

Environment and Communications Legislation
Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000032

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q1

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

1. DAWE's submission to this inquiry states:

- a) The McKenzie Bill would remove the Australian Government's regulatory environmental protections, such as penalties and other remedies, under the EPBC Act if the forestry operation is not undertaken in accordance with the relevant RFA.
- b) The McKenzie Bill will result in reduced Australian Government environmental regulatory protections, and if the State forest management system were not adequate to give effect to Australia's international environmental obligations, Australia will have reduced avenues for recourse to remedy the situation. This may result in a higher risk of the Commonwealth failing to fulfil these international environmental obligations.
- c) Has the Department received specific legal advice on the above (1a/1b) statements?

Answer:

The Department of Agriculture, Water and the Environment received legal advice to inform its submission. The information sought by the inquiry compromises privileged Commonwealth legal advice. It is a long-standing practice of successive Australian Governments to not disclose privileged legal advice.

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Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment
(Regional Forest Agreements) Bill 2020

Question No: IQ21-000034

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie – Q2

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

2. Was there any advice received by the Department that that the Justice Mortimer decision created ambiguity especially with the interpretation of s 38 (1) of the EPBC Act?

Answer:

No, we have not received legal advice that that the Justice Mortimer decision created ambiguity with respect to the interpretation of s 38(1) of the EPBC Act.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment
(Regional Forest Agreements) Bill 2020

Question No: IQ21-000035

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q3

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

3. Has DAWE received specific legal advice regarding Justice Mortimer's interpretation of s 38 (1)?

Answer:

Yes, the Department of Agriculture, Water and the Environment has received legal advice on the outcome of *FOLP v Vicforests (No 4)*.

The information sought by the inquiry compromises privileged Commonwealth legal advice. It is a long-standing practice of successive Australian Governments to not disclose privileged legal advice.

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Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000037

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q4

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

4. DAWE's submission to this inquiry states:

One of the key environmental justifications for the RFA framework is that an accredited RFA provided in the EPBC Act is the application of ESFM through both reserves and forestry practices in place in each state. Removing the protections in Part 3 of the EPBC Act risks disrupting the carefully negotiated balance between competing interests captured by the RFA framework.

a. What legal advice had DAWE received to support this statement?

Answer:

The Department of Agriculture, Water and the Environment's submission was informed by legal advice. However, this statement does not address legal risk; rather, it addresses policy risk. This statement reflects the factual negotiating history of the RFAs, including the relevant explanatory memorandums and statements from parliamentary processes as included in the department's submission.

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Answers to questions on notice
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Inquiry: Environment Protection and Biodiversity Conservation Amendment
(Regional Forest Agreements) Bill 2020

Question No: IQ21-000038

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q5

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

5. Has a forestry operation in an RFA region ever had its exemption under s 38 (1) revoked, resulting in the application of Part 3 of the EPBC Act? If so, please outline the details of any instances.

Answer:

No, the Department of Agriculture, Water and the Environment has never taken steps that resulted in the loss of the s38 exemption that applied to an RFA forestry operation.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment
(Regional Forest Agreements) Bill 2020

Question No: IQ21-000039

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q6

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

6. How do RFAs ensure signatory states meet requirements regarding Matters of National Environmental Significance?

Answer:

Under the RFAs the states have made commitments that their respective forest management systems will provide for the protection of Matters of Environmental Significance (MNES). As part of the five yearly review process for the RFAs, the Australian Government and the signatory states must demonstrate to the independent reviewer how they have provided for the protection of MNES including through the assessment of status and trends. Additionally, MNES are discussed at the RFA annual meetings between Australian and state government officials.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment
(Regional Forest Agreements) Bill 2020

Question No: IQ21-000041

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q7

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

7. Please detail what other jurisdictional legislation and regulations the Department reviewed for each RFA through the extension processes that were undertaken from 2017?

Answer:

As part of the extension process for the RFAs between 2017 and 2020, each state produced a document which provided an overview of their forest management system, which the Department of Agriculture, Water and the Environment reviewed. These documents described the overarching policy and legislation, institutional and administrative arrangements, and associated planning and operational systems. This assured the Commonwealth that it had a contemporary understanding of the states' forest management systems prior to extending each RFA.

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Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000042

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q8

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

8. Do state regulatory frameworks accredited under the RFAs provide equivalent environmental protections as the EPBC Act, in particular Part 3?

Answer:

The states' regulatory frameworks have been assessed as providing environmental protections in line with the EPBC Act, provided that forestry operations are undertaken in accordance with the forest management systems accredited under the RFAs.

The EPBC Act exemption for forestry operations undertaken in accordance with an RFA recognises that a Comprehensive Regional Assessment was undertaken to address the environmental, economic and social impacts of forestry operations; RFAs have established CAR reserve networks; and forestry operations must adhere to the principles of ESFM.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000044

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q9

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

9. What ongoing oversight does the Department provide as part of the RFA framework to ensure these requirements are being met?

Answer:

The RFAs include assurance and reporting mechanisms including annual meetings between Australian and State government officials to monitor the implementation of the RFAs. In these meetings the states provide an update on the Comprehensive, Adequate and Representative Reserve estate, monitoring and compliance matters and an overview of Matters of National Environmental Significance. The RFAs also include requirements for five-yearly reviews.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000046

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q10

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

10. How frequently does the Department discuss the progress of the RFAs with the signatory states?

Answer:

The Department of Agriculture, Water and the Environment and signatory states hold annual meetings to monitor the progress of the RFAs. A communique is published on the department's website after each meeting. Information on the annual meetings are available on the department's website at: agriculture.gov.au/forestry/policies/rfa.

The department also undertakes informal correspondence with RFA states in regards to the progress of the RFAs, as required.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000033

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q11-12

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

11. Can the Department suspend or terminate an RFA if it is concerned that a signatory state is not complying with its obligations under the RFA? Please outline the steps involved in an RFA being suspended or terminated by the Department, with specific references to the provisions in each of the RFAs that would be required.

12. Has the Department ever suspended or terminated an RFA? If not, why not? If so, why?

Answer:

11. An RFA can be terminated in limited circumstances by the Commonwealth or State in accordance with the clauses in that RFA. The Commonwealth must observe the dispute resolution procedures in the RFA before termination. A copy of all RFAs are available on the department's website: <https://www.agriculture.gov.au/forestry/policies/rfa/regions>.

12. No, an RFA has never been suspended or terminated. The RFAs do not provide for suspension of the agreements. The Commonwealth is only able to exercise a right of termination where the dispute resolution procedures in the RFA have been observed, and the Commonwealth has not entered into a dispute resolution process with any State.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000036

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q13

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

13. A DAWE factsheet on RFAs published in 2015 contains the statement:

Forestry operations in an RFA region are not subject to part 3 of the Environment Protection and Biodiversity Conservation Act 1999 or the requirement to licence wood exports under the Export Control Act 1982, thus removing the Australian Government from day-to-day forest management in recognition that:

- comprehensive regional assessments, conducted before each RFA was signed, addressed the economic, social and environmental impacts of forestry operations
- the CAR reserve system and ecologically sustainable forest management protect the environment

a. Does this statement reflect the Commonwealth's intended interpretation of s 38 (1)?

Answer:

The statement above is intended to be a general statement and does not go into detail regarding the possible loss of the s 38(1) exemption. Other documents on the Department of Agriculture, Water and the Environment's website state that Part 3 of the EPBC Act does not apply to forestry operations undertaken in accordance with an RFA, such as *Australia's State of the Forests Report 2018* (p. 460) and the assessment of matters reports prepared jointly with the RFA states as part of the extension process.

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Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000040

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q14

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

14. Can you outline the process the Department undertook to accredit the state regulatory framework under the RFAs as part of the RFA extension process?

Answer:

During the RFA review and extension process, which included extensive public consultation, an independent review and a comprehensive assessment process, each of the RFA states, forest management systems were accredited or recognised as providing for ecologically sustainable forest management (ESFM).

As part of the extension process for the RFAs between 2017 and 2020, each state produced an overview document of their forest management system, which included overarching policy and legislation, institutional and administrative arrangements, and associated planning and operational systems. The Commonwealth reviewed and provided feedback on the relevant states forest management system as part of the extension process.

Assessment of Matters reports were produced for each RFA state as part of the extension process. These reports demonstrated that the RFAs provide for the continued protection of biodiversity, old-growth forest and wilderness values. These reports also demonstrated that each RFA states regulatory framework provides for ESFM.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000043

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q15

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

15. Can you outline how the Department takes into consideration the requirements of Part 3 of the EPBC Act, including MNES, during the RFA accreditation process?

Answer:

Part 3 of the EPBC Act prohibits a person from taking an action that has, will have or is likely to have a significant impact on matters of national environmental significance (MNES) without an approval unless otherwise exempt. An RFA forestry operation taken in accordance with an RFA does not need approval for the purposes of Part 3, as provided for under section 38(1).

As part of the review and extension process the RFA states, in consultation with the Australian Government, developed the overview of the forest management system document. This document references a range of regulations and legislation that provide protections to the environment, including MNES. Consideration of these provisions in each of the RFA states provides assurances that relevant MNES are adequately protected from forestry operations.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000045

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q16

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

16. Has the Department formally raised the matter of compliance with the Central Highlands with the Victorian Government since the FoLP v VicForests decision?

Answer:

The Department of Agriculture, Water and the Environment has not formally raised compliance matters relating to the Central Highlands RFA with the Victorian Government. In the first Victorian RFA Annual Meeting of Officials held on 29 March 2021, the Office of the Conservation Regulator provided an update on compliance issues and actions arising in the 2020-21 financial year.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment
(Regional Forest Agreements) Bill 2020

Question No: IQ21-000047

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q17

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

17. Has the Department conducted its own investigation as to whether the Victorian Government has breached its obligations under the Central Highlands RFA? If so, what?

Answer:

No.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000050

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q18

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

18. Justice Mortimer's judgement ruled that by breaching the Code of Practice, VicForests' forestry operations in question are no longer "in accordance with" the Central Highlands RFA. Is this judgement correct? If not, why? Has the Department received legal advice in relation to this matter?

Answer:

The Department of Agriculture, Water and the Environment has received legal advice on *FOLP v Vicforests (No 4)*. The information sought by the inquiry compromises privileged Commonwealth legal advice. It is a long-standing practice of successive Australian Governments to not disclose privileged legal advice.

As this matter is before the Full Federal Court of Australia, it would not be appropriate to comment on the case.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000051

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q19

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

19. Is it the case that the Victorian Department of Environment, Water, Land and Planning had approved VicForests' operations in the Central Highlands as complying with the Code of Practice for Timber Production 2014 (the Code)?

Answer:

That is a matter for the Victorian Government.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment
(Regional Forest Agreements) Bill 2020

Question No: IQ21-000053

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q20

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

20. Is it the case that the Code of Practice forms part of the regulatory framework accredited by the Department in the five Victorian RFAs?

Answer:

Yes.

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Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000048

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q21

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

21. Has the Department provided any advice to Minister Ley or Assistant Minister Duniam on amendments to legislation, regulations, or RFAs since the Justice Mortimer decision, and if so, can you outline those amendments? If so, can you provide that advice?

Answer:

In relation to specific amendments, the Department of Agriculture, Water and the Environment has provided Minister Ley with advice to support her introduction of the Environment Protection and Biodiversity Conservation Amendment (Streamlining Environmental Approvals) Bill 2020 and Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021. This advice was specific to the bills being introduced and did not extend to the operation of section 38(1) or any aspects of the operation of RFAs.

Generally, the department has provided advice to both ministers on issues related to the Justice Mortimer decision

To the extent that this relates to legal advice on either matter, the information sought by the inquiry compromises privileged Commonwealth legal advice. It is a long-standing practice of successive Australian Governments to not disclose privileged legal advice.

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Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000049

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q22

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

22. Has the Department provided any advice to Minister Ley or Assistant Minister Duniam on the amendment proposed by Timber NSW in its submission? If so, can you provide that advice?

Answer:

The Department of Agriculture, Water and the Environment has provided advice to Assistant Minister Duniam on the Timber NSW proposal. The department has not provided any recommendations on the amendment proposed by Timber NSW.

To the extent that this relates to legal advice, the information sought by inquiry compromises privileged Commonwealth legal advice. It is a long-standing practice of successive Australian Governments to not disclose privileged legal advice.

Environment and Communications Legislation
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Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000052

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q23-25

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

23. When did the forestry division of the Department first become aware that the Samuel Review of the EPBC Act contained several recommendations regarding RFAs?
24. When did the forestry division of the Department first receive a copy of the final report of Professor Samuel?
25. Were RFAs to be in the scope of the EPBC Act review? If so, did the Department provide advice and any recommendations that they be included in the EPBC Act review?

Answer:

23. The First Assistant Secretary of the Agvet Chemicals, Fisheries, Forestry and Engagement Division became aware of the recommendations after receiving an embargoed copy of the Samuel Review report in early January 2021.

24. The First Assistant Secretary of the Agvet Chemicals, Fisheries, Forestry and Engagement Division received an embargoed copy of the Samuel Review report in early January 2021. Other staff in the Division had access to the Samuel Review report when it was released publicly on 28 January 2021.

25. Section 522A (1) of the *Environment Protection and Biodiversity Conservation Act 1999* requires the Minister to cause independent reviews to be undertaken by a person or body of the operation of this Act; and the extent to which the objects of this Act have been achieved.

The scope of the review set out in Section 522A(1) relates to the entire operation of the EPBC Act.

The Department of Agriculture, Water and the Environment provided advice to Minister Ley on proposed terms of reference for the Independent review of the Environment Protection and Biodiversity Conservation Act 1999. Consistent with the requirements of the EPBC Act, the Minister for the Environment issued broad terms of reference and these are available at:

<https://epbcactreview.environment.gov.au/resources/terms-reference>

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Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000055

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q26-35

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

26. What is the total area in Australia of native forest?
27. How many hectares of native forest covered by the RFAs is harvested annually?
28. How much native forest area (in hectares) covered by RFAs in Australia is available for timber production?
29. How many hectares of plantation forestry are covered in each of the RFA regions (please list area in hectares by RFA region)
30. How many hectares of Permanent Timber Production Zone (PTPZ) land each of the RFA regions?
31. How many hectares of CAR Reserve in each of the RFA regions?
32. How does Australia's total National Park and reserve area today compare with before the RFAs were established?
33. What has been the trend in Australia's total plantation area over the past 10 years?
34. What is the total area of hardwood plantations in Australia suitable for hardwood timber sawmilling?
35. What is the total area pulp log plantations?

Answer:

26. The total area of native forest in Australia is 131.6 million hectares (*Source: Australia's State of the Forests Report 2018, page 47*).

27. Information on the area of native forest harvested within RFAs is not available. The total area of native forest in multiple-use public forests harvested annually in states with RFAs is reported as 35,207 hectares in *Australia's State of the Forests Report 2018*. This area includes native forest outside of RFA regions, especially in NSW and Victoria.

Forest area (hectares) harvested annually from multiple-use public native forest in states in Australia, for states with RFAs

Reporting year	NSW	Tas.	Vic.	WA	Total
2015-16	17,878	5,010	4,819	7,500	35,207

Source: Australia's State of the Forests Report 2018, page 178.

28. The net harvestable area (NHA) is the net area of native forest on multiple-use public forest tenure that is available and suitable for wood harvesting, after allowing for local and operational constraints, and is the measure of the area of public native forest that is available to supply wood products to the forest industry.

In the compilation of data published in Jacobsen et al 2020, the NHA for all RFA regions is 2.3 million hectares. By state, the NHA for the WA RFA region is 0.850 million hectares, for RFA regions in NSW is 0.590 million hectares, for RFA regions in Victoria is 0.502 million hectares, and for the Tasmanian RFA region is 0.380 million hectares.

(Source: Jacobsen R, Davey, SM, Read SM 2020, *Regional forest agreements: compilation of reservation and resource availability outcomes*, ABARES Technical report 20.11, Canberra, December, DOI: doi.org/10.25814/n975-d613. CC BY 4.0)

29. There are a total of 1.2 million hectares of commercial plantations within all RFA regions, as reported in *Australia's State of the Forests Report 2018*.

RFA region	Commercial plantation (‘000 hectares)
Eden	41
Upper North East	71
Lower North East	38
Southern NSW	141
Total RFA regions in NSW	290
Tasmanian	310
Total RFA regions in Tasmania	310
Central Highlands	12
East Gippsland	6
Gippsland	89
North East	56
West Victoria	251
Total RFA regions in Victoria	412
South-West Forest Region of WA	181
Total RFA regions in WA	181
Total RFA regions in Australia	1,194

Source: *Australia's State of the Forests Report 2018 (SOFR 2018)*, Table 1.9, page 58.

30. Permanent Timber Production Zone (PTPZ) – a class of land tenure reported in Tasmania only – is included and reported in the national multiple-use public forest tenure category (MUF) in *Australia's State of the Forests Report 2018*.

A total of 6.4 million hectares of forest is in MUF in the RFA regions. By state, there are 2.9 million hectares of MUF in Victorian RFA regions, 1.5 million hectares of MUF in NSW RFA regions, 1.3 million hectares in the WA RFA region and 0.7 million hectares in the Tasmanian RFA region. Full details of forest in RFA regions, by state and RFA region, are in the table below.

RFA region	Multiple-use public forest (‘000 hectares)
Eden	204
Upper North East	428
Lower North East	489
Southern NSW	411
Total RFA regions in NSW	1,532
Tasmanian	733
Total RFA regions in Tasmania	733

Central Highlands	398
East Gippsland	580
Gippsland	845
North East	733
West Victoria	302
Total RFA regions in Victoria	2,859
South-West Forest Region of WA	1,250
Total RFA regions in WA	1,250
Total RFA regions in Australia	6,373
Proportion of total forest in RFA regions (%)	29

Source: Australia's State of the Forests Report 2018 (SOFR 2018), Table 1.11, page 60.

31. From the latest data available, a total of 12.4 million hectares of land are in the comprehensive, adequate and representative (CAR) reserve system in RFA regions. A breakdown of the land area in the CAR reserve system by RFA region is shown below.

Land area of the CAR reserves system in most recent data

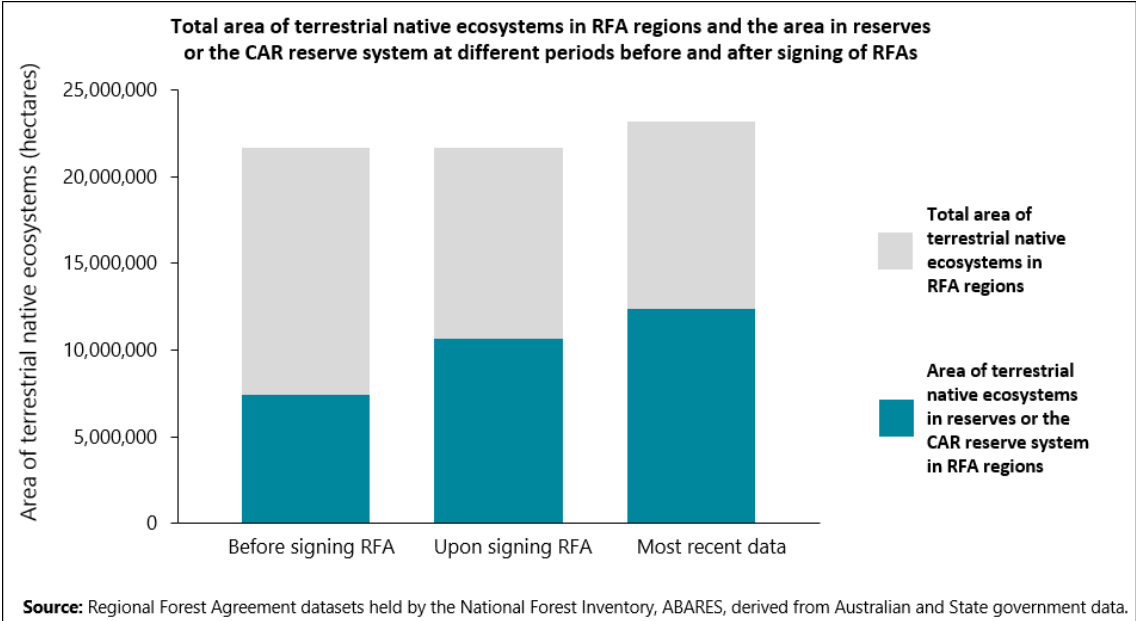
RFA state and region	Total area of CAR reserve system in most recent data (ha)
New South Wales	
Eden	303,370
Upper North East	847,407
Lower North East	1,509,586
Southern NSW	1,446,286
Total New South Wales RFA regions	4,106,649
Tasmania	
Tasmanian	3,260,500
Victoria	
East Gippsland	662,900
Central Highlands	359,000
North East	846,100
Gippsland	1,039,700
West Victoria	678,500
Total Victorian RFA regions	3,586,300
Western Australia	
South-West Forest Region of WA	1,400,119
Total all RFA regions	12,353,568

Date of most recent data is: New South Wales, 2016; Tasmania, 2017 for forest ecosystems and 1998 for non-forest ecosystems; Victoria, 2019; and Western Australia, 2018.

Source: Jacobsen R, Davey, SM, Read SM 2020, Regional forest agreements: compilation of reservation and resource availability outcomes, ABARES Technical report 20.11, Canberra, December, DOI: doi.org/10.25814/n975-d613. CC BY 4.0

32. Confining the response to the area of RFA regions, the area of reserves in RFA regions before the RFAs were signed comprised 7.4 million hectares. The CAR reserve system created in RFA regions at the signing of the RFAs contained a total of 10.6 million hectares, which included 3.2 million hectares of terrestrial ecosystems that were unreserved or unprotected before the RFAs were signed.

Further reservation since the signing of the RFAs has led to the CAR reserve system in RFA regions increasing to a total of 12.4 million hectares by 2019. Figures below show the total area of reserves and the CAR reserve system at different periods before and after signing of the RFAs.



33. The total plantation area has declined from 2.02 million hectares in 2008-09 to 1.93 million hectares in 2018-19. Over this period the total softwood plantation estate increased by 20,000 hectares (2%) and the hardwood plantation estate decreased by 107,000 hectares (11%).

34. The total area of hardwood plantations in Australia suitable for hardwood timber sawmilling in 2018-19 was 160,000 hectares.

35. The total area pulp log plantations in Australia was 747,000 hectares on 2018-19, comprised mainly of hardwood species (97%).

Source: Downham, R & Gavran, M 2020, Australian plantation statistics 2020 update, ABARES, Canberra, June, CC BY 4.0

Environment and Communications Legislation
Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Inquiry: Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020

Question No: IQ21-000054

Hearing Date: 19 April 2021

Division/Agency: Agvet Chemicals Fisheries Forestry and Engagement (AFFE)

Topic: Written QoNs - Senator McKenzie - Q36

Question Date: 22 April 2021

Question Type: Written

Senator McKenzie asked:

36. Is it correct to say that this amendment would see a decrease in Commonwealth oversight of operations conducted under RFAs?

Answer:

Yes. The Environment Protection and Biodiversity Conservation Amendment (Regional Forest Agreements) Bill 2020 would limit the Australian Government's regulatory environmental protections ordinarily available if the forestry operation is not undertaken in accordance with the relevant RFA.