

**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
Third Five-Year Period (2009 – 2014)**

SEPTEMBER 2018

Preface

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

The RFAs began as twenty-year agreements that aimed to balance the environmental, social and economic values of key forest areas. The WA RFA was developed as part of a series of RFAs between the Australian Government and the Governments of New South Wales, Tasmania, Victoria and Western Australia in the late 1990s and early 2000s. Each agreement has its own unique elements specific to the RFA region; they give effect to the *National Forest Policy Statement* (1992)¹ by outlining milestones, commitments and obligations to support the implementation of the policy.

The WA RFA establishes a bilateral framework for the sustainable management of forests within the State's south-west forest region. The framework also provides support for a long term sustainable native forest based timber and wood products industry, and a comprehensive, adequate and representative reserve system.

The Parties remain committed to a durable and responsive WA RFA, and that the agreement's milestones, obligations and commitments continue to be delivered to ensure ecologically sustainable forest management.

The WA RFA requires five-yearly reviews on performance including the opportunity for public consultation. A combined first and second five-yearly review, covering the period from 1999 to 2009, was concluded in February 2015.

The third five-yearly progress report, *A Report on Progress with the Implementation of the Regional Forest Agreements for the South-West Forest Region of Western Australia*, assembled by the Parties, was made available for public comment for eight weeks from November 2016 to January 2017. Twelve (12) public submissions² were received and considered by the Independent Reviewer.

The Australian and Western Australian Governments appointed Mr. Graham Wilkinson of Tasmania to carry out the independent review of the Period 3 progress report and public submissions.

In conducting the independent review, Mr. Wilkinson requested further information from the Parties and undertook field visits in April 2017. In summary, Mr. Wilkinson provided the following comments on the Period 3 progress report and the matters raised in the public submissions.

“The review has found that considerable progress has been made by Western Australia towards the achievement of the commitments in the WA RFA. A total of 71 commitments were achieved or completed during the

¹ <http://www.agriculture.gov.au/forestry/policies/forest-policy-statement>

² <https://www.dpaw.wa.gov.au/management/forests/managing-our-forests/74-wa-regional-forest-agreement-progress-report>

reporting period, 32 were partially achieved or in progress, and 11 were not achieved.

Twelve submissions on the progress report were received from stakeholders. The key issues raised in public submissions were: the integrity and enforceability of the WA RFA; competing views over the trade-off between economic and environmental uses of native forests; the economics of logging native forests; concerns about resource security; the adequacy of compliance monitoring and enforcement; and funding of forest-based tourism and recreation.”

Mr. Wilkinson further concluded that:

1. commitments in the WA RFA relating to threatened flora and fauna were achieved
2. timber harvesting operations are conducted in a manner that contributed to the maintenance of biodiversity values
3. WA has a comprehensive system in place to take account of the competing demands of the forest estate.

On 23 May 2017, the Independent Reviewer’s report, *Review of the Implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia for the Period 2009 – 2014*, was submitted to Senator the Hon. Anne Ruston, Australian Government Assistant Minister for Agriculture and Water Resources and the Hon. Stephen Dawson MLC, the Western Australian Government Minister for Environment. The Independent Reviewer’s report was tabled in the House of Representatives and Senate of the Australian Parliament on 8 August 2017 and made available to the public³.

Having carefully considered the Independent Reviewer’s report, the Parties have prepared this joint government response which outlines the agreed details and proposed actions to each of the reviewer’s 17 recommendations.

With the publication of this joint government response to the Independent Reviewer’s report, the process as agreed in the January 2016 Scoping Agreement for the third five-yearly review of the WA RFA is concluded.

Future progress

The Parties will continue to collaborate on implementing the recommendations from the independent reviews of the combined first and second, and the third five-yearly periods.

The Parties reconfirm their commitment to continuously improve the delivery of ecologically sustainable forest management (ESFM) as envisaged by the *National Forest Policy Statement* and the WA RFA.

³ <https://www.dpaw.wa.gov.au/management/forests/managing-our-forests/74-wa-regional-forest-agreement-progress-report>

The Parties remain committed to the WA RFA as an appropriate mechanism to protect and conserve the State's south-west forests and as an effective mechanism to oversee forest management and forest industry practices in the area covered by the agreement.

The Australian Government is working to deliver its commitment to provide 20-year extensions to the Regional Forest Agreements, with an additional five-year rolling extension subject to satisfactory performance, added at each five-yearly review point. The Australian Government will cooperate with the Western Australian Government to ensure that the process to extend the WA RFA supports 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 WA 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 WA RFA as the agreement delivers effective conservation, forest management and forest-based industry outcomes.

Issues raised in public submissions, the Independent Reviewer's report and this joint government response, are key inputs to the process for extending the WA RFA. Having regards to these key inputs, the Australian and Western Australian governments have entered into negotiations to extend the WA RFA.

Response to Independent Reviewer's recommendations

Reviewer's Recommendation 1

WA considers the means by which its legislative, policy and institutional framework can deliver a clear and consistent interpretation of the contribution that forests outside of reserves (including private land) should make to the conservation of biodiversity across the range of temporal and spatial scales.

Joint Government Response

The Parties agree to this recommendation.

The Parties acknowledge that Western Australia's *Forest Management Plan 2014-2023* (2014-2023 FMP) includes biodiversity goals for 'Forest conservation areas and informal reserves' which are areas within State forest, and for 'Integrating biodiversity management across the plan area' which has a focus on managing disturbance activities to minimise the effects on biodiversity.

In responding to the recommendation, Western Australia will consider including in the next FMP a goal and relevant management activities to further clarify the contribution of State forest and timber reserves to the conservation of biodiversity and availability for resource extraction and other uses.

At a state level, an objective of Western Australia's *Biodiversity Conservation Act 2016* is to provide for the conservation and protection of biodiversity and biodiversity components in Western Australia and the ecologically sustainable use of biodiversity components across all tenures. The Act also provides the legislative and policy framework to support the ongoing contribution of forests on private lands to biodiversity conservation.

Reviewer's Recommendation 2

WA considers mechanisms to foster a common understanding within government and amongst land managers, resource-users, scientists, non-government organisations, the media and the wider community, of the role and contribution of forests outside of reserves to the conservation of biodiversity.

Joint Government Response

The Parties agree to this recommendation.

The Parties acknowledge that forests outside of the formal reserve system do contribute to the conservation of biodiversity together with a range of other values and uses, including resource use, consistent with the National Forest Policy Statement. This contribution is misunderstood by some stakeholders and the wider community.

Western Australia agrees to actively promote the role of forests outside of the formal reserve system to the conservation of biodiversity. The principles of ESFM apply to the management of all forests within the WA RFA region and the 2014-2023 FMP provides for forest management activities to promote biodiversity conservation outside reserves.

Western Australia will continue to work on enhancing community understanding of the role and contribution that forests outside of reserves make to conservation of biodiversity and other values and uses.

Examples of initiatives supported by Western Australia include:

- the Wellington Forest Discovery Centre, located in Wellington National Park near Collie provides school based forest activities, as well as introducing a range of programs for the public;
- excursions have been developed for primary to secondary school students to gain an insight into the principles and practices of sustainable forest management and an understanding of how south-west forest works⁴; and
- support for the Dieback Information Group's annual conference for industry, community, researchers and Government to share current programs, research developments and management tactics to combat native plant diseases, including *Phytophthora dieback*.

The *Biodiversity Conservation Act 2016* also provides for incentives for private and community conservation initiatives involving promotion, encouragement, and partnerships with private landowners, including through new biodiversity conservation agreements and biodiversity conservation covenants.

In undertaking work to implement **Recommendation 1**, Western Australia will also consider the intent of this recommendation (communication and engagement) within the framework that encompasses biodiversity conservation in forests outside reserves.

⁴ <https://www.dpaw.wa.gov.au/get-involved/nearer-to-nature/schools/excursions/item/1285-sustainable-forestry>

Reviewer's Recommendation 3

The Parties consider a means to better evaluate and publicly report on the socio-economic impacts associated with the harvesting and processing of wood products from native forests, including: transparent reporting of the accounting methods; costs and returns to government; and the opportunity costs related to other uses of the forest.

Joint Government Response

The Parties agree in principle to this recommendation.

The Parties maintain there are existing processes which report on the social, economic and financial aspects of the forest products industry, especially from forest to primary processor. These include annual reports by Western Australian departments and the Forest Products Commission, Australia's State of the Forest Report, project reports by Forest and Wood Products Australia for targeted socio-economic studies, in addition to information collected and published by the Australian Bureau of Statistics.

The Parties note that the 2014-2023 FMP includes key performance indicators to measure the success of meeting productive capacity (16 and 19) and social and economic (21 and 22) objectives.

Consideration will be given to more transparent reporting on the socio-economic impacts associated with the forestry industry.

The Parties note the 2017 report from the Forest and Wood Products Australia (FWPA) *Socio-economic impacts of the forest industry in Western Australia*⁵ was published outside the reporting period. The report examined the employment and economic activity generated by the state's forest industry, and identified the communities in which the industry generates a significant proportion of local jobs. The Parties support future updates of the baseline information provided in this report.

⁵ Schirmer, J. Mylek, M. Magnusson, A. Yabsley, B. Morison, J. 2017. *Socio-economic impacts of the forest industry in Western Australia*. Forest and Wood Products Australia <http://www.fwpa.com.au/resources/market-access/1494-socio-economic-impacts-of-the-forest-industry-western-australia.html>

Reviewer's Recommendation 4

The Parties consider ways to foster improved and ongoing participation of stakeholders in the WA RFA process.

Joint Government Response

The Parties agree to this recommendation.

The Parties maintain that well-established and transparent processes exist which allow stakeholders and the wider community to scrutinise, engage and comment on many aspects of forest management, including, but not limited to:

- Preparation of area management plans, including forest management plans
- Independent third-party certification and audits of Forest Product Commission activities
- Preparation of prescribed burn plans
- Coupe level planning and local community consultation
- Public nomination process to assess the old-growth forest status of areas
- Nomination of species and threatened ecological communities to declare as protected or priority
- Preparation of recovery plans for threatened species and ecological communities
- Preparation of biodiversity management programmes.

As with stakeholder engagement for the current and future Forest Management Plan and its performance reviews, the WA RFA five-yearly reviews and the proposed extension provides opportunities for the Parties to engage with stakeholders.

The Parties, in extending the WA RFA, are committed to engaging with key industry and environment stakeholders and Aboriginal custodians.

Reviewer's Recommendation 5

The Parties consider the legal form of any future WA RFA to better clarify the commitments that are legally-binding and those commitments that are more performance-based. Where practical, the WA RFA should focus on desired outcomes rather than prescribed actions or process.

Joint Government Response

The Parties agree to this recommendation.

The Parties agree to consider options to realise the intent of this recommendation in negotiating to extend the WA RFA, and the terms required to vary the agreement, noting that the form of the WA RFA will not change substantially.

Reviewer's Recommendation 6

The Parties re-affirm their commitment to deliver transparency and certainty of outcomes under the WA RFA, noting that-

- 1. the WA RFA should be regularly updated as required in response to new information and changes to operating environments;**
- 2. all changes should follow a formal amendment process;**
- 3. all proposed changes should be publicly released for comment;**
- 4. the Parties should formally consider and respond to any submission from a person who can demonstrate a direct and material disadvantage from the proposed changes.**

Joint Government Response

The Parties agree in principle to this recommendation.

The Parties re-affirm this commitment and will consider options to realise the intent of this recommendation in negotiating the extension of the WA RFA, and the terms required to vary the agreement.

Changes to the operational environment and state processes can occur without requiring changes to the WA RFA itself. Operational forest management is undertaken by state government agencies and includes various policies, management plans, operational plans and guidance documents. A range of state processes, including management plans provide for public consultation.

The Parties acknowledge that changes to forest management occur in response to the acquisition of new information or to changes in societal values and objectives, and the operational, legislative or policy frameworks (i.e. adaptive forest management). These changes are documented in the progress reports for five-yearly reviews which are made available for public comment.

The Parties may agree to some minor modifications to incorporate the results of the five-yearly reviews and it is up to the Parties to negotiate further amendments to the WA RFA based on the scale and scope of the changes made at the time.

Reviewer's Recommendation 7

WA considers the means by which it may work towards the collation of data, including KPIs and Sustainability Indicators, and the synchronising of relevant reviews and reports to meet state and national obligations, including the FMP, WA RFA, national State of the Forests Report and Montréal Process.

Joint Government Response

The Parties agree to this recommendation.

Western Australia will continue to investigate relevant opportunities to align reporting requirements in the context of five-yearly progress reports on the WA RFA, the national State of the Forest reporting at designated five yearly intervals and reviews of the 2014-2023 FMP. The reviews of the 2014-2023 FMP collect data and information from across relevant Western Australian Government departments to report on progress in implementing the plan and will contribute to continuous improvement in its implementation.

Reviewer's Recommendation 8

The Parties address the information gaps and suggested corrections noted in this report by way of the Joint Government Response and consider attaching a label to the on-line versions of the two progress reports (Period 1 & 2, and Period 3) to briefly explain their status, the process of review (including submissions on the report and the independent review), and to clarify that any additions or amendments to the report are detailed in the Joint Government Response to each report.

Joint Government Response

The Parties agree to this recommendation.

The Parties agree to rectify information gaps and correct information provided in the third five-yearly progress report. **Annex A** to this response provides the relevant updates from the Parties.

The Parties note that some of the suggested information gaps identified in the Independent Reviewer's Report relate to clauses that are now unnecessary due to changes in operating environment or have been addressed by other means since the WA RFA was signed in 1999. The updating of these clauses will be considered in negotiations to extend of the WA RFA.

The Parties will expand their on-line informative commentary around the five-yearly reviews to meet the intent of this recommendation on relevant lead agency websites.

Reviewer's Recommendation 9

The Parties consider amending the timeframe for completing the joint reviews/report pursuant to Clause 37 of the WA RFA to ensure that there is sufficient time to complete the work and to report in a practical and timely manner.

Joint Government Response

The Parties agree to this recommendation.

The Parties agree to consider the timeframes of future five-yearly progress reporting for the WA RFA as an aspect of negotiating the extension of the WA RFA as well as in context of the resourcing implications and outcomes to implementing **Recommendation 7.**

Reviewer's Recommendation 10

The Parties ensure that there is a 'whole of government' approach to the preparation of the progress reports, by ensuring that relevant government agencies are involved in the finalisation of the reports prior to their public release.

Joint Government Response

The Parties agree to this recommendation.

The lead agencies from the Australian and Western Australian governments will engage with relevant state and Commonwealth agencies or departments in the preparation of future progress reports for five-yearly reviews.

Reviewer's Recommendation 11

The Parties agree to include a table of legislative and administrative changes at Commonwealth and State level that affect the Regional Forest Agreement in all future five-yearly reports, together with an analysis of the impact of these changes on the capacity of the Parties to implement the commitments in the Agreement.

Joint Government Response

The Parties agree to this recommendation.

An overview of legislative and administrative changes at the State and Commonwealth level relevant to the third five-yearly review of the WA RFA is at **Annex B**.

Reviewer's Recommendation 12

WA considers reviewing its regulatory framework to-

- 1. Develop an annual consolidated compliance monitoring report for the FMP, to clearly outline: the respective roles and responsibilities of organisations; the methodology for monitoring; the periodicity of reporting (e.g. annual and five-yearly); and the consolidated results of monitoring, including trend data from previous reports.**
- 2. Improve the manner in which the nature, number and outcomes of investigations, including enforcement actions, are transparently reported in publicly-available reports (e.g. annual and five-yearly reports).**

Joint Government Response

The Parties agree in principle to this recommendation.

Western Australia considers that amendments to the regulatory framework at a legislative level are unnecessary at this stage as forest management plans, prepared in accordance with the CALM Act, provide a suitable framework. The 2014-2023 FMP, identifies goals, performance targets and proposed management activities to achieve these goals. The review of the 2014-2023 FMP will report on progress in implementing the plan and will contribute to continuous improvement in its implementation.

The Forest Products Commission, in cooperation with other relevant authorities, maintains a forest management system that is externally certified to ISO 14001 and the Australian Forestry Standard (AS4708). The Forest Products Commission is also certified under the Forest Stewardship Council® (FSC®) Controlled Wood Standard (FSC-STD-30-010; FSC-C120630) for karri forests. Through these certification standards, the Forest Products Commission maintains planning, implementation, monitoring and audit systems that are supported by regular reviews and an effective reporting system.

Western Australia will consider options to enhance reporting, with consideration to resourcing requirements and other reporting priorities, specifically legislative priorities. Where possible, existing reporting requirements will be reviewed, to determine if these can be modified and/or enhanced to implement the intent of this recommendation.

Reviewer's Recommendation 13

WA considers the need to translate the forest management guidance documents into a condensed and practical form suitable for use by forest contractors and operators.

Joint Government Response

The Parties agree to this recommendation.

Western Australia acknowledges the importance of an applicable and practical suite of guidance documents to oversee forest management and operational forest practices.

Guidance documents are prepared by the Department of Biodiversity, Conservation and Attractions and/or the Forest Products Commission to meet the requirements of the 2014-2023 FMP.

As guidance documents are reviewed, consideration will be given to simplifying or identifying useful ways to communicate operational requirements to contractors and operators.

Reviewer's Recommendation 14

The Parties consider how trends in employment and skills that are directly and indirectly related to activities under the FMP can be better captured for reporting under the ESFM framework.

Joint Government Response

The Parties agree to this recommendation.

The Parties agree to consider how better employment and skills information can be captured at a State level for reporting in Australia's State of the Forests Report.

Further to the response to **Recommendation 3**, the Parties note the 2017 report from the Forest and Wood Products Australia (FWPA) *Socio-economic impacts of the forest industry in Western Australia*⁶, and support future updates of the baseline information provided in this report.

⁶ Schirmer, J. Mylek, M. Magnusson, A. Yabsley, B. Morison, J. 2017. *Socio-economic impacts of the forest industry in Western Australia*. Forest and Wood Products Australia
<http://www.fwpa.com.au/resources/market-access/1494-socio-economic-impacts-of-the-forest-industry-western-australia.html>

Reviewer's Recommendation 15

The Parties clarify the extent to which mining sites, following rehabilitation, are expected to contribute to the principles of ESFM and to the long-term maintenance of forest values and ecological health.

Joint Government Response

The Parties agree to this recommendation.

The FMP (2014-2023) includes a goal for developing self-sustaining ecosystems including for rehabilitated mine sites. Western Australia agrees to consider improving clarity in the next FMP of the contribution of rehabilitated mine sites to the principles of ecologically sustainable forest management and to the long-term maintenance of forest values and ecological health.

Western Australia has prepared completion criteria that address vegetation establishment, resilience of vegetation, catchment protection, landscape, land use and sustainable growth which, as a whole, will contribute to the long-term maintenance of viable forested ecosystems on mined sites.

Reviewer's Recommendation 16

WA clarifies the role and contribution of private forests to the objectives of the WA RFA and the current mechanisms for fostering ESFM on private land, including the mapping of forest ecosystems and inventory of known or predicted values.

Joint Government Response

The Parties agree in principle to this recommendation.

Western Australia acknowledges the importance of private forests to ecologically sustainable forest management in the south-west forest region.

Western Australia notes that the vegetation clearing guidelines under the *Environmental Protection Act 1986* (WA) and the protection of threatened species and ecological communities and critical habitat, regulation of taking of flora and fauna, and options for biodiversity covenants under the *Biodiversity Conservation Act 2016* (WA), when fully proclaimed, provide clarity on the policy and legislative framework supporting the ongoing contribution that native forests on private lands make to the conservation of biodiversity within the WA RFA region.

Western Australia will continue to expand mapping and the recording of forest attributes on private lands as resources permit / through the biological and other surveys that accompany applications under the *Environmental Protection Act 1986* (WA).

Reviewer's Recommendation 17

WA considers undertaking regular review and reporting on the purpose and outcomes of all forest-related research projects with respect to the degree of relevance to, and uptake by, forest managers over time.

Joint Government Response

The Parties agree to this recommendation.

Western Australia, through the 2014-2023 FMP and relevant Science Policy guidelines, has acknowledged forest research as a substantive component of a forest management system that requires monitoring and evaluation of performance.

Western Australia provides fora where forest research is reviewed and/or reported on through the annual reports of relevant agencies and performance reviews of the FMP.

Annex A

Corrections to body text in A report on progress with the implementation of the Regional Forest Agreement for the South-West Forest Region of Western Australia Period 3:2009 to 2014 (see Recommendation 8)

1 - 4.6 *Engaging with traditional owners* (Page 19)

The South West Native Title Settlement⁷, driven by the Department of the Premier and Cabinet, is an agreement entered into by the State and Noongar people. It is a comprehensive native title agreement, comprising the full and final resolution of all native title claims in the south-west of WA, including Perth, in exchange for a comprehensive settlement package.

The settlement will acknowledge Noongar People as the first peoples and traditional owners of lands within the south-west corner of WA and formally acknowledges their culture, spirit, presence, heritage and identity. While outside the timeframe of the Period 3 progress report, the *Noongar Recognition Bill 2015* (assented May 2016) gives effect to the settlement objectives.

While outside the timeframe of the Period 3 progress report, on 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the South West Aboriginal Land and Sea Council (SWALSC).

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

2 - Clause number 42 (Page 29-30)

This ongoing milestone was achieved in part Period 1, Period 2 and Period 3.

The milestones and commitments detailed in Attachment 5 of the WA RFA, *Improvements to Western Australia's Forest Management Systems on Public Land*, were achieved in part during Period 3. The intent of the milestones and commitments in

⁷ Land, Approvals and Native Title Unit (2016) www.dpc.wa.gov.au/lantu/south-west-native-title-settlement/Pages/default.aspx

Attachment 5 were captured through the management actions of the FMP, for example improving forest health surveillance through extensive mapping of *Phytophthora* dieback in jarrah forest and developing comprehensive guidance documents to minimise soil disturbance. **Appendix 10** shows a diagrammatic overview of the forest management system (FMS) in WA. This overview identifies the key legislative, policy and guidance material comprising the FMS.

The FPC achieved environmental management system (EMS) certification for its native forest operations under ISO 14001 in 2001 and for whole of agency in 2007–08. FPC achieved forest management certification under The Australian Forestry Standard AS4708-2007 (AFS) for karri forest operations in March 2009 and for all forest operations in July 2009. During Period 3, the BSI Group ANZ, an independent third-party certification body, audited FPC's operations to maintain its certification under its EMS and the AFS.

In October 2014, FPC achieved Forest Stewardship Council (FSC) Controlled Wood certification covering its karri forest harvesting and regeneration operations³⁴. While outside Period 3, the first surveillance audit was conducted in 2015.

The Code of Practice for Timber Harvesting in Western Australia and its companion manual of 'Management Guideline for Timber Harvesting in Western Australia' were operational level documents which were utilized during the third five-year reporting period for native forest harvesting.

For Period 3, Parks and Wildlife conducted annual audits of native forest harvesting coupe management and environmental protection. The findings from these audits are published in Parks and Wildlife's respective yearbooks³⁵.

Targeted audits were conducted on management practices including silviculture, dieback identification and interpretation, identification and management of habitat elements in native forest harvesting and landing rehabilitation. Audit findings are submitted to Parks and Wildlife's Director General and used to implement continual improvement and focus training requirements.

The FMP 2004–2013 end-of-term audit of performance report³⁶ was submitted to the Environmental Protection Authority in 2012 for consideration and subsequent advice to the WA Environment Minister. The report involved reporting 33 key performance indicators (KPIs) and outlined progress in implementing the plan. It contributed to the development of the Draft FMP 2014–2023 including a comprehensive review and subsequent revision of key performance indicators for inclusion in the new plan. The Conservation Commission undertakes performance assessments to fulfil the functions described in section 19(1)(g) of the CALM Act to '*assess and audit the performance of the Department and the Forest Products Commission in carrying out and complying with the management plans*'. During Period 3, the Conservation Commission undertook performance assessments across the FMP area within the conservation reserve system and State forest and timber reserve. Topics included *Phytophthora* dieback, the Wungong Catchment, protection of significant flora and understorey species, performance assessment policy, biodiversity outcomes of prescribed burning, salinity management and parks of the Perth Hills. Performance assessment reports are published on the Conservation Commission's website³⁷.

3 - Clause number 54 (Page 42)

This ongoing commitment was achieved in Period 1, Period 2 and Period 3.

The *Code of Practice for Timber Plantations in WA 2006*⁵⁹ was assessed by CSIRO in 2010 against the *Forest Practices Related to Wood Production in Plantations: National Principles* (March 1996)⁶⁰. This voluntary Code of Practice, which applies to public and private plantation growers on a range of land tenures, was considered to meet the intent of the National Principles which cover a range of environmental and heritage values along with operational activities.

The Code of Practice for Timber Harvesting in Western Australia and its companion the manual of 'Management Guideline for Timber Harvesting in Western Australia' were operational level documents which were utilised during the third five-year reporting period for private native forest harvesting.

The FPC and Parks and Wildlife continue to support and encourage private forestry initiatives through participation in workshops and field days, and providing information and practical, on-ground assistance to farmers on integrated farm planning, species selection, plantation establishment and silviculture.

Appendix 4 details how WA manages practices on the private forest estate.

4 - Clause number 73 (Page 56)

Extractive industries

Mining and State Agreement legislation takes precedence over the CALM Act, but concurrence of the WA Environment Minister was required for mining operations regulated under the *Mining Act 1978* to proceed on most Parks and Wildlife-managed public land tenures, including the areas covered by the WA RFA. In addition, all mining and associated development projects were required by the relevant State Government regulatory agencies to undergo processes to assess new applications that address environmental, heritage and native title issues. State Agreement Acts (SAA) were in force for the major mining projects operating within the WA RFA region (mostly State forest), covering the bauxite and alumina operations of Alcoa and Worsley⁸, and coal mining operations of Griffin and Premier Coal. The *Mining Act 1978* regulated other mineral resource extraction activities and mineral exploration. Petroleum (includes gas) exploration and production activities within State land and waters were authorised under the *Petroleum and Geothermal Energy Resources Act 1967*⁹.

The Department of Minerals and Petroleum (DMP) is the lead regulator and decision-making authority for non-SAA projects. Extractive industry proposals determined to be

⁸ BHP Billiton

⁹ The *Petroleum Act 1967* was retitled the *Petroleum and Geothermal Energy Resources Act 1967* in 2007 to enable the addition of legislation to cover geothermal energy resources development.

environmentally significant underwent environmental impact assessment under Part IV of the EP Act.

Approximately 1000ha¹⁰ or 0.07 per cent of State forest and timber reserves per annum 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 more than 40 per cent of State forest and timber reserves, with 95 per cent of this area within Alcoa and Worsley's SAA areas. **All mining and petroleum activities were subject to compliance with the State's approval processes which include the rehabilitation of mine sites.**

DMP publishes an annual Statistics Digest¹¹ containing key statistical information and editorial on the WA resource sector, including overviews of the value of the mineral and petroleum sector, commodity price trends, royalty information and breakdowns along regional and local government lines for commodity production. While outside the reporting period, in 2014-15 the value of mineral production **in the South-West Forest Region was approximately \$6.84 billion. The major commodities produced were alumina, gold, silver, coal, copper, mineral sands and basic raw materials (DMP, 2015). Although there was no petroleum production within the South-West Forest Region during the 2009-2014 period, there were petroleum and geothermal exploration activities and a short section of the Dampier to Bunbury natural gas pipeline passes through the WA RFA region.**

5 - Appendix 3 | Improvement to Western Australia's forest management system on public land (Page 97 and 100/101)

10.

This milestone was achieved in Period 1, Period 2 and Period 3

The *Code of Practice for Timber Harvesting in Western Australia* and its companion the manual of 'Management Guideline for Timber Harvesting in Western Australia' were operational level documents which were utilized during the reporting period for private native forest harvesting. This code was not revised during the third five-year reporting period.

The FPC is committed to continual improvement, and has developed or is developing individual procedures for management activities with the aim of clearly outlining processes for staff and contractors. For example, the *Code of Practice for Timber Plantation in Western Australia*, updated in 2014, is reflected in specific management activity procedures where relevant.

16.

This ongoing commitment was achieved in Period 1, Period 2 and Period 3.

⁸ Department of Parks and Wildlife (2015a). Table 22: Silvicultural Objectives, p106, www.dpaw.wa.gov.au/images/documents/about/annual-report/2015/20150304_parks_and_wildlife_yearbook_2014-15_v2.pdf

⁹ Department of Mines and Petroleum (2014). www.dmp.wa.gov.au/About-Us-Careers/Statistics-Digest-3962.aspx

The *Code of Practice for Timber Harvesting in Western Australia* and its companion the manual of ‘Management Guideline for Timber Harvesting in Western Australia’ were operational level documents which were utilized during the reporting period for private native forest harvesting. There was no external review of this code during the third five-year reporting period.

In 2011–12, CSIRO undertook a scientific assessment of WA’s code of practice for timber plantations, in relation to the protection of environmental and heritage values, against the requirements of the national plantation principles. For the purpose of the Export Control (Unprocessed Wood) Regulations 1986, code of practice in relation to a State means the practices adopted in a State for the establishment, management and harvesting of all plantations in that State, whether or not those practices are contained in a single document. The code was approved by the Parliamentary Secretary for Agriculture, Fisheries and Forestry on 2 May 2013.

The *Code of Practice for Timber Plantation in Western Australia* (Plantation code) was reviewed and revised during 2013–14 and recently published as the second edition of the Plantation code in 2014140.

For native timber harvesting, Section 57 of the FP Act, together with the FMP 2014–2023 set out requirements for an agreed (between Parks and Wildlife and FPC) set of guidance documents for planning and implementing field activities. These are maintained and updated in accordance with the Working Arrangements document established under an MoU between these two agencies.

5 - Appendix 6 | Aboriginal heritage and consultation (Page 123)

Since December 2009, when the State Government signed a Heads of Agreement with the South West Aboriginal Land and Sea Council (SWALSC) to start negotiations to resolve Native Title claims in the south-west of the State, Parks and Wildlife has had ongoing involvement in the South West Native Title negotiations in a number of key areas including joint management of conservation estate, access to state lands for customary purposes, use of natural resources for customary purposes, establishment of a land base and creation of a revised heritage scheme. The successful conclusion of negotiations will provide opportunities for Noongar participation in managing conservation estate. Although outside Period 3, the South-West Native Title Settlement was agreed to by Noongar people and SWALSC in March 2015¹².

While outside the timeframe of the Period 3 progress report, on 8 June 2015, six identical Indigenous Land Use Agreements (ILUAs) were executed across the South West by the Western Australian Government and, respectively, the Yued, Whadjuk People, Gnaala Karla Booja, Ballardong People, South West Boojarah #2 and Wagyl Kaip & Southern Noongar groups, and the SWALSC.

The ILUAs bind the parties (including 'the State', which encompasses all State Government Departments and certain State Government agencies) to enter into a

¹² Land, Approvals and Native Title Unit (2016). www.dpc.wa.gov.au/lantu/south-west-native-title-settlement

Noongar Standard Heritage Agreement (NSHA) when conducting Aboriginal Heritage Surveys in the ILUA areas, unless they have an existing heritage agreement. It is also intended that other State agencies and instrumentalities enter into the NSHA when conducting Aboriginal Heritage Surveys in the ILUA areas. It is recommended a NSHA is entered into, and an 'Activity Notice' issued under the NSHA, if there is a risk that an activity will 'impact' (i.e. by excavating, damaging, destroying or altering in any way) an Aboriginal heritage site. The Aboriginal Heritage Due Diligence Guidelines, which are referenced by the NSHA, provide guidance on how to assess the potential risk to Aboriginal heritage.

6 - Appendix 10, Forest management in Western Australia, Attachment 1 (Page 150)

Legislation	Agency	Purpose	Tenure
<i>Mining Act 1978</i>	Department of Mines and Petroleum	to ensure responsible mineral exploration and production including appropriate environmental management of these activities	All tenures
<i>Petroleum and Geothermal Energy Resources Act 1967</i>	Department of Mines and Petroleum	to ensure responsible petroleum and geothermal energy exploration and production including appropriate environmental management of these activities	All tenures
<i>Petroleum Pipelines Act 1969</i>	Department of Mines and Petroleum	to ensure responsible construction, operation and maintenance of pipelines for the safe conveyance of petroleum	All tenures

Annex B

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 (see Recommendation 11)

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 1985 (WA)</i>	<i>Commercial Arbitration Act 2012 (WA)</i>	24	Clause 97.13
		25	Clause 97.14

Western Australian Government Legislation			
Previous	Current	Page	Reference in Western Australian RFA text
		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 (WA); 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 (WA)* (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 (WA)* 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
Department of the Environment and Heritage	Department of the Environment and Water Resources - from January 2007
	Department of the Environment, Water, Heritage and the Arts - from December 2007
	Department of the Sustainability, Environment, Water, Population and Communities - from September 2010
	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 Region of Western Australia</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 clear felling in karri forest

Western Australian Government	
At time of signing the Western Australian RFA	Policy change
	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