

EAST GIPPSLAND REGIONAL FOREST AGREEMENT BETWEEN THE COMMONWEALTH AND VICTORIAN GOVERNMENTS

INTRODUCTION

Purpose of Agreement

1. This Regional Forest Agreement (RFA) establishes the framework for the management of the forests of East Gippsland. Parties are committed to ensuring the Agreement is durable and that the obligations and commitments that it contains are delivered to ensure effective conservation, forest management and forest industry outcomes.
2. This Agreement is a Regional Forest Agreement for the purposes of the relevant regulations under the *Export Control Act 1982*.

Definition of Region

3. The area covered by this Agreement is the East Gippsland Region as shown in Map 1 at Attachment 1.

Duration of Agreement

4. This Agreement takes effect upon signing by both parties and will remain in force for twenty years.
5. The process for extending the Agreement for a further period will be determined jointly by the parties as part of the third five yearly review.

Basis of Agreement — National Forest Policy Statement

6. Parties confirm their commitment to the goals, objectives and implementation of the *National Forest Policy Statement (NFPS)* by:
 - developing and implementing Ecologically Sustainable Forest Management (ESFM);
 - establishing a Comprehensive, Adequate and Representative (CAR) reserve system; and
 - facilitating the development of an internationally competitive wood production and wood products industry.

FUNCTIONING OF THE AGREEMENT

Relationship to the Interim Forest Agreement

7. This Agreement replaces the Interim Forest Agreement, signed by the Commonwealth and Victorian governments on 27 January 1996, in relation to the East Gippsland Region.

Relationship between this Agreement and the Attachments

8. The Attachments will be treated as part of this Agreement.

Relationship to Statutory Obligations

9. This Agreement and its provisions are not intended to give rise to legally enforceable rights or obligations between the parties. This Agreement cannot impose on either party or a third party any obligation that is inconsistent with Australia's international obligations, or a law of the Commonwealth or of Victoria.
10. Neither party will seek to use existing or future legislation to undermine or impede this Agreement.
11. The Commonwealth, in signing the Agreement, confirms that its obligations under the *Australian Heritage Commission Act 1975* have been met.
12. Parties will manage the National Estate in accordance with the provisions of this Agreement as detailed in Attachment 2.
13. The Commonwealth, in signing the Agreement, confirms that its obligations under the *Environment Protection (Impact of Proposals) Act 1974* have been met. The Commonwealth also confirms that, under the administrative procedures of the Act, any activities covered by the Agreement, including the 5 yearly review and minor amendments to the Agreement, will not trigger further environmental impact assessment.
14. The Commonwealth, in signing the Agreement, confirms that its obligations under the *Endangered Species Protection Act 1992* have been met.
15. The Commonwealth notes that its obligations to promote endangered species protection will involve ongoing cooperative work with Victorian agencies concerning East Gippsland.
16. Parties agree to actively investigate, and participate in, World Heritage assessment of the Australia-wide Eucalypt theme, including any potential contribution from East Gippsland.
17. Parties note that in order to progress work and then proceed to World Heritage nomination, the agreement of all relevant governments will be required.
18. Parties agree that any potential nomination for World Heritage involving areas in East Gippsland could be achieved from within the CAR Reserve System.
19. Parties note that current Commonwealth export licence arrangements provide that, after 31 December 1999, exports of hardwood woodchips will only be permitted from areas covered by an RFA.

20. The Commonwealth will, subject to the passage of amendments to the relevant regulations under the *Export Controls Act 1982*, ensure that no controls under that Act will apply to the export of hardwood woodchips or unprocessed wood sourced from the East Gippsland region while this Agreement is in place. The Commonwealth will seek passage of the relevant amendments by 30 June 1997. In the interim, licences will be issued to applicants seeking to export hardwood woodchips or unprocessed wood derived from areas within the East Gippsland region. The licences will be valid while this Agreement is in place and will not include an export volume constraint.
21. The Commonwealth notes Victoria's intention to separate more clearly its commercial forestry activities within native State forests from the broader policy, strategic planning and regulatory functions associated with the management of those forests. Victoria also confirms its commitment to the ongoing implementation of its plans, codes and prescriptions relevant to the achievement of ESFM.
22. The Commonwealth notes Victoria's intention to change the administration arrangements applying to the management of its parks, but that the primary emphasis of management will continue to be the conservation and protection of environmental and heritage values.
23. Victoria confirms that the sustainable yield for forests for East Gippsland will continue to be based on areas available for timber harvesting outside the CAR Reserve System.

Changes to the Agreement

24. This Agreement may only be amended with the consent, in writing, of both parties. Parties agree to work cooperatively to address any differences between them as to the interpretation or implementation of the Agreement. Such differences will be raised in writing by the concerned party. The Agreement will cease to operate only on notification in writing.

Monitoring, Reporting and Consultative Mechanisms

25. This Agreement establishes milestones (Attachment 3) and parties will report annually on their achievement using an appropriate public reporting mechanism.
26. Victoria will report on the results of monitoring of sustainability indicators.
27. Comprehensive Regional Assessments and the development of this Agreement have provided extensive opportunities for public participation and reporting. Parties recognise that the public reporting activities and on-going opportunities for public participation and consultation associated with existing Victorian and Commonwealth processes and instruments will continue. These processes are listed in Attachment 6.

28. In addition to these activities, Victoria agrees to publish future reports of internal audits of compliance with the Code of Forest Practices for Timber Production. Supporting documents will also be publicly available.
29. Victoria will further develop the transparency and accountability of its forest management processes through the implementation of an on-going quality assurance program. The program will be implemented, within three years, utilising expertise external to the forest agency in the Department of Natural Resources and Environment or its equivalent.

Five yearly review

30. Every five years, 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:
 - the extent to which milestones and obligations have been met including management of the National Estate;
 - the results of monitoring of sustainability indicators; and
 - invited public comment on the performance of the Agreement.
31. 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.
32. The outcomes of the review will be made public. The mechanism for the review will be determined by both parties before the end of the five year period and the review will be completed within three months.

ECOLOGICALLY SUSTAINABLE FOREST MANAGEMENT

33. The parties agree that ESFM is an objective which requires a long term commitment to continuous improvement and that the key elements for achieving it are:
 - the establishment of a CAR Reserve System (Attachment 1);
 - the development of internationally competitive forest products industries; and
 - a fully integrated and strategic forest management system capable of responding to new information.
34. Victoria undertakes to:
 - complete and publish regional prescriptions for timber production by the end of 1997;
 - complete and publish management plans for all National and State Parks by the end of 1998;

- continue to manage the other Dedicated Reserves within the CAR Reserve System in accordance with the relevant management recommendations of the Land Conservation Council as varied by this Agreement;
- manage cultural values, both Aboriginal and non-Aboriginal, in East Gippsland, based on the *Guidelines for the Management of Cultural Heritage Values in Forests, Parks and Reserves in East Gippsland* which will be jointly agreed; and
- implement the Integrated Forest Planning System and the Statewide Forest Resource Inventory in East Gippsland in time for the next review of sustainable yield due in 2001.

Accreditation

35. Parties agree that Victoria's forest management systems (including its legislation, policies, Codes, plans and management practices) provide for continuing improvement in relation to ESFM.
36. The Commonwealth accredits Victoria's current forest management system for East Gippsland, as amended by this Agreement. The system includes:
 - the East Gippsland Forest Management Area Plan and the process for its review;
 - the *Flora and Fauna Guarantee Act 1988*;
 - the process for forecasting sawlog sustainable yield in East Gippsland; and
 - the systems and processes established by the Code of Forest Practices for Timber Production and the Code of Practice for Fire Management on Public Land.

Sustainability indicators

37. Parties agree that the current forest management system could be enhanced by further developing appropriate mechanisms to monitor and review the sustainability of forest management practices. To ensure that this occurs, parties agree to establish an appropriate set of sustainability indicators to monitor forest changes. Any indicators established will be consistent with the Montreal Process Criteria and Indicators (Attachment 8) and they will be practical, measurable, cost-effective and capable of being implemented at the regional level.
38. Parties will assess the outcomes of the Montreal Process Implementation Group (MIG) process by the end of 1997. After considering the extent to which the MIG process provides, or is likely to provide, relevant indicators, the process to be used in developing indicators for application in East Gippsland will be determined. Any process adopted will provide for appropriate public consultation and determine the frequency of reporting.

39. In developing effective indicators, parties agree to take into account the results of the Forest and Wood Products Research and Development Corporation's East Gippsland pilot study to develop effective regional indicators.
40. Development of indicators, and collection of results for those indicators which can be readily implemented, will be completed in time to enable assessment at the first five yearly review of this Agreement.

Private land

41. The parties reaffirm their commitments made in the NFPS to the conservation and management of the private forest estate. The parties note that Victoria has, under the *Planning and Environment Act 1987*, native vegetation retention controls to regulate the clearance of native forest on private land.
42. Victoria will continue to encourage private forest owners to ensure that their management operations are consistent with the Code of Forest Practices for Timber Production, and to have in place adequate mechanisms to protect nature conservation and catchment values.

Threatened Fauna and Flora

43. Where threatened species, ecological communities and threatening processes restricted to Victoria are listed under both the *Flora and Fauna Guarantee Act 1988* and the *Endangered Species Protection Act 1992*, any new or revised Action Statements will be jointly prepared to meet the requirements of both acts. Where the Action Statements meet the requirement of the *Endangered Species Protection Act 1992*, the Commonwealth agrees to adopt Action Statements as Recovery Plans under Section 46 of the *Endangered Species Act 1992*.
44. National Recovery Plans for items listed under both Acts and extending beyond Victoria will be prepared jointly with Victoria and other relevant governments, and incorporate the agreed Action Statement as the Victorian component of the National Recovery Plan.
45. Parties will continue to consult on the priorities for listing threatened species, ecological communities and threatening processes, and the preparation of Action Statements and Recovery Plans, recognising that priorities can change in the light of new information. Currently agreed priorities for the next five years are outlined in Attachment 4.
46. Parties agree that within five years pest plant and pest animal control programs will be developed in accordance with the East Gippsland Forest Management Area Plan.

THE CAR RESERVE SYSTEM

47. Parties agree that the primary function of the CAR Reserve System is to ensure the conservation and protection of environment and heritage values.
48. Parties agree that the CAR Reserve System that is identified on Map 1 and described in Attachment 1 satisfies the JANIS Reserve Criteria¹. Each element of the reserve system will be administered in accordance with Victorian legislation.
49. Victoria agrees to implement the tenure and zoning changes described in Attachment 1.
50. Parties agree that any changes to that component of the CAR Reserve System in State forest will only occur in accordance with this Agreement, will not lead to a net deterioration in the protection of identified values, and will be publicly available.
51. Victoria agrees to produce and publish by June 1997 an amendment to the East Gippsland Forest Management Area Plan that describes the changes to management zones and protection levels to different values brought about by this Agreement. In addition the amendment will:
 - explain the role of the JANIS Reserve Criteria in attaining a CAR Reserve System; and
 - amend the 'Guidelines for Reviewing Management Strategies and Zones' on page 79 of the Forest Management Area Plan as described in Box 1 in Attachment 5.
52. Parties recognise that all Victorian rainforest is protected from harvesting through the range of mechanisms described in Attachment 1.

INDUSTRY DEVELOPMENT

53. Parties will facilitate industry development through enhanced resource certainty, recognising that a purpose of this Agreement is to provide long-term stability of forests and forest industries. The Commonwealth will facilitate industry development by not preventing enterprises obtaining, using or exporting timber, woodchips or unprocessed wood products sourced from the East Gippsland region. In addition, parties will encourage:
 - introduction of new technology;
 - value adding;
 - utilisation of regrowth timber for sawn products;
 - thinning of regrowth forests; and
 - extraction of residual wood.

¹Proposed Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia. A Report by the Joint Australian and New Zealand Environment and Conservation Council/Ministerial Council on Forestry, Fisheries and Aquaculture National Forest Policy Statement Implementation Sub-committee, September 1996.

INDIGENOUS HERITAGE

54. Victoria will, in accordance with the East Gippsland Forest Management Area Plan, formalise a consultation, participation and negotiation mechanism with the relevant Aboriginal groups in East Gippsland to ensure the appropriate management of Aboriginal heritage, including the maintenance of traditional and historic uses and values, in East Gippsland.
55. This Agreement is not intended to influence either current or future Native Title claims in any way. Where any government action to implement this Agreement could affect Native Title, that action will be taken in accordance with the *Native Title Act 1993*.

PLANTATIONS

56. The Commonwealth will seek to remove export controls on unprocessed timber sourced from Victorian plantations before the end of March 1997.

OTHER FOREST USES

57. Parties agree that forest uses other than timber production will be determined in accordance with Victorian legislation with due regard for protection of environmental and heritage values. In some limited circumstances that do not relate to the substance of this Agreement (for example foreign investment approval, export controls for non-forest products and major infrastructure developments) Commonwealth legislative provisions may also apply.
58. Parties recognise that under legislative provisions in Victoria, issuing of new exploration licences and subsequent mining is not permitted in National Parks, Wilderness Parks, State Parks and Reference Areas.
59. Parties recognise that exploration and mining may be permitted in other parts of the CAR Reserve System where the identified conservation values are not incompatible with exploration and mining. Victoria will ensure proposed mining activities in the CAR Reserve System will be the subject of an individual Environmental Effects Statement as defined by the *Environment Effects Act 1978*. In the case of exploration, the provisions of the *Mineral Resources Development Act 1990* require the application of conditions to protect environmental values, and may in the case of proposed road construction or bulk sampling require an exploration impact statement. Where such exploration activities are proposed in the CAR Reserve System, Victoria will ensure an impact statement is carried out.
60. Rehabilitation of any mine site will be in accordance with the provisions of the *Mineral Resources Development Act 1990*, and it will aim to achieve world's best practice.

COMPETITION PRINCIPLES

61. Parties recognise that under the Competition Principles Agreement, Governments aim to achieve more transparency and greater efficiency in Government owned business enterprises. The Commonwealth agrees that the day to day pricing and allocation arrangements for wood from public forests are matters for Victoria. Victoria confirms its commitment to the pricing and allocation principles set out in the National Forest Policy Statement. Victoria confirms that legislation and policies relevant to the allocation and pricing of hardwood logs from State forests will be reviewed as part of the Competition Principles Agreement before the end of 1999. Competitive neutrality principles will be taken into account in any changes following the review.

RESEARCH

62. The results of the Comprehensive Regional Assessments of the forest values of East Gippsland indicated a number of areas requiring further research. Parties have outlined research priorities in Attachment 7.
63. Parties agree to consult each other in the development of future research projects that may affect the Agreement and note that the subject areas and priorities may change throughout the duration of the Agreement.
64. Parties agree to make publicly available, wherever possible, research reports relevant to this Agreement. In addition, Victoria agrees to publish its rainforest research by December 1997.

FUNDING

65. The parties agree that achieving the objectives of this Agreement will require the commitment of financial resources from both Governments.
66. The Commonwealth will consider assistance for the development of sustainability indicators and work on endangered species. Under these circumstances where possible and appropriate, Victoria will administer funds provided by, and on behalf of, the Commonwealth for projects agreed within the context of this Agreement. Where this occurs, Victoria will establish appropriate financial review and monitoring arrangements agreed by the Commonwealth.

DATA AGREEMENT

67. Parties agree to develop an agreement concerning the management of the data used to develop this Agreement within six months of signing. The data agreement will cover:
 - ownership and custodianship;

- archival lodging and location and associated documentation standards;
and
- access, use and maintenance of the data.

Parties also agree to lodge archival copies of data within six months of signing this Agreement.

Signed for and on behalf of each of the Parties by:

The Honourable John Howard MP)
Prime Minister of the Commonwealth of Australia)
on the third day of February 1997)

in the presence of

The Honourable Jeff Kennett MLA)
Premier of the State of Victoria)
on the third day of February 1997)

in the presence of

COMPREHENSIVE ADEQUATE AND REPRESENTATIVE (CAR) RESERVE SYSTEM

In East Gippsland, the CAR Reserve System on public land comprises areas established by legislation for conservation purposes (eg. National and State Parks) and areas reserved for conservation within the East Gippsland Forest Management Plan in Special Protection Zones (SPZ).

The CAR Reserve System has the following three components as described by the JANIS Reserve Criteria:

- i. **Dedicated Reserves.** This comprises reserves established through legislation for conservation purposes such as National Parks, State Parks or Flora and Fauna Reserves.
- ii. **Informal Reserves.** This comprises elements of the SPZ shown on Map 1.
- iii. **Values Protected by Prescription.** This comprises those elements of the SPZ protected by regional prescriptions, including stream buffers and all remaining rainforest and heathland vegetation together with a surrounding buffer.

Map 1 illustrates the extent of the CAR Reserve System in East Gippsland in Dedicated and Informal Reserves as a consequence of this Agreement.

To implement the CAR Reserve System Victoria will:

- 1. Within one year, change the tenure of the following areas of State forest to Dedicated Reserves as shown in Table 1 and illustrated on Map 1.

Table 1: State forest areas to become Dedicated Reserves

Map Reference	Locality	New Tenure
A	Ellery Creek	National Park
B	Martins Creek	Flora and Fauna Reserve
C	Goolengook	Flora and Fauna Reserve

Parties recognise that Victoria may need to amend the boundaries of the Martins Creek Flora and Fauna Reserve to accommodate future infrastructure development.

In the period between signing this Agreement and implementation of these tenure changes, Victoria will manage these areas in accord with the proposed tenure.

- 2. Amend the Zoning Scheme of the lower Snowy River Corridor to reflect accurately the Heritage River Corridor, and the zoning of State forest sites as identified in Table 2:

Table 2: Amendment to State forest Management Zones

Site Number	Current Zone	New Zone
1	SMZ	SPZ
2	SMZ	SPZ
3	SMZ	SPZ
4	SMZ	SPZ
11	GMZ	SPZ
12	GMZ	SPZ
15	GMZ	SPZ
16	GMZ	SPZ
24	GMZ	SPZ
29	GMZ	SPZ
31	GMZ	SPZ
33	GMZ	SPZ
34	GMZ	SPZ
35	GMZ	SPZ
39	GMZ	SPZ
43	GMZ	SPZ
45	GMZ	SPZ
53	GMZ	SPZ
56	GMZ	SPZ
59	GMZ	SPZ
62	GMZ	SPZ
64	GMZ	SPZ
67	GMZ	SPZ
69	GMZ	SPZ
71	GMZ	SPZ
72	GMZ	SPZ
73	GMZ	SPZ
74	GMZ	SPZ
88	GMZ	SPZ
112	SMZ	SPZ
125	GMZ	SPZ
129	GMZ	SPZ
143	GMZ	SPZ
157	SMZ	SPZ
158	SMZ	SPZ
170	GMZ	SPZ
180	GMZ	SMZ
95	SPZ	SMZ
96	SPZ	GMZ
101	SPZ	SMZ
103	SPZ	GMZ
106	SPZ	SMZ
107	SPZ	SMZ
114	SPZ	SMZ
130	SPZ	GMZ
135	SPZ	GMZ
136	SPZ	GMZ
183	SPZ	GMZ

SPZ -Special Protection Zone

SMZ- Special Management Zone

GMZ -General Management Zone

The change in status of each site will be effective on the signing of this Agreement.

Levels of protection achieved in the CAR Reserve System by this Agreement will be

included in the amendment to the East Gippsland Forest Management Area Plan.

RAINFOREST PROTECTION IN THE CAR RESERVE SYSTEM

All rainforest in Victoria, including a surrounding buffer, is excluded from timber harvesting. This is achieved through a hierarchical rainforest protection reserve system. An NRE Technical Report to be published by the end of 1997 will fully explain the system. The report will include a description of Sites of Significance for Rainforest and their levels of significance (National, State and Regional) and how these are managed. The report will also detail how core zones, which contain the major rainforest stands, have been identified within each site of significance and how they contributed to the design of the SPZ in the Forest Management Plan.

Prior to this Agreement the approximate protection of core zones within Dedicated Reserves was 70%, 42% and 32% for sites of National, State and Regional significance respectively. These protection levels were augmented through the creation of Informal Reserves (part of the SPZ) in the East Gippsland Forest Management Plan. Selection of core zones for inclusion in Informal Reserves was based on their significance, the amount of past disturbance in the vicinity and the degree to which comparable areas were represented in Dedicated Reserves. These Informal Reserves increased the total reservation of rainforest core zones to 90%, 66% and 65% respectively.

All remaining rainforest stands are protected in the prescription component of the SPZ through the implementation of the Code of Forest Practices for Timber Production. The key elements of the Code with respect to rainforest conservation include:

- maintaining at least 20m buffers around linear strips of rainforest and 40m buffers around the larger stands,
- the protection of buffers from damage caused by trees felled in adjacent areas, and
- the requirement that rainforest be identified on each coupe plan and that buffers be identified in the field.

The protection of rainforest has been enhanced through this Agreement by the establishment of the Martins Creek and Goolengook Flora and Fauna Reserves. Protection within the Dedicated Reserves is now afforded to most stands in all National Rainforest Sites of Significance.

LISTING, PROTECTION AND MANAGEMENT OF NATIONAL ESTATE VALUES IN EAST GIPPSLAND

PROTECTION AND MANAGEMENT OF NATIONAL ESTATE VALUES

1. Both parties endorse the findings of the Australian Heritage Commission/Dept Natural Resources and Environment (AHC/DNRE) study of National Estate in East Gippsland (the Joint Study) and agree that national estate values exist as documented in publicly available plots of GIS coverages and the following published documents: *Methods Papers: East Gippsland National Estate Assessment, Volume One - Natural Values (1996)*; *Methods Papers: East Gippsland and Central Highlands Joint Forest Projects, Volume Two - Cultural Values (1994)*; and, *Comprehensive Regional Assessment - East Gippsland - National Estate Report (1996)*.
2. Both parties recognise that the extensive and systematic information and regional framework provided by the Joint Study and this Agreement provide a unique regional context for national estate values in East Gippsland.
3. Both parties agree that many of the national estate values are well reserved in the CAR Reserve System and that the East Gippsland Forest Management Area Plan incorporates the conservation of many other national estate values within the region.
4. Both parties agree that national estate values will be conserved through the application of the principles for managing national estate values as detailed in Section 6.4 of the East Gippsland Forest Management Area Plan.
5. Both parties endorse the continuing joint preparation of a set of management guidelines, the *Guidelines for the Management of Cultural Heritage Values in the Forests, Parks and Reserves of East Gippsland* and agree to finalise this document by June 1997. When completed Victoria agrees to manage in accordance with these guidelines.
6. Victoria will formalise a consultation, participation and negotiation mechanism with relevant Indigenous groups to ensure appropriate management of Indigenous heritage in East Gippsland, including the maintenance of traditional and historic uses and values.
7. Both parties agree to maintain the databases of the values identified in the Joint Study and cooperate in relation to access to the data.
8. Parties agree that the sensitivity or resilience of each national estate value, and the appropriate approach to management of each value is as shown in Appendix 1 to this attachment.

LISTINGS IN THE REGISTER OF THE NATIONAL ESTATE

Existing Listings

9. Parties note that the Commission has agreed to update the Statements of Significance and condition and description statements for all existing listings to incorporate the results of the Joint Study.
 - Existing National Estate places are to remain in the Register of the National Estate - the results of the Joint Study verify the listing of existing National Estate places. Areas on the Register that encompass a variety of land tenures will have their Statements of Significance updated with the values identified in the Joint Study, and the Condition Statement amended to reflect the protection and management status of the area they cover.

Listings Arising from the Joint Study

10. Parties agree to recommend to the Commission new listings which will include national estate values protected by reservation, by reserve management prescription, by site exclusion, by consultation processes or other measures appropriate to the value, or which are robust and not affected by harvesting or other off-reserve management regimes or activity.
11. Parties note that the Commission will work in cooperation with Victoria in delineating places for National Estate listing. The identification of these areas will be based on the following principles:
 - New listings in Dedicated Reserves (within the CAR Reserve System) and Informal Reserves, the boundaries of which are unlikely to change, should be distinct places and may be based on any national estate values.
 - Listing of other National Estate places outside the CAR Reserve System will be based on robust values and those values that are protected by forest management prescription. Areas of contiguous values will be listed as a single National Estate place.
 - Boundaries for listing National Estate places outside the CAR Reserve System will be based on identified values and will follow natural topographic features and/or roads as appropriate. In areas where a national estate value overlaps an Informal Reserve, but also continues outside that reserve, the full coverage of the value will be listed and it will be recognised that a portion of this value is protected.
 - For places arising from the Joint Study, only places identified by the above principles will be listed in the Register of the National Estate.
12. Both parties note that the identification and assessment of national estate values for the CRA has been completed with the only exception being Indigenous

heritage. Parties note that the Commission will continue to work with Victoria and Indigenous communities in an effort to finalise this work.

Future Listings

13. The parties note that the Commission does not intend to undertake any further major regional studies of forests in East Gippsland.
14. Parties note that the Commission confirms that, based on the Joint Study, there is no evidence to identify additional large areas with national estate values in the forested areas of East Gippsland and that it therefore does not anticipate listing additional large places in the region.
15. Parties note that future nominations will be referred to them by the Commission. The parties agree to work cooperatively and in a timely fashion in considering whether such nominations will be recommended to the Commission for listing. The parties are to compare the nominations with the existing agreed East Gippsland national estate database, and to consider any new research or information provided. Parties will also jointly agree on any future recommendations to the Commission for listing. The parties note that the Commission will work cooperatively with Victoria on the detail of any consequent listings that may arise.

STATUTORY ADVICE

16. Both parties have agreed that all identified national estate values will be considered in ongoing management decisions and that the advice of the Commission will be sought in relation to proposed actions which might adversely affect national estate values in East Gippsland, notwithstanding that some of these values may be in areas that are not within the CAR reserve system and are not within places in the Register of the National Estate. Parties note that the Commission will take into account the outcomes of the RFA work in providing its advice, and will continue to provide such advice in a regional context.
17. The parties note that the Commission may delegate the section 30 function for the East Gippsland RFA area to an appropriate official in a Victorian Agency. This delegation would be limited to the East Gippsland RFA area, and those operations which affect those aspects of the forest estate documented in the CRA.

ATTACHMENT 3

MILESTONES

Clause	Action	Timeline
20	Commonwealth to seek passage of amendments to woodchip export regulations under the <i>Export Controls Act 1982</i>	June 1997
29	Victoria to implement an on-going quality assurance programme	2000
34	Victoria to complete and publish regional prescriptions for timber production	December 1997
34	Victoria to complete and publish management plans for all National and State Parks	December 1998
34	Victoria to implement the Integrated Forest Planning System and the Statewide Forest Resource Inventory	2001
38	Victoria and the Commonwealth to assess the outcomes of the Montreal Process Implementation Group (MIG) process	December 1997
40	Victoria and the Commonwealth to develop sustainability indicators	2002
45	Victoria and the Commonwealth to undertake and where relevant complete threatened species work as detailed in Attachment 4	2002
46	Victoria to develop programs for pest plant and pest animal control	2002
49	Victoria to implement agreed tenure changes to establish the CAR Reserve System	February 1998
51	Victoria to publish an amendment to the East Gippsland Forest Management Area Plan	June 1997
56	Commonwealth to seek to remove export controls for timber sourced from all Victorian plantations	March 1997
61	Victoria to complete a review in accordance with the Competition Principles Agreement	1999
64	Victoria to publish its rainforest research	December 1997
67	Victoria and the Commonwealth develop a data agreement and lodge archival copies of data	June 1997

The milestones in this Attachment should be read in conjunction with the relevant clauses in the Agreement.

THREATENED FLORA, FAUNA AND COMMUNITIES

Both parties recognise the range of mechanisms in place to conserve the habitat of rare and threatened flora and fauna in East Gippsland. These include protection within Dedicated Reserves and the Special Protection Zone (SPZ) or Special Management Zone (SMZ) in State forest, protection of key habitats such as rainforest, heathlands, and rare or threatened Ecological Vegetation Classes (EVC) under the Forest Management Plan, and the development of Action Statements or Recovery Plans for species listed under the *Endangered Species Protection Act 1991* and the *Flora and Fauna Guarantee Act 1988*.

Current priorities for developing Recovery Plans and Action Statements for fauna, flora and EVCs are as follows:

1. Priority fauna species for preparation of Recovery Plans/ Action Statements

Species Name	Common Name	Activity
Mammals		
<i>Petrogale penicillata</i>	Bush-tailed Rock-wallaby	Recovery Plan & Review Action Statement
<i>Dasyurus maculatus</i>	Spot-tailed Quoll	Recovery Plan & Review Action Statement
<i>Potorous longipes</i>	Long-footed Potoroo	Recovery Plan & Review Action Statement
<i>Pseudomys fumeus</i>	Smoky Mouse	Action Statement
<i>Miniopterus schreibersii</i>	Common Bent-wing Bat	Action Statement
<i>Phascogale tapoatafa</i>	Brush-tailed Phascogale	Action Statement
Birds		
<i>Ninox strenua</i>	Powerful Owl	Action Statement
<i>Tyto novaehollandiae</i>	Masked Owl	Action Statement
<i>Tyto tenebricosa</i>	Sooty Owl	Action Statement
<i>Calyptorhynchus lathami</i>	Glossy Black-Cockatoo	Action Statement
<i>Dasyornis brachypterus</i>	Eastern Bristlebird	Recovery Plan & Action Statement
<i>Lathamus discolor</i>	Swift Parrot	Recovery Plan & Action Statement
<i>Pezoporus wallicus</i>	Ground Parrot	Recovery Plan & Action Statement
Reptiles		
<i>Morelia spilota</i>	Diamond Python	Action Statement
<i>Cyclodomorphus michaeli</i>	Eastern She-oak Skink	Action Statement
<i>Eulamprus kosciuskoi</i>	Alpine Water Skink	Action Statement

Amphibians		
<i>Mixophyes balbus</i>	Southern Barred Frog	Action Statement
Fish		
<i>Pototroctes maraena</i>	Australian Grayling	Action Statement
<i>Gobiomorphus australis</i>	Cox's Gudgeon	Action Statement
<i>Hypseleotris compressa</i>	Empire Gudgeon	Action Statement
Crustaceans		
<i>Euastacus diversus</i>	Orbost Spiny Crayfish	Action Statement

2. Priority plant species for nomination under the *Flora and Fauna Guarantee Act 1988* and subsequent preparation of Action Statements/Recovery Plans.

This list comprises species considered to be nationally endangered or vulnerable, or endangered at the State level but not currently covered by an Action Statement or Recovery Plan.

Taxon	Activity
<i>Pultenaea parrisiae</i> ssp. <i>parrisiae</i>	Recovery plan and nominate and proceed toward Action Statement
<i>Acacia caerulescens</i>	Recovery plan and nominate and proceed toward Action Statement
<i>Prasophyllum morganii</i>	Recovery plan and nominate and proceed toward Action Statement
<i>Pomaderris brunnea</i>	Recovery plan and nominate and proceed toward Action Statement
<i>Thelymitra matthewsii</i>	Recovery plan and Action Statement
<i>Correa lawrenciana</i> var. <i>genoensis</i>	Nominate and proceed toward Action Statement
<i>Alectryon subcinereus</i>	Nominate and proceed toward Action Statement
<i>Dendrobium speciosum</i> var. <i>speciosum</i>	Action Statement
<i>Christella dentata</i>	Action Statement
<i>Pseudoraphis paradoxa</i>	Action Statement
<i>Gahnia subaequiglumis</i>	Nominate and proceed toward Action Statement
<i>Cryptostylis erecta</i>	Nominate and proceed toward Action Statement
<i>Sarcophilus falcatus</i>	Action Statement
<i>Acacia binervia</i>	Nominate and proceed toward Action Statement
<i>Dipodium hamiltonianum</i>	Action Statement
<i>Psoralea tenax</i>	Action Statement
<i>Pterostylis dubia</i>	Nominate and proceed toward Action Statement

<i>Thelymitra</i> sp. aff. <i>pulchella</i>	Nominate and proceed toward Action Statement
<i>Poa</i> aff. <i>tenera</i> (Capillary)	Nominate and proceed toward Action Statement

3. Priority Ecological Vegetation Classes for preparation of Action Statements

Priority will be given to preparation of Action Statements for floristic communities that are listed under the *Flora and Fauna Guarantee Act 1988* and which fall within the following Ecological Vegetation Classes:

- Limestone Grassy Woodland
- Montane Riparian Woodland
- Limestone Pomaderris Shrubland
- Warm Temperate Rainforest
- Dry Rainforest
- Coastal Grassy Forest

GUIDELINES FOR REVIEWING MANAGEMENT STRATEGIES AND ZONES

Box 1 will replace the current guidelines in page 79 of the East Gippsland Forest Management Area Plan. Where proposed changes to the CAR Reserve System are made in accordance with this Attachment, the Commonwealth agrees to accept those changes.

Box 1

GUIDELINES FOR REVIEWING MANAGEMENT STRATEGIES AND ZONES

Management guidelines in this Plan will be reviewed under the following circumstances:

- When research information on key species becomes available (for example, on completion of the current Long-footed Potoroo research, or population viability analyses for other threatened species).
- If new species are identified that are considered threatened.
- As required by new legislation, policies or Action Statements.

Management zone boundaries may require review if:

- Changes to management strategies for certain species or values mean that the zoning system is more or less than adequate for those values.
- Field inspections or better mapping indicate that minor amendments are required to create practical management boundaries.
- A zone is found not to contain the values for which it was identified; amendments may be required to ensure that conservation targets are met.
- New records are listed for species whose conservation targets have not been met.
- New records of some species warrant changes to zones to consolidate an area of good quality habitat in exchange for an area of poorer-quality habitat.
- Existing boundaries are found to place unreasonable restrictions on the practical access to areas for forest management or for infrastructure development (easements etc).

Proposed zone amendments will be assessed according to whether they:

- Ensure the CAR Reserve System continues to comply with the JANIS Reserve Criteria.
- Adequately conserve the values identified in the Comprehensive Regional Assessment data sets.
- Consider the maintenance of National Estate protection.

- Conserve the values highlighted in the zoning scheme register of this Plan.
- Ensure there is no net deterioration in the level of protection of identified values in the SPZ.
- Ensure there is no net deterioration in timber production capacity.
- Maintain a well-distributed, inter-connected network of protected areas.
- Minimise practical problems for timber harvesting or access in the General Management Zone.
- Make the best use of areas that are unavailable for timber harvesting due to other considerations such as slope, access and site quality.
- Avoid conflict with strategic burning corridors.

ATTACHMENT 6

PUBLIC REPORTING AND CONSULTATIVE MECHANISMS

Public reporting and consultative mechanisms relevant to the management of East Gippsland's forests include:

- Land Conservation Council studies;
- preparation and amendment of the Forest Management Plan, National Park management plans, and regional fire protection plans;
- activities associated with the implementation of the *Flora and Fauna Guarantee Act 1988*;
- preparation and review of Codes of Practice;
- preparation of Wood Utilisation Plans and Fuel Reduction Burning Plans;
- technical, research and other reports on such topics as
 - Sustainable Yield Reviews
 - Regeneration Performance
 - Old-growth Surveys
 - Annual Reports of the Forest Management Area
 - Updates of the Schedules of the *Flora and Fauna Guarantee Act 1988*.
- nomination, preparation and possible contraventions of recovery plans and threat abatement plans prepared under the *Endangered Species Protection Act 1992*;
- listing of places on the Register of the National Estate under the *Australian Heritage Commission Act 1974*.

RESEARCH

The major priority of future research will be the development of appropriate mechanisms to monitor the sustainability of forest management practices. To help underpin this work, and ensure that forest management practices continue to improve, research will continue on the following major themes.

- silviculture
- flora and fauna conservation
- soil and water conservation
- fire ecology
- wood quality in regrowth forests.

Parties also recognise the importance of continuing research to address:

- control of feral predators
- environmental weed control in priority areas
- population monitoring of high priority threatened flora and fauna species.
- the effectiveness of Ecological Vegetation Classes as surrogates of biodiversity
- the development of ecologically based fire management regimes
- the effect of regrowth forests on water yields and their impacts on stream biota
- the effect of introduced fish species on aquatic fauna
- growth responses and ecological impacts of intensive silviculture in regrowth forests.
- stem defect and wood quality in regrowth forest
- technologies and processes associated with the development of high value wood products.

ATTACHMENT 8

MONTREAL PROCESS CRITERIA FOR THE CONSERVATION AND SUSTAINABLE MANAGEMENT OF TEMPERATE AND BOREAL FORESTS

- Criterion 1: Conservation of biological diversity
- Ecosystem diversity
 - Species diversity
 - Genetic diversity
- Criterion 2: Maintenance of productive capacity of forest ecosystems
- Criterion 3: Maintenance of ecosystem health and vitality
- Criterion 4: Conservation of soil and water resources
- Criterion 5: Maintenance of forest contribution to global carbon cycles
- Criterion 6: Maintenance and enhancement of long term multiple socio-economic benefits to meet the needs of societies
- Production and consumption
 - Recreation and tourism
 - Investment in the forest sector
 - Cultural, social and spiritual needs and values
 - Employment and community needs
- Criterion 7: Legal, institutional and economic framework for forest conservation and sustainable management