

**Tasmanian Regional Forest Agreement**

**Scoping Agreement for the  
2017-2022 five-yearly review of the  
Tasmanian Regional Forest Agreement**

**The Commonwealth of Australia  
and  
The State of Tasmania**

**Five-Yearly Review  
September 2022**

## **Contents**

<b>1. Preamble.....</b>	<b>3</b>
<b>2. Background.....</b>	<b>3</b>
<b>3. The requirement for a five-yearly review.....</b>	<b>3</b>
<b>4. Principles for conduct of the review.....</b>	<b>5</b>
<b>5. Items for review .....</b>	<b>6</b>
<b>6. Governance .....</b>	<b>6</b>
<b>7. Process for conducting the Review.....</b>	<b>7</b>
<b>8. Reporting protocols .....</b>	<b>8</b>
<b>9. Communication protocols .....</b>	<b>9</b>
<b>10. Financial issues .....</b>	<b>9</b>
<b>11. Signing page .....</b>	<b>9</b>
<b>Attachment 1 .....</b>	<b>11</b>
<b>Items for the Review .....</b>	<b>11</b>
<b>Attachment 2 .....</b>	<b>12</b>
<b>Terms of Reference for the Independent Reviewer .....</b>	<b>12</b>

## 1. Preamble

The purpose of this Scoping Agreement is to set out the arrangements agreed by the Tasmanian Government and Australian Government (the Parties) for undertaking the five-yearly review to assess performance against the objectives of the Tasmanian Regional Forest Agreement (Tasmanian RFA). The review will cover the 2017 to 2022 five-year period, using data to be reported on in the *State of the Forests Tasmania Report 2022* (data to June 2021) and the joint report *Outcomes of the Tasmanian Regional Forest Agreement 2017-2022* report (Outcomes Report).

The Parties agree that this Scoping Agreement will be consistent with the Tasmanian RFA (as amended), the 1995 National Forest Policy Statement (NFPS), and other relevant agreements and policies.

This review will occur in accordance with clauses 9B to 9J of the Tasmanian RFA.

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

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

## 2. Background

The Tasmanian RFA was developed as one of a series of RFAs between the Commonwealth of Australia and the Governments of Tasmania, New South Wales, Victoria and Western Australia. While all the RFAs have their own unique elements, they have all been drawn up under the NFPS and all have requirements for reviews.

The State of Tasmania and the Commonwealth of Australia entered into the Tasmanian RFA on 8 November 1997.

It was varied on 18 August 2017 to extend its life to 8 November 2037 and to establish an automatic extension mechanism, with subsequent five-yearly extensions contingent on satisfactory completion of five-yearly reviews (clauses 8 and 9J).

The Tasmanian RFA establishes the framework for the management of forests within the Tasmanian RFA region. The Parties are committed to ensuring the Tasmanian RFA delivers positive economic, social and conservation outcomes through Ecologically Sustainable Forest Management.

The public release of the Joint Government Response to the Independent Reviewer's Report (review report) marks the satisfactory completion of the five-yearly review. The Joint Government Response will also confirm whether ongoing RFA obligations and any commitments subsequently agreed to by the Parties have been implemented to the satisfaction of the Parties.

## 3. The requirement for a five-yearly review

As stated in clauses 9AA to 9J of the Tasmanian RFA:

### ***General monitoring***

- 9AA. *The implementation of this Agreement is monitored through 5 yearly reviews and annual meetings between the Parties in the periods between the 5 yearly reviews.*

*Notwithstanding the annual meetings and 5 yearly reviews, the Parties otherwise agree to maintain open communication on matters relating to the implementation of this Agreement, including raising and responding to issues at any time.*

*The Parties consider the assessment process, the additional consultation undertaken in late 2016 and the compilation of the State of the Forests Report 2017 to be sufficient review such that the 5 yearly review that was due in 2017 is not required.*

*The next 5 yearly review required by this Agreement will commence in 2022.*

#### **Annual meetings**

- 9A. *The Parties agree to hold annual officials-level, bi-lateral meetings in the years between each 5 yearly review to monitor the implementation of the Agreement and discuss any issues that arise.*

#### **5 yearly reviews**

##### **Five yearly review**

- 9B. *A review of the performance of this Agreement is to commence during the last year of each 5 year period during the term of the Agreement (the 5 yearly review).*
- 9C. *The purpose of the 5 yearly review is to examine Tasmania's forest management to demonstrate Ecologically Sustainable Forest Management, including to:*
- (a) *demonstrate adaptive forest management in accordance with the RFA framework;*
  - (b) *demonstrate how the Parties have provided for the protection of Matters of National Environmental Significance, including trends and the status of Matters of National Environmental Significance or other environmental values, which may be impacted by Forestry Operations;*
  - (c) *demonstrate how relevant Statutory Conservation Planning Documents have been implemented as part of the Forest Management System;*
  - (d) *demonstrate how social and economic benefits of forestry and other Forest uses are being achieved; and*
  - (e) *assess the extent to which key findings and/or recommendations for preceding 5 yearly reviews have been addressed.*
- 9D. *The Parties note that the State of the Forests Reports required by section 4Z of the Forest Practices Act 1985 (Tas) provide an ongoing mechanism to monitor implementation of Ecologically Sustainable Forest Management, including across key environmental, social and economic indicators. As such, they will be a key source of information in the 5 yearly reviews under this Agreement. Completion of the 5 yearly reviews will follow the completion of the State of the Forests Reports.*

*Conduct of 5 yearly review*

9E. *5 yearly reviews are to be conducted:*

- (a) *by a person or body jointly appointed by the Parties;*
- (b) *in accordance with agreed priorities, procedures and funding arrangements, which are to be agreed by the Parties before the end of each 5 year period of this Agreement.*

9F. *In conducting the 5 yearly review, the person or body will:*

- (a) *take into account public comments;*
- (b) *use and take into account the relevant State of the Forests Report;*
- (c) *use and take into account Tasmania's Forest Management System: An Overview, as updated from time to time;*
- (d) *develop and submit to the Parties a report detailing the 5 yearly review process and its findings, within three months of commencement.*

9G. *In accordance with subsection 10(6) of the Regional Forest Agreements Act 2002 (Cth), the Commonwealth Minister responsible for forestry will table the report provided under paragraph 9F(d) in the Parliament of Australia.*

9H. *The Parties will consider the 5 yearly review recommendations and publish a joint government response to the recommendations within 12 months of receiving the review report.*

9I. *The purpose of the 5 yearly review process under this Agreement is not to re-negotiate the Agreement.*

*Satisfactory completion of 5 yearly review*

9J. *A five yearly review will be satisfactorily completed upon the public release of the joint government response to the review report, which will also confirm whether ongoing Agreement obligations and any commitments subsequently agreed to by the Parties have been implemented to the satisfaction of the Parties.*

The review will also include an assessment of the performance of the Tasmanian RFA against agreed actions that arose out of the joint government response to the third five-yearly review in 2016.

The review may make recommendations with regard to the past implementation of the Tasmanian RFA. These recommendations may also be relevant to future implementation of the Tasmanian RFA.

#### **4. Principles for conduct of the review**

The Tasmanian RFA is a 20-year agreement that requires performance reporting every five years. The review will cover the five-year period from 2017 to 2022, using data to be reported on in the *State of the Forests Report Tasmania 2022* and the Parties Outcomes Report.

In undertaking the five-yearly review of the Tasmanian RFA, the Parties agree that they are jointly responsible for the review and will ensure coordination within and between the Parties.

The review:

- will be conducted in accordance with clauses 9B to 9J of the Tasmanian RFA, including that it will be conducted by a person or body jointly appointed by the Parties (the 'Independent Reviewer')
- will be conducted in a manner that is open and transparent
- will invite public comment on the Outcomes Report with respect to the outcomes and objectives of the Tasmanian RFA
- will be completed in accordance with the process outlined in section 7 of this Scoping Agreement
- will be cognisant of other Tasmanian state and national forest reporting processes and requirements
- will not open up the Tasmanian RFA to re-negotiation
- outcomes will be made publicly available in a report that outlines the process used by the reviewer and findings of the reviewer.

The Parties note that, as per clause 8 of the Tasmanian RFA, if this review is deemed satisfactory by the Parties, the public release of the joint government response to the review will automatically extend the RFA by five years.

## **5. Items for review**

The Parties agree that:

- (a) the review will assess and report on progress made against the objectives specified in Attachment 1 of this Scoping Agreement
- (b) State of the Forests Report Tasmania, released in 2002, 2007, 2012, 2017 and to be released in 2022 fulfil the requirement in the Tasmanian RFA to report on the results of monitoring sustainability indicators. These reports provide background information for the review and are not material for public consultation and comment by the reviewer (noting that they have already been tabled in the Tasmanian Parliament).

## **6. Governance**

### **(a) Joint Working Group**

The development, implementation and finalisation of the review will be supported by the Joint Working Group. In addition, the Joint Working Group will be supported by a Joint Working Group Support Team.

The Joint Working Group will comprise two nominees of the Tasmanian Government (Department of Natural Resources and Environment Tasmania) and up to two nominees of the Australian Government (Department of Agriculture, Fisheries and Forestry and the Department of Climate Change, Energy, the Environment and Water). It will be co-chaired by a representative of the Australian Government Department of Agriculture, Fisheries and Forestry, and the Department of Natural Resources and Environment Tasmania. Secretariat duties will be led by the Department of Agriculture, Fisheries and Forestry.

The Joint Working Group is responsible for:

- allocating resources to undertake the review, supporting the Independent Reviewer, and publishing the Joint Government Response to the report by the Independent Reviewer
- inviting public comment on the Outcomes Report
- publication of the Joint Government Response to the report of the Independent Reviewer.

#### **(b) Joint Working Group Support Team**

A Joint Working Group Support Team will comprise officers from both the Tasmanian and Australian Governments, as appointed by each party.

The Joint Working Group Support Team will be responsible to the Joint Working Group and its duties will include:

- day to day implementation of this Scoping Agreement.
- preparing the Outcomes Report
- supporting the Independent Reviewer in their review of public submissions on the Outcomes Report, in accordance with the Terms of Reference for the Independent Reviewer at Attachment 2 of this Agreement
- preparing the Joint Government Response to the report by the Independent Reviewer.

Support to be provided to the Independent Reviewer by both Parties will include provision of relevant documents, as well as collation and supply of public submissions. Support will not include secretariat services or drafting of the report by the Independent Reviewer.

#### **(c) Ministerial**

The Parties to the Agreement are represented by:

##### ***Tasmania:***

The Hon. Felix Ellis MP  
Minister for Resources

##### ***Commonwealth:***

Senator the Hon. Murray Watt  
Minister for Agriculture, Fisheries and Forestry

**The Ministers shall approve the:**

- Outcomes Report
- appointment of the Independent Reviewer
- Joint Government Response to the report by the Independent Reviewer.

## **7. Process for conducting the Review**

The review will be conducted in accordance with the following process and after the tabling of the *State of the Forests Report Tasmania 2022* in the Tasmanian Parliament:

**(a) Preparation – July 2022 to June 2023**

- the Outcomes Report is prepared by the Parties
- the scope of responsibilities for the Independent Reviewer is determined
- the Independent Reviewer is appointed.

**(b) Public consultation – duration at least 6 weeks**

- public comments are sought on the Outcomes Report with respect to the objectives and commitments of the RFA, recognising that the review is being undertaken in the context of the process to automatically extend the agreement for five years
- the Parties collate written public submissions and provide them to the Reviewer.

**(c) Review – duration 3 months**

- the Independent Reviewer will consider the:
  - *Forest Management System: An Overview 2022*,
  - *State of the Forests Report Tasmania 2022* in the context of its consideration in the drafting of the Outcomes Report, and
  - Outcomes Report including its public comments, government response(s) to public comments or extra information provided by Governments.
- the Independent Reviewer delivers a report to the Parties within three months of the close of public submissions by including a synthesis of public comments on the operation of the Tasmanian RFA. The report, to the greatest extent practicable, will group comments into themes, including identifying those comments that may be particularly relevant to the automatic extension process.

**(d) Joint Government Response – within 12 months of receiving the report by the Independent Reviewer**

- the Independent Reviewer's report is tabled in the Australian Parliament
- the Parties jointly respond to the report prepared by the Independent Reviewer and make publicly available the Joint Australian and Tasmanian Government Response
- the Joint Government Response will confirm whether ongoing Agreement objectives and any commitments subsequently agreed to by the Parties have been implemented to the satisfaction of the Parties
- the public release of the Joint Government Response means that the 2017-2022 five-yearly review will be satisfactorily completed and the Tasmanian RFA automatically extended to 2042.

**8. Reporting protocols**

The Joint Working Group shall report to:

- responsible Ministers on an as needs basis through the Chairs



- responsible Ministers who shall consider the report by the Independent Reviewer and agree on a formal Joint Government Response with a view to the publication of both documents.

**9. Communication protocols**

The Parties agree that prior to either party making a separate public statement about the 2017-2022 five-yearly review that they will advise the other party.

**10. Financial issues**

The Parties are responsible for all their own costs incurred in the implementation of this Scoping Agreement. The Parties will share evenly the agreed costs of the review including: advertising the review and calling for submissions, public consultation, the Independent Reviewer and their associated costs, the preparation, publication and distribution of reports.

**11. Signing page**

IN WITNESS WHEREOF this Agreement has been signed for and on behalf of the Parties on  
the 11th day of October in the year 2022

**Signed** for and on behalf of the  
**Commonwealth of Australia** by the Senator  
the Hon. Murray Watt, Minister for Agriculture,  
Fisheries and Forestry


  
\_\_\_\_\_  
Signature of witness


  
\_\_\_\_\_  
Signature of representative

JESSICA MITCHELL  
\_\_\_\_\_  
Name of witness (print)

Murray Watt  
\_\_\_\_\_  
Name of representative (print)

**Signed** for and on behalf of the **Tasmanian  
Government** by the Hon. Felix Ellis MP,  
Minister for Resources

  
\_\_\_\_\_  
Signature of witness

  
\_\_\_\_\_  
Signature of representative

Matthew Hochman  
\_\_\_\_\_  
Name of witness (print)

Felix Ellis MP  
\_\_\_\_\_  
Name of representative (print)

**Items for the Review**

The purpose of the five-yearly review is to examine Tasmania's forest management to demonstrate Ecologically Sustainable Forest Management, including to:

- (a) demonstrate adaptive forest management in accordance with the RFA framework;
- (b) demonstrate how the Parties have provided for the protection of Matters of National Environmental Significance, including trends and the status of Matters of National Environmental Significance or other environmental values, which may be impacted by Forestry Operations;
- (c) demonstrate how relevant Statutory Conservation Planning Documents have been implemented as part of the Forest Management System;
- (d) demonstrate how social and economic benefits of forestry and other forest uses are being achieved; and
- (e) assess the extent to which key findings and/or recommendations for preceding five-yearly reviews have been addressed.

**Out of scope**

- The findings of previously published five-yearly review reports and associated Joint Government Responses, except from the obligation to report on how the recommendations and findings from the most recent five-yearly report have been addressed.
- A detailed analysis of data prior to the 2017-2022 reporting period, except for the purpose of time-series comparisons against data from this reporting period or in instances where the most recently available data (as reported in the State of the Forests Report Tasmania) is from earlier years.
- The renegotiation of clauses in the Tasmanian RFA.
- Matters that are solely associated with interstate RFAs.
- Legal proceedings which are not directly relevant to the Tasmanian RFA, or which are currently before the courts.

## Terms of Reference for the Independent Reviewer

### Background

The Australian and Tasmanian Governments (the Parties) signed the Tasmanian RFA on 8 November 1997. The Tasmanian RFA was extended on 8 August 2017 for a period of 20 years, and is due to expire on 8 November 2037. This five-yearly review will cover the 2017 to 2022 period.

The Tasmanian RFA establishes the framework for the management of forests within the Tasmanian RFA region.

Upon satisfactory completion of the five-yearly review and the public release of the Joint Australian and Tasmanian Governments' Response, the Tasmanian RFA will be automatically extended for five years.

An important element of the Tasmanian RFA is the requirement to review the performance of the Tasmanian RFA. The purpose of the five-yearly review is to examine Tasmania's forest management to demonstrate Ecologically Sustainable Forest Management (this includes elements listed in clause 9C of the agreement).

The Tasmanian RFA states how the five-yearly review process should be conducted in clauses 9E and 9F:

9E. *5 yearly reviews are to be conducted:*

- (a) *by a person or body jointly appointed by the Parties;*
- (b) *in accordance with agreed priorities, procedures and funding arrangements, which are to be agreed by the Parties before the end of each 5 year period of this Agreement.*

9F. *In conducting the 5 yearly review, the person or body will:*

- (a) *take into account public comments;*
- (b) *use and take into account the relevant State of the Forests Report;*
- (c) *use and take into account Tasmania's Forest Management System: An Overview, as updated from time to time;*
- (d) *develop and submit to the Parties a report detailing the 5 yearly review process and its findings, within three months of commencement.*

The Parties may agree to extend the review period to ensure a rigorous process.

### Terms of Reference

The role of the Independent Reviewer will be to review the *Outcomes of the Tasmanian Regional Forest Agreement 2017-2022 report*, the *State of the Forests Tasmania Report 2022*, *Forest Management System: An Overview* and associated written public comments, and report to the Joint Working Group.

The Independent Reviewer is required to:

1. Receive written submissions from the public on the *Outcomes of the Tasmanian Regional Forest Agreement 2017-2022 report* with respect to the objectives, commitments, and

operation of the Tasmanian RFA and report public comments relevant to the future implementation of the agreement.

2. Review written public submissions and undertake further targeted consultation with organisations or individuals as required, to clarify any issues raised in the written submissions.
3. Provide a written report to the Commonwealth and Tasmanian ministers responsible for forestry, which:
  - provides comment on the *Outcomes of the Tasmanian Regional Forest Agreement 2017-2022 report*, and any specific recommendations with respect to the outcomes and objectives of the Tasmanian RFA, considering the written public submissions received
  - to the greatest extent practicable - groups and describes key themes arising in written public submissions, including identifying comments relevant to the automatic extension process
  - lists the names of the individuals and organisations who made written public submissions, where consent to do so has been granted
  - noting the policy framework as established by the National Forest Policy Statement, identifies any issues arising that are particularly relevant to the ongoing implementation of the RFA in the context of the commitment to extend the agreement.
4. Deliver all written submissions and information used by the Independent Reviewer to the Joint Working Group with the report.

#### **Timing**

The Independent Reviewer must submit their report to the Commonwealth and Tasmanian ministers responsible for forestry within three months of the closure of the public comment period.

#### **General**

The terms of reference should be read in conjunction with the Scoping Agreement.