

REGIONAL FOREST AGREEMENTS



CONTEXT

Arising from the 1992 National Forest Policy Statement (NFPS), Regional Forest Agreements (RFAs) are long-term bilateral agreements between the Commonwealth and individual State governments that aim to balance values and benefits from forests. In developing these Agreements, national environmental standards (JANIS criteria¹) guided regional assessments, and consistent national processes were used by the Commonwealth to accredit State forest management systems. Forestry operations in accordance with this accredited system were deemed to meet the requirements of the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act), avoiding the need for Commonwealth assessment and approval of each individual operation. RFAs have provided a practical and efficient whole-landscape approach to meeting regional conservation objectives while aiming to support industry resource security. However, numerous challenges have evolved since their inception, eroding confidence and heightening scrutiny. A modernised approach that retains the beneficial elements of the RFA framework would provide an efficient and effective way forward.

FORESTRY AUSTRALIA ADVOCATES THE FOLLOWING:

- By modernising the RFA framework Australia can retain the strategic lens required to manage forestry operations, wildfires, climate risk, biodiversity and natural capital at the landscape scale, and address identified shortfalls, opportunities for continuous improvement, and recognition and integration of First Nations rights, knowledge and interests.
- Long-term agreements and a contemporary national framework for forests are crucial to:
 - empower States to discharge their forest management responsibilities;
 - enable flexible, place-based management over space and time to secure forest health and resilience;
 - provide ongoing, reliable resource access for a range of local industries and communities, including an efficient, competitive domestic wood processing sector;
 - mobilise investment in forests to contribute to emissions-reduction targets and nature-positive outcomes; and
 - avoid costly, inefficient, duplicative approval processes at State and Federal levels.
- The Commonwealth and State governments need to build community support and confidence in forest governance and management by:
 - supporting strong, long-term, landscape-scale agreements, like RFAs, that cover all forests: State forests, National Parks, Indigenous-managed lands, private native forests, plantations and farm trees;
 - providing adequate, stable funding and capability for transparent, consistent forest management to meet cultural, conservation and production objectives;
 - regularly assessing resource availability essential to a viable wood products sector;
 - reviewing the performance of the Comprehensive, Adequate and Representative (CAR) reserve system and adequacy of the JANIS criteria¹ targets;
 - setting clear and specific objectives, transparent reporting of monitoring results, regular audits, and independent assessment reviews to demonstrate continuous improvements, aligned with the 'State of the Forests' and 'State of the Environment' reporting;
- establishing a nationally-linked cross-tenure, accessible platform that aligns forest indicators with Nature-Positive targets, carbon and natural capital accounts, and contemporary knowledge on Matters of National Environmental Significance (MNES); and
- modernising the National Forest Policy Statement (see Forestry Australia position) as the national vision for forests to guide implementation
- Modernised agreements for forests should incorporate:
 - recognition and empowerment of First Nations rights and interests;
 - national standards applying to all forest management activities, including public and private; production and conservation; planned burning and other regulated activities;
 - Commonwealth accreditation of State forest management systems with explicit recognition of equivalent outcomes to federal environment laws;
 - independent oversight; and
 - commitment to reliable domestic wood supply within sustainability limits, prioritised toward local needs.

SUPPORTING NOTES

Under Australia's Constitution, States and Territories are responsible for forest and land management, while the Commonwealth has responsibility for MNES. RFAs were developed for key forestry regions across Australia between 1997 and 2001. They are practical expressions of the 1992 NFPS, which called on Australian governments to balance conservation, wood production and community values across Australia's forests.

To underpin this balance, the Commonwealth and four States (NSW, Victoria, Tasmania and Western Australia) established national standards and thresholds (the JANIS criteria) for forest conservation, undertook joint Comprehensive Regional Assessments (CRAs) of forest values and committed to Ecologically Sustainable Forest Management in public native forest areas used for timber production. They generated a comprehensive public database on forest ecology, heritage and socioeconomic contributions from forest industries and were used to identify opportunities to significantly improve management practices in harvested native forests.

¹ The JANIS criteria are the nationally agreed, science-based benchmarks (1997) underpinning the Comprehensive, Adequate and Representative reserve system. The criteria set protection targets for ecosystems (including old-growth, rare/endangered types and wilderness), applying them regionally to balance conservation with sustainable forest use

POSITION STATEMENT

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Ten RFAs were signed: five in Victoria, three in New South Wales, and one each in Tasmania and Western Australia. Each agreement incorporated three interlocking pillars covering long-term security of wood fibre supply; a CAR reserve system to protect biodiversity, old growth forests and wilderness; and Commonwealth accreditation of each state's conservation and forest management system to deliver protection of MNES equivalent to EPBC Act requirements, including relevant State legislation, policies, plans, and procedures applying to forest management in each RFA region.

RFAs have statutory recognition via the EPBC Act and the *Regional Forest Agreements Act 2002*. Forestry operations in areas with an RFA do not require separate federal approvals under Part 3 of the EPBC Act. This is often inaccurately communicated as an 'exemption' from the requirements of the EPBC Act. In reality, it is not an exemption; rather, forestry operations undertaken in accordance with Commonwealth-accredited state forest management systems are 'deemed to comply' with EPBC Act requirements. RFAs include pathways and requirements for continuous improvement, adaptive management, monitoring, audit, review and public reporting consistent with international principles for environmental management.

Notwithstanding these benefits of RFAs, numerous challenges have emerged over the last three decades, including several court challenges, delays in review, increases in conservation reserves and reduced wood supply from public forests and withdrawal of some states from RFAs. These challenges have eroded public trust and contributed to the inaccurate perception that public native forest timber harvesting is not subject to adequate regulatory control. Concerns have related largely to implementation (including uneven State resourcing and political commitment, and delays in statutory reviews), lack of legal clarity, changing community attitudes such as concern over ongoing biodiversity decline (largely driven by processes other than timber harvesting), impacts of climate change on forests and concern over carbon emissions, political land use decisions reducing timber supply and intensified timber harvesting on smaller available areas of State multiple use forests. There is also a recognised need for modernisation due to a lack of specific recognition of First Nations' interests, climate change impacts, and natural capital.

Yet, forest industries and many rural communities rely on RFAs as vitally important for maintaining wood supply and avoiding costly, time-consuming and inefficient individual harvest area referrals. Site-by-site (project level) assessment is not suitable for multiple forestry operations that occur variably through space and time. A holistic landscape-scale view is needed to assess cumulative impacts of forestry operations and the benefits from threat mitigation actions. Indeed, the 2022 Samuel review of the EPBC Act

called for a shift from individual project approvals to regional plans and outcomes for protecting and restoring the environment, based on National Environmental Standards and regional assessments.

The forest policy context is shifting rapidly. Following their policy decision to end State-owned native timber harvesting, Victoria terminated its RFAs in early 2025 without a replacement framework, leaving no clear vision for State forest management and uncertainty regarding EPBC Act oversight of plantation and private forests. Fire science, climate projections, ecological knowledge and remote-sensing capability have all advanced beyond the knowledge underpinning the development of RFAs. Furthermore, monitoring to assess the performance of the CAR reserve system has been inadequate to demonstrate that threatened species and ecological community protections are working effectively.

Some advocates for abolition of the RFAs argue that EPBC Act reforms need to close the perceived regulatory oversight gap by bringing forestry back under explicit EPBC assessment. However, RFAs are bilaterally-agreed regional plans based on accreditation of forest management frameworks and founded in strategic assessments designed explicitly for the forest conservation and production context. They are not inconsistent with the outcomes sought from EPBC Act reforms. Using bilateral agreements to support a broad range of forest management activities across all States and Territories can empower States in discharging their forest management responsibilities, improve Commonwealth oversight and provide a comprehensive approach to securing conservation outcomes, achieving ecologically sustainable forest management and delivering national timber needs. As the experience in Victoria shows, abolishing RFAs without an alternative is likely to stifle investment and productivity and create uncertainty for all forestry operations in plantations, native forests and farm trees. Australia needs long-term bilateral agreements across all forests to support continuity and sustainable access to forest resources, and to provide certainty to enable forests to be managed for their health and resilience through ecological thinning, planned burning and other tools.

RFAs are often not appropriately recognised for the significant positive benefits they have provided. There are also jurisdictions that do not currently have bilateral regional agreements addressing forests, that could benefit from these. Retaining and improving on the framework provided by RFAs can enhance forest governance, accountability, transparency, certainty and support adaptive management, while continuing to provide a strategic, coherent approach for integrating State and Commonwealth responsibilities for forest management. regarding plantation projects, including providing valuations and sign-off on plantation project plans under Carbon Farming Initiatives under Australia's ACCU Scheme.

Further reading

Commonwealth of Australia. (1997). *Nationally agreed criteria for the establishment of a comprehensive, adequate and representative reserve system for forests in Australia*. A Joint ANZECC/MCFFA National Forest Policy Statement Implementation Subcommittee (JANIS) report.

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Jacobsen, R, Davey, SM, & Read, SM (2020). *Regional forest agreements: Compilation of reservation and resource availability outcomes* (ABARES Technical Report 20.11). Australian Bureau of Agricultural and Resource Economics and Sciences

Wells, P (2018). *Regional Forest Agreements—20 years on*, *Australian Forestry*, 81(2), 61–63