

Regional Forest Agreements Reference Group

Summary Report

The Reference Group has been appointed to enable representatives of key organisations representing diverse community interests to work together to provide advice on potential changes to the Victorian RFAs. The reference group will provide a forum for strategic discussion around relevant issues and opportunities, informed by contemporary science and community values.

Meeting 2: Monday 3 June 2019

Chair Jane Brockington

Attendees Ian Cane (Victorian Apiarists Association)
Wayne Hevey (Four Wheel Drive Victoria)
Tim Johnston (Victorian Association of Forest Industries)
Andrew Knight (Outdoors Victoria)
Jonathan La Nauze (Environment Victoria)
Mike Nurse (Federation of Victorian Traditional Owner Corporations)
Amelia Young (The Wilderness Society)

Key points of discussion

On 3 June 2019, the Reference Group met for the second time, to consider the first two themes on which DELWP is seeking advice: Review and Accountability, and the Forest Management System. These are the first 2 of seven themes which form the basis of Victoria's negotiations with the Commonwealth on the RFA renewal and on which DELWP has sought the Reference Group's advice.

The group received a presentation from Dr Bill Jackson on his review of the current RFAs and recently released Independent Consultation Report. DELWP staff spoke to background briefs on each theme.

As an overarching design principle, the Reference Group considered the renewed RFAs should be open and adaptive, rather than prescriptive or constraining, and seek to avoid adding detail that may restrict future adaptation or forest uses.

The Reference Group considered these themes and there was general agreement on a number of points, but this was not always the case. The following summarises advice to DEWLP but does not necessarily represent a consensus view.

Theme 1 - Review and Accountability

The renewed RFAs need to take a broad view in order to achieve an equitable and sustainable approach to forest use. To support this, the RFA reviews should:

- be outcomes based
- recommend change based on the best available science and Indigenous cultural knowledge, and therefore involve information exchange (not just information management)
- have specific and clear objective(s), scope and outcomes to be achieved and establish a clear link between the process of review and those outcomes
- be transparent, consultative and take into account the needs and views of all forest users
- take a comprehensive view of environmental, social, cultural and economic costs, (dis)benefits and environmental economic accounting
- have regard to and assess all relevant matters including:
 - the extent to which the RFA objectives are achieved
 - the extent to which the RFA accredited state systems meet the EPBC Act requirements

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- institutional and management arrangements
- relevant international agreements notably the Paris and Kyoto Agreements and
- the effectiveness and performance of the forest management system
- engage Traditional Owners in the RFA review, particularly around cultural values and the planning and management arrangements to protect those values, including the further development and enabling of country plans
- be evidence-based and underpinned by cultural knowledge, robust scientific data, research and analysis to support findings and recommendations, rather than take a checkbox approach
- be flexible to take account of relevant changes occurring over the 20-year life-cycle of the RFAs including changes in policy and legislation, scientific understanding, forestry practice, climate and other environmental changes, and not create barriers to alternative pathways, particularly with regards to any Treaty outcomes
- be aligned with climate responses and requirements
- review the extent to which RFAs are delivering on national forest policy objectives, and their alignment with national and international forest, climate, and human rights obligations
- be independent, meaningful, authoritative and influential. Potential review models include:
 - a single reviewer – recognising the difficulty in finding an appropriately qualified and respected person who is not conflicted – supported by a formalised list of groups to be consulted and have input to the review findings, or
 - a review committee appointed to prevent bias from a single reviewer - recognising this might exacerbate the appointment challenges, or
 - the Victoria Commissioner for Environmental Sustainability – recognising that this would in effect be the Victorian Government is reviewing itself, or
 - the Productivity Commission as auditor.
- be well-resourced and have sufficient time and resources to be conducted thoroughly
- be timely, regular and conducted when scheduled if not triggered before
 - there was discussion over the appropriate length of the review period, to balance the adaptability of the RFAs with providing enough time for changes to be implemented properly between reviews. Suggestions were for three, five or seven year review cycles.
- Potential triggers for bringing on an early review could include:
 - events that impact forest reproductivity
 - environmental and weather events including bushfires, severe frosts and droughts, and other large-scale or severe climate events
 - a species is uplisted as threatened, vulnerable or endangered
 - a change in demand for forest industry products or
 - the changing needs or rights of Traditional Owners and/or failure in Traditional Owner consultation and partnership.

In terms of strengthening accountability of the RFAs, Governments should make explicit, measurable commitments to:

- clearly articulate the purpose and outcomes sought of the RFAs, then monitor, measure, report and act on these
- annual partnership meetings as check-in points
- regular monitoring and reporting (potentially annually) on:
 - the impacts of forest uses including forestry operations, non-timber industries, water harvesting, recreational, cultural to inform adaptive forest management
- support transparent, holistic and consultative review processes and their timely conduct
- providing adequate time and resources to the reviews
- support and invest in ongoing and enhanced monitoring and data collection, and
- clearly demonstrate that review insights and recommendations are considered and acted upon.

Theme 2- Forest Management System

The Reference Group considered the Forest Management System, discussing the improvements to the RFA to support adaptive forest management systems, commitments required to achieve these improvements, what role accreditation might play in the RFAs and how the RFAs can support social license for all forest industries.

The group agreed that RFAs should be inclusive, rather than exclusive.

- Renewed RFAs would need to describe the core features/criteria of an adaptive Forest Management System against which accreditation is comprehensively assessed. These include:
- objectives and plans to protect biological diversity, ecosystem services and other conservation values
- values and implements both best available Western science and Traditional Owner knowledge
- adapts based on research and collected data, and has an emerging issues focus rather than making knee-jerk or hasty decisions
- is evidence-based and transparent and includes a holistic monitoring and evaluation framework (the Reference Group has provided a definition of multiple use; this criterion should be assessed with that in mind)
- is underpinned by robust and comprehensive data and analysis, recognising that models and outputs can only be as good as the data that are fed into them
- is informed by state and Commonwealth data, as broader data will provide a more comprehensive picture of climate change and impacts on forest ecosystems, for example, from population growth pressure
- provides sufficient ongoing resources via agencies to support ongoing monitoring, review and reporting
- provides guidance on what adaptability is but acknowledges that 'adaptable' will have different meanings and expectations for different users and interest groups
- can be adapted in response to Traditional Owner input on living culture as part of working in true partnership.
- takes into account all relevant Australian and international legislation and agreements, including international climate and human rights agreements,
- avoids decision-making becoming centralised and remote from on-the-ground experience and practice
- has regard to tenure on a case by case basis, for example:
 - habitats and ecosystems defy human-created boundaries and definitions, and so a tenure-blind approach may potentially allow aspects of some ecosystems to fall through the gaps, or
 - restrictions which may mean, for example, that equitable access does not necessarily mean equal access to all forest areas, for all uses, at all times, and
- could be harnessed as a tool for broader community learning and engagement.

The role of accreditation, particularly third-party accreditation or standards, within the renewed RFAs is challenging as the RFAs are legal instruments of government and third-party standards may change in ways that diverge from RFAs and forest management policy and goals.

Relevant elements of an appropriate standard, for example the FSC standards, could be incorporated into the RFA accreditation process. At a minimum, the renewed RFAs should be aware of such standards and not create disincentives for business seeking accreditation.

Whether these standards are included or not, the forest management system in the RFAs must incorporate:

- sustainable yield numbers that take into account all timber – pulp as well as sawlog – and possibly waste wood that is burned post-harvest, in order better assess the actual volume of timber harvested
- ongoing research and monitoring of the effects of various uses and the impacts of climate change on Victorian forests
- monitoring and improving water and catchment health to inform a holistic view of the forest ecosystem
- the effects of bushfires on estimates of sustainable yields, forest ecosystems, and the forest management system more broadly
- Traditional Owner cultural values

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- forest management plans that capture changes to all forest values across time, and
- consideration of systemic issues and overlays, for example: reviews or new regulation may cause flux in the regulations, and make it difficult to determine the impact on the operation of the RFAs.

A 'social license to operate' is an oft used but vexed term and frequently means different things to different interests. Broadly social license was considered to be the community perceiving that an activity operates within society's values or goals and is often reflected or mandated by government policy and regulation. Where the community or part of the community perceives an activity diverges from its values or goals, it may seek to changes to the authorising environment (potentially legal, civil or moral) to bring an activity back into line or to stop it all together.

In the context of forests, social license may be supported or enhanced if the renewed RFAs:

- require responsible forest management and responsible behaviour of all actors in the system, and measurement of this on an outcomes basis
- build trust and predictability (currently missing from the RFAs and forest management systems they accredit)
- reflect the values and goals of all forest users and regulation and forest management systems demonstrably achieve those goals
- support genuine consultation and engagement so all users have an equal voice at the table
- provide for equitable (but not necessarily equal) access for all forest users
 - in theory, an adaptive systems providing adequate accreditation, with a strong and accountable review process could foster social license, but
 - this may be compromised given the current RFA design affords preferential treatment by accrediting and granting exemptions to some users but not others
- science and cultural values must inform the RFAs and the forest management system at a fundamental level
- provide for regular, transparent reviews and accountability mechanisms demonstrably undertaken robustly and in a timely way RFAs being reviewed in a timely fashion, in contrast to the current arrangements
- consider and adapt to future forest industry and uses, and sensibly and fairly treats with the consequences of these, for example:
 - potential augmentation of plantation estates or
 - potential changes in silviculture practices for native timber harvesting or
 - the continuation of clear-felling practices or
 - consideration of forests harvesting for biomass energy production.

Next Meeting: 1 July 2019

Prepared by: Jane Brockington, Chairperson