ecosystem.
8. In fragmented landscapes, remnants that contribute to sampling the full range of biodiversity are vital parts of a forest reserve system.

Old-growth forest

It is necessary to approach old-growth in a flexible manner according to regional circumstances. Wherever possible, areas of old-growth requiring protection should be included in the area identified to meet biodiversity criteria.

1. Where old-growth forest is rare or depleted (generally less than 10% of the extant distribution) within a forest ecosystem, all viable examples should be protected, wherever possible.
2. For other forest ecosystems, 60% of the old-growth forest identified at the time of assessment should be protected, consistent with a flexible approach where appropriate, increasing to the levels of protection necessary to achieve objectives for conservation and specific community needs for recreation and tourism.

Wilderness

Ninety per cent, or more if practicable, of the area of high-quality wilderness that meets minimum area requirements should be protected in reserves.

Application of the criteria

Flexibility in the application of reserve criteria is needed because of differing regional circumstances. The criteria are considered to be guidelines rather than mandatory targets. In some circumstances and for some criteria, lower levels of reservation may prove adequate. The extent of potential social and economic impact may limit the ability to meet reserve criteria (see Sections 5.2, 5.4 and 6.1.1 of the JANIS document). Where different configurations of reserves are identified as meeting the criteria, the option that imposes the least cost on the community should be adopted.

Western Australian legislation

The NFPS recognises that State and Territory governments have constitutional responsibility for land use decisions and primary responsibility for forest management. To fulfill this responsibility the States and Territories have enacted legislation that allocates forest land tenures and specifies the administrative framework and policies within which public and private forests are managed. The major Western Australian legislation includes:

- *Conservation and Land Management Act 1984*;
- *Environmental Protection Act 1986*
- *Wildlife Conservation Act 1950*;
- *Mining Act 1978*;
- *Petroleum Act 1967*; and
- mineral-based Agreement Acts.

Indigenous issues

The RFA process addresses Indigenous issues in two distinct ways: consultation on the outcomes and process in general (as part of the wider consultation process); and on Indigenous cultural heritage, through the national estate assessment.

As with all communities and stakeholder groups with an interest in the Western Australian RFA, Aboriginal communities in the region and appropriate representative bodies are already involved and will continue to be consulted throughout the RFA process.

The Commonwealth *Native Title Act 1993* recognises and protects native title rights and interests. In recognition of this Act:

- where any government action to implement an RFA could affect native title, the action will be taken in accordance with the *Native Title Act*; and
- an RFA is not intended to influence in any way native title claims that may arise.

1.2.4 Stages of the Regional Forest Agreement process completed to date

The major preparatory information gathering and assessment stages of the RFA process are now complete. These have included the analysis of available data, the filling in of major data deficiencies and the conduct of CRA projects. These projects have included the identification and assessment of:

- timber production and other forest products;
- tourism and recreation;
- water resources;
- mineral and petroleum resources;
- social values;
- biodiversity;
- old-growth forests;
- wilderness;
- endangered species;
- national estate values;

- world heritage values;
- indigenous heritage values; and
- ecologically sustainable forest management.

Details of the results of these projects are contained within the *Comprehensive Regional Assessment* report (February 1998), the *World Heritage Report: Record of the World Heritage Expert Panel meeting - Western Australia, New South Wales and Queensland* (January 1998), the *Assessment of Mineral Hydrocarbon Resources in the South-West Forest Region of Western Australia* (January 1998), the report on *Ecologically Sustainable Forest Management* (November 1997) and the forthcoming *National Estate Identification and Assessment in the South-West Forest Region* report.

Information gathered and generated through the CRA projects, together with information derived from public consultative processes, was brought together during the integration stage of the RFA to identify and analyse issues that need to be considered in the development of the RFA and assist in the preparation of this paper.

1.2.5 Stages of the Regional Forest Agreement process yet to be completed

The release of this public consultation paper constitutes an important stage in the RFA process. Following the conclusion of the six-week public comment period and consideration of submissions, the Commonwealth and Western Australian governments will develop and negotiate the RFA. The development of the RFA will also be informed by more detailed economic and social impact analyses of possible RFA approaches.

1.2.6 Consultative processes

A number of consultative mechanisms have been developed and implemented since the RFA process commenced in 1996. The aim of these has been to ensure that all groups and individuals interested in the RFA are kept informed of progress and developments, have ready access to information and have the opportunity to participate and contribute information as appropriate. Consultative processes have enabled the participation of a broad range of people including industry and community stakeholders, Indigenous people, scientists and members of the general public.

Materials developed to assist in community consultation have included CRA reports, information kits, an information line, a video and newsletters, fortnightly RFA updates published in *The West Australian* and local newspapers. A wide range of information on the RFA has also been made available on the internet (<http://www.rfa.gov.au> OR <http://www.calm.wa.gov.au>). This information includes technical reports, media releases and information updates.

Public meetings

Two series of public meetings have been conducted in towns to date throughout the region to enable members of the general public to be informed about the RFA process. At these meetings information has been presented by members of the joint Western Australian and Commonwealth RFA Steering Committee and by technical officers involved in CRA project work.

Reference groups

Three consultative reference groups have been formed to enable stakeholders with particular needs and concerns to have ready access to information and the opportunity to provide input into the process. These groups have met periodically throughout the process.

- The *Stakeholder Reference Group* includes representatives from the tourism and timber industries, conservation groups, mining companies, shire councils, Western Australian Government agencies, Indigenous groups and forest product industries such as seed collection, beekeeping and wildflower picking.
- The *Noongar Action Group* comprises Noongar community members from across the region and representatives from agencies such as the Aboriginal Legal Service, Aboriginal Affairs Department and the Noongar Land Council.
- The *State Agreement Acts Committee* has involved representatives from mining companies operating in the South-West Forest Region whose leasehold areas are provided for under State Agreement Acts.

Community heritage workshops

Participation in workshops conducted as part of CRA projects has enabled many people throughout the region the opportunity to contribute to the RFA process. A series of ten community heritage workshops was held as part of the identification and assessment of national estate social and aesthetic values. Seven Aboriginal community workshops were held as part of the identification and assessment of national estate Aboriginal heritage values and to gather community opinion regarding forest and heritage-related issues.

Survey and interview

As part of the consultative processes for the CRA social assessment project, a range of survey and interview techniques were used to develop a regional social profile of stakeholder issues and to gather information from forest industry groups including timber, tourism, mining and other forest-based industries such as apiary, craft and specialty timber, firewood, wildflower picking and seed collecting. Sawmill industry employees were also interviewed.

Scientific community consultation

Consultation with experts from a broad range of scientific fields contributed significantly to the development and implementation of CRA projects. This consultation included:

- the convening of workshops to advise governments on biodiversity assessment projects;
- consultation with independent experts and members of scientific organisations to assist in the development of CRA assessment methodologies and the validation of assessment results;
- the convening of a Panel of Independent Scientists and Experts (PoISE) to advise governments on the appropriate level of vegetation mapping to be used in the assessment of forest ecosystems;
- the assessment of World Heritage values by a Panel of Experts drawn from amongst Australia's foremost experts in disciplines relevant to the World Heritage natural and cultural criteria; and

- the Independent Expert Advisory Group on the assessment of ecologically sustainable forest management in the South-West Forest Region.

Many of the projects and assessments conducted for the CRA were also undertaken by scientists and experts from universities, the CSIRO and private consultancies under contract to the governments.

Issues raised during public consultations

A summary of the issues raised by stakeholders and the general community during the range of public consultations outlined above are detailed at Appendix 1. These views will be considered in the development of the RFA.