

**Regional Forest Agreement for the South-West Forest Region  
of Western Australia**

**Review of  
Progress with the Implementation of the  
Regional Forest Agreement for the South-West Forest Region  
of Western Australia**

**Scoping Agreement**

**The Commonwealth of Australia**

**and**

**The State of Western Australia**

**April 2013**

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## **Preamble**

The purpose of this Scoping Agreement is to confirm the arrangements agreed by the Western Australian and Commonwealth Governments (the Parties) to undertake a review of performance against the agreed milestones and commitments of the Regional Forest Agreement for the South-West Forest Region of Western Australia 1999 (WA RFA) in accordance with the provisions of Clauses 36, 37, 38 and 39 of the WA RFA.

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

This version of the Scoping Agreement supersedes any prior Scoping Agreement in relation to Implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia that has been entered into by either party prior to execution of this Scoping Agreement.

The Parties agree that this Scoping Agreement will be consistent (including with respect to the definition of terms) with the WA RFA, the National Forest Policy Statement (NFPS), and other relevant agreements and policies.

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

## **Background**

The State of Western Australia and the Commonwealth of Australia entered into the WA RFA on 4 May 1999. The purpose of the WA RFA was to provide for the maintenance and development of a sustainable forest industry in Western Australia. The duration of the WA RFA is twenty years (i.e. 1999 to 2019) which can be extended with the agreement of both Parties under Clause 6 following the third review (due in 2014) specified in Clause 36.

The WA RFA was the fourth of a series of Regional Forest Agreements (RFAs) between the Commonwealth Government and the Governments of Victoria, New South Wales, Western Australia and Tasmania. Whilst all the RFAs have their own unique elements they have all been drawn up under the aegis of the NFPS and all have a requirement for reviews.

The WA RFA provides for a suite of measures to provide for conservation of the environmental and heritage values of the forest estate. These include the establishment of a Comprehensive, Adequate and Representative (CAR) Reserve System, management systems to ensure sustainable practices within forests and a reporting framework to facilitate their effective implementation.

The WA RFA also provides a suite of measures to ensure the efficient and effective development of the timber industry and forest based industries to provide for better social and, in particular, employment outcomes in the south-west of Western Australia. It also provides specific measures to ensure security for the mining and tourism industries.

An important element of the WA RFA is the requirement for reporting. Clause 36 of the WA RFA specifically provides for five-year reviews of performance against the specified milestones and commitments.

The first five-year review was to be undertaken at the same time as the State conducted a revision of its Forest Management Plan (FMP). The FMP was revised between 2001 and 2003 and the Forest Management Plan 2004-2013 was released by the State Government on 20 December 2003, confirming significant resource reductions and amendments to the reserve system.

The WA RFA review by the Parties will proceed, recognising the FMP and the direction this has taken.

## **RFA Requirements for a Performance Review**

Clauses 36, 37, 38 and 39 of the WA RFA require a review of the performance of the WA RFA be undertaken within each five year period:

*Clause 36 – The Parties note that under the Conservation and Land Management Act 1984, Forest Management Plans are revised every ten years. Towards the end of the first and third five year periods of this Regional Forest Agreement, a joint Commonwealth/Western Australian review on performance against the milestones and commitments made in this Agreement will be undertaken at the same time as the Forest Management Plan revision process, thereby taking into account the required Environmental Protection Authority assessment of, and recommendations on, the revised Forest Management Plans due at those times and the associated statutory public consultation processes. The Commonwealth and the State will jointly report on performance before the end of the second five year period of this Agreement.*

*Clause 37 – The mechanisms for these joint reviews/report will be agreed by the Parties within six months of the signing of this Agreement and the reviews/report will be completed within three months after the completion of each five-year period.*

*Clause 38 – While these five year reviews/report on performance will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the reviews or report on performance. The outcomes of the reviews and the report on performance will be made public.*

*Clause 39 – The Commonwealth will table in the Commonwealth Parliament the signed Regional Forest Agreement and when completed the annual reports detailing achievement of the milestones for the first four years of the Agreement and the first five year review on performance against milestones and commitments.*

The purpose of the review is to assess and report on progress made against the milestones and commitments specified in the WA RFA (Attachment 1), and will include:

- the extent to which milestones and commitments have been met, including the management of the National Estate;
- the results of monitoring of sustainability indicators; and
- invited public comment on the performance of the WA RFA.

## **Principles for Conduct of the Review**

The WA RFA is a twenty-year agreement. It explicitly provides for reporting annually for the first five years and thereafter every five years.

The review will cover two periods: the first from the date the WA RFA was signed on 4 May 1999 to 4 May 2004 and the second from 5 May 2004 to 4 May 2009. The review will satisfy the requirement to undertake a review of the performance of the WA RFA for the first two periods.

In undertaking the Review the Parties agree that they are jointly responsible for the Review and agree to undertake such measures as are necessary to ensure effective coordination within and between both Parties. The Review will be completed in accordance with the process described in section Process and time frame for conducting the Review of this Scoping Agreement.

The Parties also recognise their responsibility for the efficient management of resources. To help the Parties meet this responsibility, the review process will be designed to avoid duplication of process and waste of effort. Therefore, the review will be cognisant of other State and National forest reporting processes and requirements.

The Parties recognise their responsibility to the community in accounting for the management of Western Australia's forests under the WA RFA. Therefore, the conduct of the review is to be undertaken in a manner that:

- is open, transparent and equitable;
- is open to public comment;
- is cognisant of other forest reporting requirements;
- is reliant on the most recent data as required by the WA RFA;
- doesn't open the WA RFA to re-negotiation; and
- ensures the outcomes of the review will be made publicly available.

## **Items for Review**

All milestones and commitments in the WA RFA have been agreed by the joint Western Australian and Commonwealth Government Review Committee (the Review Committee) as the subject of this review including those milestones specified in Attachment 3 of the WA RFA. Those items subject to review are listed in Attachment 1 of this document. The Review Committee acknowledges that it is important to identify the objectives behind the agreed milestones and commitments. This approach will enable much of the work undertaken during the FMP to be recognised as contributing to WA RFA milestones and commitments, therefore avoiding unnecessary duplication of work.

## Linkages to Other Processes

There are a number of processes requiring essentially similar information aimed at reporting on sustainable management of forest ecosystems. These include the Western Australian and Australian State of the Environment reporting, Australian State of the Forests reporting and reporting against Montreal Process Criteria and Indicators and progress and performance reports on the FMP.

Where practicable, both Parties will endeavour to collect and store information in a form which is readily transferable to and from other reporting mechanisms.

## Governance

The development, implementation and finalisation of the review will be undertaken by the Review Committee.

The Review Committee will comprise two representatives of the Australian Government nominated by the Department of Agriculture, Fisheries and Forestry and two representatives of the Western Australian Government nominated by the Department of Environment and Conservation. It will be jointly chaired by the Australian Government Department of Agriculture, Fisheries and Forestry and the Western Australian Department of Environment and Conservation.

The Review Committee will have primary responsibility for developing elements of the review as outlined in the Scoping Agreement, including, where appropriate, progress reports for the consideration and/or approval of Ministers.

The Review Committee will be responsible for:

- undertaking day to day implementation of this Scoping Agreement;
- nominating the Independent Reviewer;
- preparing A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia*;
- allocating resources to undertake the review, including provision of administrative support to the Independent Reviewer;
- inviting public comment on A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia*;
- supporting the Independent Reviewer to review public submissions on A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia* in accordance with the Terms of Reference for the Independent Reviewer; and
- preparing and publishing the Joint Australian and Western Australian Government Response to the report by the Independent Reviewer.

## **Ministerial**

The Parties to the Scoping Agreement are represented by:

### ***Western Australia:***

The Hon. Albert Jacob MLA  
Minister for the Environment; Water

### ***Commonwealth:***

The Hon. Sid Sidebottom MP  
Parliamentary Secretary for Agriculture, Fisheries and Forestry

The Ministers shall approve the:

- Appointment of the Independent Reviewer.
- Joint Australian and Western Australian Government Response to the report by the Independent Reviewer.

## **Process and Timeframe for Conducting the Review**

The following process and time frame for the Review is proposed by the Parties:

### **Phase 1 - Preparation**

By end of January 2013

- A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia (WARFA)* prepared by the Parties.
- Determine scope of responsibilities for the Independent Reviewer.
- Appoint an Independent Reviewer.

### **Phase 2 – Public Consultation/Comment**

Between 20 May and 28 June 2013

- Public consultation or comment will be sought on A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia (WARFA)*.

### **Phase 3 – Review**

Between 1 July and 9 August 2013

- A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia (WARFA)*, including the public comments, Governments response(s) to comments from the public consultation process or extra information provided by Governments will be reviewed by the Independent Reviewer.
- A report prepared by the Independent Reviewer.

### **Phase 4 – Public Reporting and Government Response**

Between 12 August and 20 September 2013

- The report prepared by the Independent Reviewer is presented to the Western Australian and Australian Governments.
- The Parties jointly respond to the Review findings and publish the Joint Australian and Western Australian Government Response.

## **Arrangements for Conduct of the Review**

The following arrangements for conduct of the Review are agreed by both Parties:

- the Review Committee will undertake the review and prepare a report on the progress with implementation of the WA RFA;
- the Review Committee will release the report for public comment and collate written public submissions to the report;
- the Independent Reviewer will review the report and written public submissions and compile a report to the Parties;
- the Review Committee will make publicly available the Independent Reviewer's report and written public submissions; and
- the Review Committee will prepare a joint response from Governments which responds to the Independent Reviewer's report.

This approach is consistent with arrangements developed between the Australian Government and other State governments who have undertaken reviews of progress with implementation relating to RFAs.

## **Reporting Protocols**

The Review Committee shall report to:

- responsible Ministers on an as needs basis through the Chairs; and
- responsible Ministers who shall consider the report of the Independent Reviewer and a formal response from the parties with a view to publication of the Review.

## **Financial Issues**

The State and the Commonwealth are to be responsible for all their own internal costs associated with the implementation of this Agreement. The Parties will share evenly the agreed additional costs of the review, including the Independent Reviewer and associated costs; and the preparation, publication and distribution of reports.

## Signing page

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

on the TENTH day of MAY in the year 2013

**Signed** for and on behalf of the  
**Commonwealth of Australia** by the  
Hon Sid Sidebottom MP,  
Parliamentary Secretary for Agriculture,  
Fisheries and Forestry

(Sgd) Nathan Pope  
\_\_\_\_\_  
Signature of witness

← (Sgd) Sid Sidebottom ←  
\_\_\_\_\_  
Signature of representative

NATHAN POPE  
\_\_\_\_\_

Name of witness (print)

SID SIDEBOTTOM  
\_\_\_\_\_

Name of representative (print)

**Signed** for and on behalf of the  
**Western Australian Government** by  
the Hon Albert Jacob MLA,  
Minister for Environment; Water

(Sgd) Tamatha Smith  
\_\_\_\_\_  
Signature of witness

← (Sgd) Albert Jacob ←  
\_\_\_\_\_  
Signature of representative

TAMATHA SMITH  
\_\_\_\_\_

Name of witness (print)

ALBERT JACOB  
\_\_\_\_\_

Name of representative (print)

## Attachment 1: Items for the Review

Milestones and commitments contained in the following clauses and attachments of the WA RFA.

### THE REGIONAL FOREST AGREEMENT FOR THE SOUTH-WEST FOREST REGION OF WESTERN AUSTRALIA.

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Attachment 1	Comprehensive, Adequate and Representative (CAR) Reserve System
Attachment 2	Protection and Management of National Estate Values
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Attachment 4	Public Reporting and Consultative Mechanisms
Attachment 5	Improvements to Western Australia's Forest Management Systems on Public Land
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Attachment 14	Forest Employment and Industries Development Strategy

## Attachment 2: Terms of Reference for the Independent Reviewer

### Background

The Australian and Western Australian Governments signed the Regional Forest Agreement for the South-West Forest Region of Western Australia (WA RFA) in May 1999.

The WA RFA established a framework for the management of forests within the South-West Forest Region of Western Australia. The duration of the WA RFA is twenty years.

The Western Australian RFA was developed as part of a series of Regional Forest Agreements (RFAs) between the Commonwealth Government and the Governments of Victoria, New South Wales, Western Australia and Tasmania.

An important element of the WA RFA is the requirement to review the performance of the RFA every five years.

A review is an assessment of the progress made with implementation against the milestones and commitments specified in the WA RFA. Clauses 36, 37, 38 and 39 of the Regional Forest Agreement for the South-West Forest Region of Western Australia require that:

- 36. The Parties note that under the CALM Act, Forest Management Plans are revised every ten years. Towards the end of the first and third five year periods of this Regional Forest Agreement, a joint Commonwealth/Western Australian review on performance against the milestones and commitments made in this Agreement will be undertaken at the same time as the Forest Management Plan revision process, thereby taking into account the required Environmental Protection Authority assessment of, and recommendations on, the revised Forest Management Plans due at those times and the associated statutory public consultation processes. The Commonwealth and the State will jointly report on performance before the end of the second five year period of this Agreement.*
- 37. The mechanisms for these joint reviews/report will be agreed by the Parties within six months of the signing of this Agreement and the reviews/report will be completed within three months after the completion of each five-year period.*
- 38. While these five year reviews/report on performance will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the reviews or report on performance. The outcomes of the reviews and the report on performance will be made public.*
- 39. The Commonwealth will table in the Commonwealth Parliament the signed Regional Forest Agreement and when completed the annual reports detailing achievement of the milestones for the first four years of the Agreement and the first five year review on performance against milestones and commitments.*

## **Terms of Reference**

The role of the Independent Reviewer will be to review A Report on Progress with the Implementation of the *Regional Forest Agreement for the South-West Forest Region of Western Australia* and associated written public submissions, and report to the Review Committee. The review will cover two five-yearly periods: the first from the date the RFA was signed on 4 May 1999 to 4 May 2004 and the second from 5 May 2004 to 4 May 2009.

The Independent Reviewer is required to:

1. Receive written submissions from the public on A Report on Progress with the Implementation of the *Regional Forest Agreement for the South-West Forest Region of Western Australia*.
2. Review written public submissions and undertake further targeted consultation with organisations or individuals as required, to clarify any issues raised in the written public submissions.
3. Provide a written report to the Review Committee, which:
  - provides comment and recommendations on A Report on Progress with the Implementation of the *Regional Forest Agreement for the South-West Forest Region of Western Australia*, considering the written public submissions received;
  - describes the key issues identified in the written public submissions;
  - identifies any additional issues that should be considered for the continued implementation of the RFA; and
  - lists the names of the individuals and organisations that made written public submissions.
4. Deliver all written public submissions and information used by the Independent Reviewer to the Review Committee with their report.

## **Timing**

The Independent Reviewer must submit their report to the Review Committee within 4 months of public comment being invited on A Report on Progress with the Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia*.

## **General**

The terms of reference for the Independent Reviewer should be read in conjunction with this Scoping Agreement (dated).

## **Addendum A**

<p><b>Regional Forest Agreement for the South-West Forest Region of Western Australia Review of Progress with the Implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia Scoping Agreement The Commonwealth of Australia and the State of Western Australia April 2013</b></p>
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### **Process and time frame for conducting the Review**

The following process and time frame for the Review is proposed by the Parties:

#### **Phase 1 - Preparation**

By 28 June 2013

- A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia (WARFA)* prepared by the Parties.
- Determine scope of responsibilities for the Independent Reviewer.
- Appoint an Independent Reviewer.

#### **Phase 2 – Public Consultation/Comment**

Between 29 July and 13 August 2013

- Public consultation or comment will be sought on A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia (WARFA)*.

#### **Phase 3 – Review**

Between 16 August and 1 November 2013

- A Report on Progress with Implementation of the *Regional Forest Agreement for the South-West Region of Western Australia (WARFA)*, including the public comments, Governments response(s) to comments from the public consultation process or extra information provided by Governments will be reviewed by the Independent Reviewer.
- A report prepared by the Independent Reviewer.
- The report prepared by the Independent Reviewer is presented to the Western Australian and Australian Governments.

#### **Phase 4 – Public Reporting and Government Response**

Between 4 November and 20 December 2013

- The Parties jointly respond to the Review findings and publish the Joint Australian and Western Australian Government Response.

## Signing page

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IN WITNESS WHEREOF this Addendum to the Scoping Agreement has been signed for and on behalf of the Parties on the NINETEENTH day of JULY in the year 2013

**Signed** for and on behalf of the  
**Commonwealth of Australia** by the  
Hon Sid Sidebottom MP,  
Parliamentary Secretary for Agriculture,  
Fisheries and Forestry

(Sgd) Shane Broad  
Signature of witness

← (Sgd) Sid Sidebottom Signature of representative SG←

SHANE BROAD

SID SIDEBOTTOM

Name of witness (print)

Name of representative (print)

**Signed** for and on behalf of the  
**Western Australian Government** by  
the Hon Albert Jacob MLA,  
Minister for Environment; Water

(Sgd) Jason Foster  
Signature of witness

← (Sgd) Albert Jacob Signature of representative ←

JASON FOSTER

ALBERT JACOB

Name of witness (print)

Name of representative (print)