

The Regional Forest Agreement process in NSW.

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Introduction.

The Regional Forest Agreement (RFA) process in NSW is a co-operative undertaking between the NSW and Commonwealth governments, focussed on achieving ecologically sustainable management of public forests.⁽¹⁾ The purpose of Regional Forest Agreement process is to

reduce uncertainty, duplication and fragmentation in government decision-making by producing a durable agreement on the management and use of forests.⁽²⁾

Ecologically Sustainable Forest Management means regulating the exploitation of forest resources to ensure they meet present needs without affecting the options they can provide for future generations.⁽³⁾ Present needs are to be satisfied by providing resource security to industries which are economically dependant on the forests. At the same time, biodiversity conservation attempts to preserve the forest ecosystems for the use and enjoyment of future generations.⁽⁴⁾ Ecologically sustainable management has two main aims: the conservation of biodiversity, and the provision of resource security to the timber industry. The Regional Forest Agreement process in NSW demonstrates the difficulty of satisfying both aims, as the NSW RFAs walk a fine line between ensuring economic certainty and addressing environmental concerns.

This essay considers the methods by which the RFA process in NSW has attempted to address these goals, through the institution of RFAs in Eden,⁽⁵⁾ Upper and Lower North East NSW⁽⁶⁾ and Southern NSW.⁽⁷⁾ It explores the effects of national and international commitment to ecologically sustainable development on the implementation of the RFA process in NSW. It also examines the ways in which an RFA is brought into being and the procedures for monitoring its progress. Finally, it investigates the extent to which NSW RFAs have achieved ecologically sustainable forest management. The evidence, drawn from industry, public interest groups and government media releases, discloses a continuing tension between the RFA's dual aims of biodiversity conservation and resource security.

Inter-governmental Agreement on the Environment (IGAE)& National Forest Policy Statement (NFPS).

In the *Inter-governmental Agreement on the Environment* (1992),⁽⁸⁾ the Commonwealth, State and Territory governments endorsed the international Non-Binding Statement of Forest Principles,⁽⁹⁾ which were developed during the 1992 United Nations Conference on Environment and Development (UNCED). These principles

underlined the need to reconcile the productive and economic functions of forests with their protective, environmental and social roles.⁽¹⁰⁾

The Inter-governmental Agreement on the Environment also incorporated the precautionary principle, which states that "lack of full scientific certainty" does not justify postponing remedial measures "where there are threats of serious or irreversible environmental damage."⁽¹¹⁾ Again in 1992, the Commonwealth, Territory and State Governments (except Tasmania) signed the *National Forest Policy Statement*.⁽¹²⁾ This statement introduced the concept of joint Commonwealth and State 'Comprehensive Regional Assessments', a procedure for investigating the natural, cultural, economic and social values of Australian forests. Such assessments form the basis for negotiating Regional Forest Agreements.⁽¹³⁾ The National Forest Policy Statement assigned the task of co-ordinating a national approach on forest conservation and forest industry issues to the Commonwealth government, while recognising that the State government retains constitutional responsibility for forest management.⁽¹⁴⁾ Under the National Forest Policy Statement, Regional Forest Agreements developed between the Commonwealth and a State or Territory were to encompass the establishment and future management of a 'comprehensive, adequate and representative' (CAR) system of forest reserves. They were to institute the ecologically sustainable management of forests outside those reserved for conservation, and they

were to promote the development of an efficient and internationally competitive timber industry.(15)

Comprehensive Regional Assessment (CRA).

The first step in the NSW Regional Forest Agreement process is the formulation of a scoping agreement between the Commonwealth and the NSW State government. A scoping agreement identifies respective governmental obligations, foreshadows regional objectives and interests and broadly indicates the range of forest uses.(16) This then forms the basis for Comprehensive Regional Assessment (CRA), a synthesis of relevant information regarding land allocation, forestry management, and development options for industry and the regional community.(17)

Comprehensive Regional Assessment determines which areas are in need of protection and which areas are available for commercial purposes.(18) Apart from environmental and economic issues, Comprehensive Regional Assessments also involve consideration of the social, cultural and natural heritage values of forests in the region, including the forests' value to Indigenous Australians. This part of the Assessment involves widespread public consultation, although the differing methodologies employed across the regions makes a comparison of CRAs problematic, even when confined within NSW.(19)

Comprehensive Regional Assessment requires a review of forest management procedures in the region. These are assessed against seven guiding principles drawn from internationally and nationally agreed criteria for ecologically sustainable forest management, called the *Montreal Process Criteria for the Conservation and Sustainable Management of Temperate and Boreal Forests*.(20) The first criterion is the conservation of biological diversity, including ecosystem, species and genetic diversity. This is aimed at preserving a full suite of forest values for present and future generations. The second criterion requires the maintenance of the productive capacity of forest ecosystems, guaranteeing resource security to forest industry. Criterion three encompasses the maintenance of ecosystem health and vitality, while criterion four covers the conservation and maintenance of soil and water resources. The fifth criterion endeavours to maintain forest contributions to global carbon cycles. Criterion six governs the maintenance and enhancement of long-term multiple socio-economic benefits to meet society's needs, including production and consumption of forest resources, facilities for the enjoyment of tourism and recreation, investment in the forest sector, the sensitive treatment of cultural, social and spiritual needs and values, and the recognition of employment opportunities and community needs. Finally, the seventh criterion requires a legal, institutional and economic framework for forest conservation and sustainable forest management.(21) These principles exemplify the "holistic approach to forest management" advocated by the Regional Forest Agreement process.(22)

In NSW, the task of undertaking Comprehensive Regional Assessment was delegated to the Resource and Conservation Assessment Council (RACAC). This Council was established in 1995 by the NSW government to oversee the implementation of NSW forest policy. RACAC membership emphasises the participation of forest stakeholders in the Regional Forest Agreement process, including representatives from

the NSW Government agencies, the timber and mining industries, the union, conservationists, the Aboriginal community and the academic community.(23)

The RACAC was responsible for gathering and compiling data from more than 150 projects relating to the Eden, North East and Southern regions of NSW in order to produce public discussion and options papers.(24) The assessments looked at many different areas, including

timber and other forest industries, aerial photographic interpretation (API) of forest growth stages, flora and fauna distribution and extent, history and cultural heritage, regional economic and social impact studies, and resource data collection and analysis.(25)

Once public consultation was completed, the RACAC was given the responsibility of negotiating Regional Forest Agreements with the Commonwealth, based on public submissions and the other data they had gathered.(26)

The Regional Forest Agreement Structure.

After Comprehensive Regional Assessment is completed, the Commonwealth and State Governments negotiate the final Regional Forest Agreement.⁽²⁷⁾ Each of the RFAs in NSW consist of three sections. Only part three is expressly intended to create legally enforceable relations, and even this section was largely unenforceable until the passage through the Senate of the *Regional Forest Agreement Bill 2003* (Cth).⁽²⁸⁾

The first section of a NSW Regional Forest Agreement contains information applicable to the whole agreement. It specifies that the RFA lasts for 20 years unless terminated in accordance with the prescribed procedures.⁽²⁹⁾ The National Forest Policy Statement is recognised as the basis of the RFA, and by signing the RFA both parties confirm their commitment to the goals of that statement.⁽³⁰⁾ These are the implementation of Ecologically Sustainable Forest Management (ESFM), the CAR Reserve System, development of an internationally competitive wood production and wood products industry, and the promotion of the conservation and management of the private forest estate.⁽³¹⁾ Finally, the first section of a NSW RFA institutes dispute resolution procedures, through mediation.⁽³²⁾

The second section of a NSW Regional Forest Agreement states that the RFA cannot impose an obligation which is inconsistent with Australia's international obligations, or the laws of NSW or the Commonwealth.⁽³³⁾ Both parties further agree not to use existing or future legislation to undermine or impede their agreement.⁽³⁴⁾ 'Deferred Forest Agreements' or 'Interim Forest Assessments', employed during the negotiation process, are replaced by the RFA.⁽³⁵⁾ The Commonwealth further confirms that its commitments under the *Environmental Protection (Impact of Proposals) Act 1974* (Cth) have been met, and guarantees that activities covered by the RFA "will not trigger further environmental impact assessment,"⁽³⁶⁾ though this guarantee is not legally binding. This confirmation is repeated in relation to the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth),⁽³⁷⁾ while controls under the *Export Control Act 1982* (Cth) no longer apply to hardwood woodchips or unprocessed wood sourced from the agreement region.⁽³⁸⁾

This second part of a NSW Regional Forest Agreement also contains NSW's non-enforceable obligations to implement and maintain the RFA objectives.⁽³⁹⁾ The NSW government undertakes to implement NSW Forest Agreements and Integrated Forestry Operations Approvals (IFOAs) as integral parts of the NSW Forest Management System,⁽⁴⁰⁾ and to alert the Commonwealth to any amendment, termination or revocation of these documents.⁽⁴¹⁾ Annual public reporting is required for the first five years, followed by five yearly reviews showing the extent to which obligations and milestones have been met and inviting public comment on the performance of the agreement.⁽⁴²⁾ Measures taken by NSW to implement the RFA are to be accredited by the Commonwealth,⁽⁴³⁾ and the sustainability indicators under the Montreal Process Criteria are formally adopted.⁽⁴⁴⁾ These internationally accepted indicators for measuring the sustainability of forest management are designed to help assess the outcomes of forest management policy.⁽⁴⁵⁾

In this second section of a NSW Regional Forest Agreement, the commitment made under the National Forest Policy Statement to the conservation and management of private forests is confirmed. The RFA emphasises State government controls under the *Native Vegetation Conservation Act 1997* (NSW) designed to regulate the clearing of native forests on private land.⁽⁴⁶⁾ Private forest owners are to be encouraged to use operations consistent with the principles of Ecologically Sustainable Forest Management,⁽⁴⁷⁾ and voluntary conservation of private land is to be invited under the CAR Reserve System.⁽⁴⁸⁾ CAR values may not, however, be used to prevent timber harvesting on private land in the North East NSW and Southern NSW RFA regions.⁽⁴⁹⁾ (The Eden RFA, the first RFA in NSW, is silent on this matter.) The primary function of the CAR Reserve System is to ensure the conservation of environment and heritage values.⁽⁵⁰⁾ Reserves created for this purpose are administered in accordance with NSW legislation, except on land owned or leased by the Commonwealth, which comes under Federal jurisdiction.⁽⁵¹⁾

The flipside of this second section of a NSW Regional Forest Agreement deals with the needs of the timber industry. Forest outside the CAR Reserve System is declared to be available for timber harvesting in accordance with the RFA and the laws of NSW.⁽⁵²⁾ The parties further agree not to diminish the capacity of the region to supply wood in terms of the volume, species and quality specified in the Agreement quotas.⁽⁵³⁾ The economic importance of the timber industry is

acknowledged with a pledge to provide "long term stability for these industries through including long-term certainty of timber supply."⁽⁵⁴⁾ The clauses which follow vary according to the region involved, as they specify the minimum timber quotas, or Wood Supply Agreements, which the parties agree to supply, over the next 20 years, from that region.⁽⁵⁵⁾

Both NSW and the Commonwealth confirm their commitment to timber industry development initiatives through the Forest Industries Structural Adjustment Program (FISAP).⁽⁵⁶⁾ This package provides assistance to increase Sawlog yields and fast-track harvesting from regrowth forest, to increase recovery from residue wood, to maximise employment opportunities and to pursue international accreditation for forest products.⁽⁵⁷⁾ The regulation of forest uses other than timber harvesting will be determined under NSW legislation, providing they are consistent with the environment and heritage values professed in the RFA.⁽⁵⁸⁾ The Commonwealth agrees that day to day pricing and allocation arrangements for wood from public forests are matters for NSW, and NSW confirms its commitment to the pricing and allocation principles outlined in the National Forest Policy Statement.⁽⁵⁹⁾ Finally, research reports relating to each RFA are to be made publicly available "wherever possible".⁽⁶⁰⁾

The third section of a NSW Regional Forest Agreement is expressly made legally enforceable, unless the provision exceeds the power of either party, or is unenforceable for any other reason.⁽⁶¹⁾ This section has three main areas: responsibility for forest management, compensation to the timber industry, and procedures for terminating the RFA. The responsibility for forest management is given to NSW, obliging the State government to produce and review a number of management plans and furnish annual reports to the Commonwealth.⁽⁶²⁾ NSW is legally required to establish and maintain a NSW Forest Agreement and Integrated Forestry Operations Approvals for the RFA region, which last for the duration of the RFA.⁽⁶³⁾ They must also complete and publish Ecologically Sustainable Forest Management Plans for State forests, in accordance with the *Forestry Regulations* 1999 (NSW) and the *Forestry Act* 1916 (NSW).⁽⁶⁴⁾ Review and monitoring procedures, including the Forest Resource and Management Evaluation System (FRAMES), must be implemented to enable review of Sustainable Yield.⁽⁶⁵⁾ Significantly, NSW's enforceable obligations under the earlier Eden RFA end with developing and implementing the environmental management systems, whereas the two later Regional Forest Agreements require NSW to guarantee the contracted supply of High Quality Logs.⁽⁶⁶⁾ This supports the supposition that, during the Regional Forest Agreement process in NSW, economic considerations have gained in priority over environmental concerns.

Under the NSW Regional Forest Agreements, the Commonwealth government's obligation is to relinquish legislative control over enterprises "obtaining, using or exporting the quantities of Woodchips or Unprocessed Wood products" sourced from the region in accordance with the RFA.⁽⁶⁷⁾ The Commonwealth also agrees to maintain accreditation of NSW's amended Forest Management System for the region.⁽⁶⁸⁾ The compensation provisions provide that the Commonwealth will pay compensation for actions taken to protect environment and heritage values in native forests which cause loss or damage to specified classes of people. There are three types of action for which compensation may be claimed. The action must "prevent or substantially limit": the use of land not included in the CAR Reserve System; the sale or commercial use of forest products sourced from land outside the CAR Reserves; or the construction of roads on non-CAR Reserve land for the transportation of forest products sourced from land outside the CAR Reserve System.⁽⁶⁹⁾ (No compensation is payable for actions taken on CAR Reserve System land.) The amount of compensation is

the amount of the reasonable loss or damage sustained by reason of that prevention, calculated as at the time the prevention ... occurred.⁽⁷⁰⁾

Compensation is to be paid to a specified class of persons who suffered proven loss or damage, including owners and contractors.⁽⁷¹⁾ NSW is to warrant the validity of the claim, and no compensation will be paid if the person suffering loss could have avoided it by "taking reasonable steps in mitigation."⁽⁷²⁾ The Commonwealth is to pay the money to the State within 60 days (unless instituting arbitration proceedings),⁽⁷³⁾ while the State acts as trustee for the person who sustained the damage, and must pay the money to them within 30 days.⁽⁷⁴⁾ There are no commensurate compensation provisions for *environmental* loss or damage under the NSW Regional Forest Agreements.

The 'Proposed Employment and Industry Development Initiatives' featured in the NSW Regional Forest Agreements further suggest a prioritising of economic over environmental considerations. While the Eden RFA simply reiterates Commonwealth and State commitment to the NSW Forest Industry Structural Adjustment Package (FISAP),(75) in the North East NSW RFA and Southern NSW RFA both parties pledge \$60 million each, to

assist in creating an ecologically sustainable, efficient and internationally competitive timber industry with a focus on value-adding, investment growth and job creation.(76)

Throughout the NSW RFAs expenditure on the environment is implicitly justified by the increased employment it will create. This is especially obvious in the budget forecasts and employment predictions contained in the 'Proposed Employment and Industry Development Initiatives' Attachment to the RFAs.(77)

The CAR Reserve System.

The CAR Reserve System is an important element in the NSW Regional Forest Agreement process, pursuing the goal of preserving biological diversity in NSW forests. In addition to Comprehensive Regional Assessment, the Resource and Conservation Assessment Council (RACAC) was charged with developing a Comprehensive, Adequate and Representative (CAR) Reserve System, using the JANIS criteria(78) which contain targets for the conservation of forest ecosystems. These criteria aim at the preservation of 15% of the pre-1750 distribution of forest ecosystems, rising to 60% in vulnerable areas. In addition, 60% of existing old growth forest, 90% or more of high quality wilderness forests and all remaining occurrences of rare and endangered forest ecosystems are to be protected.(79) The JANIS criteria have been called "a major achievement of the RFA process"(80) and have received international commendation from the World Wide Fund for Nature.(81)

The CAR Reserve System on public land has three components: legislatively established 'Dedicated Reserves' for conservation purposes, such as National Parks and Nature Reserves; 'Informal Reserves' established under the Forest Management Zoning System, including Crown Reserves and State Recreation Areas; and 'Values Protected by Prescription', comprising habitat protected under Integrated Forestry Operations Approvals and areas excluded from harvesting under the Special Protection Zone of the Forestry Management System. In the Eden RFA area, Dedicated and Informal Reserves under the CAR System cover approximately 56% of public land in the region, or 33% of the entire region.(82) Under the Upper North East NSW RFA, 46.1% of public land is reserved, or 15.4% of the entire region,(83) and under the Lower North East NSW RFA, the figures are 63.1% of public land or 22.7% of the entire region.(84) Finally, the Southern NSW RFA specifies that 75% of public land, or 31% of the entire region is reserved under the CAR system.(85) While this is a considerable step towards biodiversity conservation, the RFA process has been criticised for scaling back the CAR Reserve System to satisfy optimistically high logging quotas,(86) for privileging political state boundaries over biological cohesiveness,(87) and for permitting mining operations within reserved areas, although this remains subject to environmental impact assessment under the *Environment Planning and Assessment Act 1979* (NSW).(88)

Integrated Forest Operations Approval (IFOA).

Integrated Forestry Operations Approvals were introduced by the NSW Forest Agreements, under the NSW RFA process, and the *National Parks Estate Act 1998* (NSW).(89) They set out the terms and conditions under which logging may occur in State Forests.(90) The approval period may last for up to 20 years, subject to review every five years and

may contain the terms of relevant licences under the *Protection of the Environment Operations Act*, the *Threatened Species Conservation Act* and the *Fisheries Management Act*.(91)

Government Ministers may institute proceedings in the Land and Environment Court for breaches of an Integrated Forest Operations Approval, and licences granted under the approval may similarly be enforced by Ministers or their agencies.(92) However, Integrated Forest Operations Approvals have also generated their share of controversy:

An IFOA exempts forestry operations from the environmental licensing, development control and planning requirements of the *Threatened Species Conservation Act, Environmental Planning and Assessment Act, National Parks and Wildlife Act, Protection of the Environment Operations Act* and the *Wilderness Act*. It also REMOVES the right of members of the PUBLIC to question the law.(93)

The language surrounding Integrated Forest Operations Approvals suggests that the rhetoric of environmental protection has been skewed to satisfy the demand for economic development, at least in the opinion of many conservationists.(94)

Ecologically Sustainable Forest Management Plan (ESFM).

Ecologically Sustainable Forest Management is the primary obligation of NSW under the Regional Forest Agreement process.(95) It is aimed at managing forests to ensure they meet our present needs without affecting the options they provide for future generations.(96) It is designed to ensure that

the production of wood products from native forests is conducted – and is seen to be done - in an environmentally responsible and ecologically sustainable manner.(97)

This implies that the public presentation of Ecologically Sustainable Forest Management is as important as its practice. Five principles of ESFM are contained in attachments to the NSW RFAs, beginning with the principle of intergenerational equity. This first principle encompasses the Montreal Process Criteria, including biodiversity, the productive capacity and sustainability of forest ecosystems, forest ecosystem health and vitality, soil and water quality, forest contributions to global geochemical cycles, long term social and economic benefits, and the protection of natural and cultural heritage values. The second principle aims to ensure public participation and access to information, making ESFM transparent and publicly accountable. Third, ESFM stipulates that legislation, policies, standards and practices related to forest management “require and provide incentives for ecologically sustainable management of the native forest estate.” The fourth principle institutes the precautionary principle, adopted by the Inter-governmental Agreement on the Environment, that lack of full scientific certainty is not a justification for failing to prevent imminent environmental degradation. The fifth principle of Ecologically Sustainable Forest Management requires the best available knowledge and adaptive management processes to be applied.(98) Government commitment to this final principle has been questioned by leading scientists, including Jerry Vanclay, Professor of Forestry at Southern Cross University, Lismore, NSW. Professor Vanclay

says the problem of basing sawlog quotas on inadequate information goes back decades, and he blames it on tight-fisted governments.(99)

Ecologically Sustainable Forest Management is facilitated by the system of Forest Management Zones (FMZ). This land classification system sets out the intended management of State forests in map form, based on the CAR Reserve values specified in the JANIS report. Its aim is to clearly delineate areas set aside for conservation purposes and those available for timber harvesting and other activities.(100) The National Parks and Wildlife Service has also developed state-of-the-art computer software, which breaks the forest into grids labelled with each area's conservation and timber values.(101)

Reporting & Monitoring.

The NSW Regional Forest Agreement process institutes a number of procedures for evaluating its effectiveness, beginning with annual reporting for the first five years followed by five yearly reviews which allow “changes to the sustainable timber yields to be implemented without compensation from the Government.”(102) The NSW RFAs also institute the Forest Resource and Management Evaluation System (FRAMES), which is a “statewide forest resource inventory, growth modelling, simulation and harvest scheduling system for New South Wales’ public native forest resource.”(103) In terms of Sustainable Yield, FRAMES is “a strategic planning tool for estimating suitable wood volumes.”(104) The review procedures reflect the seven Montreal process criteria previously discussed, as well as sustainability indicators developed from input by experts, stakeholders and community interest groups during the RFA process.(105) NSW State Forests

have established a Freecall number for reporting on State Forest issues, although this voicemail service does not identify the message box recipient, merely repeating the phone number.(106) This does not encourage confidence that one's complaints will ever be heard, let alone acted on. The dispute resolution procedures established in the NSW Regional Forest Agreements are only available to the parties: the NSW and Commonwealth governments. There remains no real mechanism for third parties interested in either industry or the environment to have their complaints investigated.(107)

Economy / Ecology: the political seesaw

The NSW Regional Forest Agreement process discloses an uneasy balance between economic and environmental values, with vocal lobby groups on both sides. Both sides have valid grievances. Considerable government spending on timber industry initiatives has primarily advantaged large corporate groups, with small mills being discriminated against and excluded from the process.(108) It has not achieved the desired industry investment in value adding procedures, since there is

no mechanism by which to ensure that resource security leads to investment in value-adding plants.(109)

The lack of value-adding facilities means the majority of timber harvested in NSW is destined for woodchip,(110) with the profits going to international corporations.

In 1995/96, State Forests NSW Eden Region lost \$½ million, while Harris Daishowa made a profit of \$16 million. This is taxpayer funding of private profit.(111)

This is despite Comprehensive Regional Assessment surveys which reported that 93% of NSW residents believe that protecting forest diversity is a high priority, compared with only 14% who placed a high priority on wood production in public native forests.(112)

Clearfelling, or "the process of removing all trees, large and small, in a stand in one cutting operation,"(113) has been particularly identified as an ongoing industry process which is detrimental to the RFAs' dual goals of resource security and biodiversity conservation.(114)

The scientists actually thought that we would tread more lightly on our forests, following the signing of the RFAs. In fact if anything, logging has greatly intensified, and that whole clearfelling agenda is very alarming.(115)

This alarm is shared by conservationists in each of the NSW RFA regions. Environmental groups in the Eden RFA area have pointed out intensive woodchip operations in endangered koala habitat areas, which were proposed for short-term light sawlogging to reduce job-loss impacts during the transition to plantations.(116) Environmentalists in the North East NSW RFA region have shown that while government agencies identified 1.2 million hectares requiring conservation under the CAR Reserve system, less than a third of this was actually reserved,(117) and the delays in finalising the Southern NSW RFA resulted in widespread illegal woodchipping.(118)

The political aspect of the Regional Forest Agreement process in NSW is demonstrated by Premier Bob Carr's recently announced intention to remove 65,000 hectares from production forests in the North East NSW RFA region and "lock these up in 15 new national parks, State conservation areas or State forest reserves."(119) The timber industry claimed this would exacerbate the Government's existing difficulty in supplying committed timber volumes under the RFA.(120) In turn, the Commonwealth Government warned that Mr Carr's actions could constitute a breach of the RFA, resulting in a withdrawal of funding.(121) The Commonwealth's obligation to pay compensation to the timber industry under the RFA serves "as a powerful disincentive to future Parliaments considering the adoption of tighter forest conservation measures."(122)

This is not to conclude that the Regional Forest Agreement process in NSW is a failure, merely that it is a difficult balancing act. Alternatives to logging public forests are being developed, and may yet successfully deliver both resource security and conservation of biodiversity. In 1998, expected

employment gains in the plantation industry were predicted to be five times the redundancies from the native forest industry,⁽¹²³⁾ while the recent State of Forests Report indicated an average 87,000 hectares of new commercial plantings each year, for the past five years.⁽¹²⁴⁾ In addition, studies suggest the tourism and recreation industry is more economically viable than the timber industry in terms of economic benefits to the region and the potential for creating jobs.⁽¹²⁵⁾

Conclusion

The Regional Forest Agreement process in NSW began with intergovernmental recognition of the principles of Ecologically Sustainable Forest Management. These principles were applied to specific regions, in a process of Comprehensive Regional Assessment. Data drawn from this assessment and public consultation with forest stakeholders was used to negotiate Regional Forest Agreements between the Commonwealth and NSW Governments. Under these agreements, NSW is responsible for forest management, and the Commonwealth is responsible for compensating loss or damage to the timber industry, incurred as a result of necessary conservation measures. Legislative requirements for Commonwealth control over environmental impact assessment and woodchipping exports were removed from RFA regions. In return NSW was required to implement detailed Ecologically Sustainable Forest Management plans and review procedures, to protect the environment and guarantee committed timber quotas to industry. In practice this balance has proved difficult to achieve, with economic considerations being privileged over environmental concerns. Hope for the future lies in the replacement of woodchipping with value-added timber products, the cessation of clearfelling of native forests with a consequent encouragement of plantations, and the promotion of tourism in RFA areas. In this way the NSW Regional Forest Agreement process may yet manage to satisfy the competing goals of resource security and biodiversity conservation, as envisaged by its stated commitment to maintaining the forests' ecological sustainability.

Footnotes.

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6. *East NSW Regional Forestry Assessment* (31 March 2000) [view](#), 19 September 2003.
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21. *Ibid.*
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28. Bush Telegraph, ABC Rural Radio, *RFA Bill finally passes Senate*, 18 March 2003 [view](#), 17 October 2003.
29. *Eden RFA cl 5; North East NSW RFA cl 5; Southern NSW RFA cl 5.*
30. *Eden RFA> cl 7; North East NSW RFA cl 7; Southern NSW RFA cl 7.*
31. *Ibid.*
32. *Eden RFA cl 14; North East NSW RFA cl 14; Southern NSW RFA cl 14.*
33. *Eden RFA cl 18; North East NSW RFA cl 18; Southern NSW RFA cl 18.*
34. *Eden RFA cl 19; North East NSW RFA cl 19; Southern NSW RFA cl 19.*
35. *Eden RFA cl 17; North East NSW RFA cl 17; Southern NSW RFA cl 17.*
36. *Eden RFA cl 23; North East NSW RFA cl 24; Southern NSW RFA cl 24.*
37. *Eden RFA cl 24; North East NSW RFA cl 25; Southern NSW RFA cl 25.*
38. *Eden RFA cl 31; North East NSW RFA cl 35; Southern NSW RFA cl 33.*
39. *Eden RFA cl 16; North East NSW RFA cl 16; Southern NSW RFA cl 16.*
40. *Eden RFA cl 33, 46 & 47; North East NSW RFA cl 36, 47 & 48; Southern NSW RFA cl 34, 46 & 47.*
41. *Eden RFA cl 35; North East NSW RFA cl 37; Southern NSW RFA cl 36.*
42. *Eden RFA cl 38-41; North East NSW RFA cl 40-43; Southern NSW RFA cl 38-41.*
43. *Eden RFA cl 50; North East NSW RFA cl 52; Southern NSW RFA cl 51.*
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46. *Eden RFA cl 53; North East NSW RFA cl 54; Southern NSW RFA cl 53.*
47. *Eden RFA cl 54; North East NSW RFA cl 55; Southern NSW RFA cl 54.*
48. *Eden RFA cl 55; North East NSW RFA cl 56; Southern NSW RFA cl 55.*
49. *North East NSW RFA cl 59; Southern NSW RFA cl 58.*
50. *Eden RFA cl 63; North East NSW RFA cl 65; Southern NSW RFA cl 64.*
51. *Eden RFA cl 64; North East NSW RFA cl 66; Southern NSW RFA cl 65.*
52. *Eden RFA cl 68; North East NSW RFA cl 73; Southern NSW RFA cl 72.*
53. *Eden RFA cl 69; North East NSW RFA cl 74; Southern NSW RFA cl 73.*
54. *Eden RFA cl 70; North East NSW RFA cl 75; Southern NSW RFA cl 74.*
55. *Eden RFA cl 73-76; North East NSW RFA cl 79-87; Southern NSW RFA cl 76-82.*
56. *Eden RFA cl 78; North East NSW RFA cl 89; Southern NSW RFA cl 87.*
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