

**WEST VICTORIA
REGIONAL FOREST AGREEMENT**

**between
THE COMMONWEALTH OF AUSTRALIA
&
THE STATE OF VICTORIA**

March 2000

THE WEST VICTORIA REGIONAL FOREST AGREEMENT

THIS AGREEMENT is made on the _____ day of _____ 2000

BETWEEN

THE STATE OF VICTORIA, (“Victoria” or “the State”), and

THE COMMONWEALTH OF AUSTRALIA (“the Commonwealth”).

Recitals

WHEREAS:

Purpose of Agreement

A This Regional Forest Agreement (RFA) establishes the framework for the management of the forests of the West Victoria region of Victoria. Parties are committed to ensuring the Agreement is durable and that the obligations and commitments that it contains are delivered to ensure effective conservation, forest management and forest industry outcomes.

B This Agreement is a Regional Forest Agreement, for the purposes of the *Export Control Act 1982* (Cwth), *Export Control (Hardwood Wood Chips) Regulations 1996* (Cwth) and the *Export Control (Regional Forest Agreements) Regulations* (Cwth). As such, the Agreement:

- identifies a Comprehensive, Adequate and Representative Reserve System and provides for the conservation of those areas;
- provides for the ecologically sustainable management and use of forests in the region;
- is for the purpose of providing long-term stability of forests and forest industries; and
- has regard to studies and projects carried out in relation to all of the following matters relevant to the region:
 - (a) environmental values, including old growth, wilderness, endangered species, national estate values and world heritage values;
 - (b) indigenous heritage values;
 - (c) economic values of forested areas and forest industries;
 - (d) social values (including community needs); and
 - (e) principles of ecologically sustainable management.

C This Agreement is divided into Parts. Part 1 applies to the whole Agreement. Part 2 is not intended to create legally binding relations. Part 3 is intended to create legally binding relations. The Attachments are not intended to create legally binding relations except to the extent that this is necessary to give effect to Part 3.

NOW IT IS AGREED as follows:

PART 1

Interpretation

1. This Agreement is to be interpreted, unless the contrary intention appears, with reference to the definitions and general provisions specified in clauses 2 and 3.

Definitions and General Provisions

2. In this Agreement unless the contrary intention appears:

“Action Statement” means an Action Statement made under the *Flora and Fauna Guarantee Act 1988* (Vic);

“Agreement” means all parts of this Agreement between the Commonwealth of Australia and the State of Victoria and includes the Attachments to this Agreement;

“Australian Heritage Commission” or **“the Commission”** means the Commission established by the *Australian Heritage Commission Act 1975* (Cwth);

“Biodiversity” means biodiversity as defined in the JANIS Report;

“Comprehensive, Adequate and Representative Reserve System” or **“CAR Reserve System”** means areas under any of the following categories of land tenure - as described in the JANIS Report - Dedicated Reserves, Informal Reserves and other areas on Public Land protected by prescription, and areas of private land where the CAR Values are protected under secure management arrangement by agreement with private landholders. This reserve system is based on the principles of comprehensiveness, adequacy and representativeness;

“CAR Values” means the conservation values as described by the JANIS Reserve Criteria embodied in the CAR Reserve System;

“Code of Forest Practices for Timber Production” means the Code of Forest Practices for Timber Production Revision No 2 1996 developed in accordance with the *Conservation, Forest and Lands Act 1987* (Vic);

“Code of Practice for Fire Management on Public Land” means the Code of Practice for Fire Management on Public Land developed pursuant to the *Conservation, Forests and Lands Act 1987* (Vic);

“Competition Principles” means principles as described in the Compendium of National Competition Policy Agreements, January 1997, National Competition Council;

“Comprehensive Regional Assessment” or **“CRA”** means the assessment process carried out pursuant to Attachment 1 of the Scoping Agreement for Victorian Regional Forest Agreements between the Commonwealth of Australia and the State of Victoria;

“Crown land” means land which is, or is deemed to be, unalienated land of the Crown and includes--

- (a) land of the Crown reserved permanently or temporarily or set aside by or under an Act; and

- (b) land of the Crown occupied by a person under a lease, licence or other right.

“Dedicated Reserve” means a reserve equivalent to International Union for the Conservation of Nature and Natural Resources (IUCN) Protected Area Management Categories I, II, III, or IV as defined by the IUCN Commission for National Parks and Protected Areas (1994). The status of Dedicated Reserves is secure, requiring action by the Victorian Parliament or in accordance with Victorian legislation for reservation or revocation. In Victoria, Dedicated Reserves include, but are not limited to, parks under the *National Parks Act 1975* (Vic) and flora, fauna or nature conservation reserves under the *Crown Land (Reserves) Act 1978* (Vic);

“Ecologically Sustainable Forest Management” or **“ESFM”** means forest management and use in accordance with the specific objectives and policies for ecologically sustainable development as detailed in the National Forest Policy Statement;

“Ecological Vegetation Class” or **“EVC”** means for the purposes of the Agreement a forest ecosystem as defined in the JANIS Report. EVCs as they exist at the present time are described in the West Victoria CRA Report (Volumes 1 and 2) published by the Commonwealth and Victorian RFA Steering Committee in 1999;

“Environmental and Heritage Values” means values assessed pursuant to Attachment 1 of the RFA Scoping Agreement;

“Environment Conservation Council” means the Council of the same name established under the *Environment Conservation Council Act 1997* (Vic);

“Forest” means a vegetation type dominated by woody vegetation having a mature or potential mature stand height exceeding 5 metres, with an overstorey canopy cover greater than 20%;

“Forest Management Area” or **“FMA”** means a Forest Management Area as defined in the *Forests Act 1958* (Vic);

“Forest Management Plan” means a forest management plan as defined in the Code of Forest Practices for Timber Production to address the full range of values and uses in State Forest;

“Forest Management System” means the State’s suite of legislation, policies, codes, plans and management practices and processes as described in the *“Victorian Statewide Assessment of Ecological Sustainable Forest Management”* published by the Commonwealth and Victorian RFA Steering Committee in 1997 as varied by this Agreement;

“Forest Products” means all live and dead trees, ferns or shrubs or parts thereof;

“Forestry Operations” means -

- (a) the planting of trees; or
- (b) the managing of trees before they are harvested; or
- (c) the harvesting of Forest Products

for commercial purposes and includes any related land clearing, land preparation and regeneration (including burning), and transport operations;

“General Management Zone” means the zone of the same name described in a Forest Management Plan;

“Informal Reserve” means a reserve that contains and is managed for conservation values which unequivocally contribute to the CAR Reserve System and meets the principles for Informal Reserves as described in the JANIS Report. In Victoria, it includes, but is not limited to, the State Forest Special Protection Zone;

“Integrated Forest Planning System” means Victoria’s integrated forest planning system for forecasting Sustainable Yield;

“Interim Forest Agreement” means the Interim Agreement between the Commonwealth of Australia and the State of Victoria signed in January 1996;

“JANIS Report” means the report by the Joint Australian and New Zealand Environment and Conservation Council (ANZECC) / Ministerial Council on Forestry, Fisheries and Aquaculture (MCFFA) National Forests Policy Statement Implementation Sub-committee, titled ‘Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia’, published by the Commonwealth of Australia in 1997;

“JANIS Reserve Criteria” means the criteria as described in the JANIS Report for establishing the CAR Reserve System addressing biodiversity, old growth forest and wilderness, taking account of reserve design and management and social and economic considerations;

“Land Conservation Council” means the Council established under the former *Land Conservation Act 1970* (Vic);

“Licence, Permit or Authority” in clause 96 means any licence permit or authority pursuant to the *Mineral Resources Development Act 1990* (Vic) and the *Extractive Industries Development Act 1995* (Vic);

“Mineral” means mineral as defined in the *Mineral Resources Development Act 1990* (Vic) and stone as defined in the *Extractive Industries Development Act 1995* (Vic), excluding stone on private land for the private use of the owner and mineral or stone obtained for non-commercial purposes;

“Mining” means any operation or work carried out to obtain Minerals;

“Mining Operations” means

- (a) any operations or work of a commercial nature carried out on a mining licence or extractive industry work authority with a view to obtaining or treating Minerals; or
- (b) where a valid exploration licence or extractive industry search permit is held, any operations or work in the area covered by that licence or search permit for the purpose of exploring for Minerals;

“Mining Product” means any Mineral obtained by Mining;

“Montreal Process Criteria” means the Montreal Process criteria for the conservation and sustainable management of temperate and boreal forests;

“Montreal Process Implementation Group” or **“MIG”** means the Montreal Process Implementation Group established by the Commonwealth and all State and Territory Governments;

“National Estate” means those places as defined under section 4 of the *Australian Heritage Commission Act 1975* (Cwth);

“National Estate Values” means values attributed by the Australian Heritage Commission to the National Estate;

“National Forest Policy Statement” or **“NFPS”** means the *National Forest Policy Statement 1992* endorsed by the Commonwealth and all State and Territory Governments;

“Old Growth forest” means old growth forest as defined in the JANIS Report;

“Parties” means the State of Victoria and the Commonwealth of Australia;

“Party” means a Party to this Agreement;

“Private Land” means lands other than Public Land and land owned or leased by the Commonwealth;

“Public Land” means public land as defined in section 3 of the *Environment Conservation Council Act 1997* (Vic);

“Recovery Plan” means a recovery plan made under Part 3 of the *Endangered Species Protection Act 1992* (Cwth);

“Regional Forest Agreement” or **“RFA”** means a Regional Forest Agreement within the meaning of the Export Control (Hardwood Wood Chips) Regulations 1996 (Cwth);

“Register of the National Estate” means the register of the same name kept pursuant to the *Australian Heritage Commission Act 1975* (Cwth);

“Special Protection Zone” or **“SPZ”** means the zone of the same name described in a Forest Management Plan;

“State Forest” means land described in section 3 of the *Forests Act 1958* (Vic);

“Statement of Significance” means a statement of significance made by the Australian Heritage Commission for a place which forms part of the National Estate;

“Statewide Forest Resource Inventory” or **“SFRI”** means Victoria’s Statewide Forest Resource Inventory of Victoria’s public native forest resources;

“Sustainability Indicators” means qualitative or quantitative measures, at the regional (sub-national) level developed to assess the criteria for sustainable forest management;

“Sustainable Yield” means sustainable yield rate as defined in the *Forests Act 1958* (Vic);

“Threat Abatement Plan” means a threat abatement plan made under Part 3 of the *Endangered Species Protection Act 1992* (Cwth);

“Wilderness Values” means the values of the same name as defined in the JANIS Report;

“Wild Rivers” means a river of natural origin, in which the biological, hydrological and geomorphological processes of river flow, and intimately linked parts of its catchment, have not been significantly altered by modern or

colonial society. Wild rivers may include permanent, seasonal or underground water courses;

“Woodchips and Unprocessed Wood” means those goods within the meaning of the Export Control (Hardwood Wood Chips) Regulations 1996; the Export Control (Regional Forest Agreements) Regulations; and the Export Control (Unprocessed Wood) Regulations;

“World Heritage Nomination” means the submission by the Commonwealth of a nominated area to the UNESCO World Heritage Committee for assessment as a World Heritage area;

“World Heritage Values” means features, formations, areas, and sites of outstanding universal value within the meaning of Article 2 of the *Convention Concerning the Protection of the World Cultural and Natural Heritage*, also known as the World Heritage Convention.

3. In this Agreement unless the contrary intention appears:
- (a) a reference to a clause or Attachment is a reference to a clause or Attachment to this Agreement and a reference to this Agreement includes a reference to an Attachment;
 - (b) a reference to this Agreement or another instrument is a reference to this Agreement or that other instrument as amended or varied from time to time;
 - (c) a reference to a statute or ordinance includes any consolidations, amendments, re-enactments or replacements thereof and also includes regulations and other instruments made under them;
 - (d) a reference to a code or other instrument includes any consolidations or amendments thereof;
 - (e) a word importing the singular includes the plural and vice versa, a word importing a gender includes each other gender and a reference to a person includes an individual, firm, body corporate, association (whether incorporated or not), government, governmental or semi-governmental body, local authority or agency;
 - (f) a reference to an act, matter or thing includes the whole or any part of that act, matter or thing and a reference to a group of acts, matters, things or persons includes each act, matter, thing or person in that group;
 - (g) where any terms and conditions are added to an Attachment of this Agreement it is agreed that those terms and conditions will form part of this Agreement;
 - (h) headings are inserted for convenience and do not affect the interpretation of this Agreement.

Definition of Region

4. The area covered by this Agreement is the West Victoria region as shown in Maps 1 and 2 accompanying this Agreement.

Duration of Agreement

5. This Agreement takes effect upon signing by both parties and, unless earlier terminated in accordance with clause 98, 99 or 100, will remain in force for twenty years.

6. The process for extending the Agreement for a further period will be determined jointly by the Parties as part of the third five yearly review.

Basis of Agreement ³/₄ National Forest Policy Statement

7. Parties confirm their commitment to the goals, objectives and implementation of the *National Forest Policy Statement* (NFPS) by:

- developing and implementing Ecologically Sustainable Forest Management (ESFM);
- establishing a Comprehensive, Adequate and Representative (CAR) reserve system; and
- facilitating the development of an internationally competitive wood production and wood products industry.

Changes to the Agreement

8. This Agreement may only be amended with the consent, in writing, of both Parties. Parties agree to work cooperatively to address any differences between them as to the interpretation or implementation of the Agreement.

Dispute Resolution

9. The Parties agree that if a dispute arises between the Parties regarding this Agreement it must be resolved expeditiously in accordance with the provisions of clauses 10 to 14.

10. When a dispute arises, a Party may serve a notice on the other specifying:

- (a) the nature and substance of the matter or issue in dispute;
- (b) that it is a dispute to be resolved in accordance with clauses 10 to 14.

11. Within 14 days of the notice under clause 10 being served the Parties must attempt to settle the dispute and, in default of settlement, appoint a mediator to conduct a mediation concerning the matter or issue in dispute.

12. If the dispute is not settled under clause 11 and the Parties fail to appoint a mediator, either of them may request the President of the Law Council of Australia, or the equivalent officer of such body as in future may have the functions of the Law Council of Australia, to nominate a mediator to conduct the mediation.

13. The costs of a mediator appointed under clauses 11 or 12 are to be shared equally between the Parties.

14. Each of the Parties agrees to use its best endeavours to resolve the dispute through mediation.

Notices

15. Any notice or other communication to be given or made pursuant to this Agreement shall be in writing and addressed as the case may be as follows:

THE COMMONWEALTH
The Secretary
Department of the Prime Minister and Cabinet
3-5 National Circuit
BARTON ACT 2600

THE STATE
The Secretary
Department of Premier and Cabinet
Treasury Place
EAST MELBOURNE VIC 3002

PART 2

16. This Part is not intended to create legally binding relations and provisions in Part 1 in so far as they relate to Part 2 are also not binding. Where there are references in this Part to obligations which are referred to in Part 3 and are intended to be legally binding, they are only included in Part 2 in so far as they provide context and for the sake of completeness so that the whole scheme which the Parties wish to implement is set out in this Part. The inclusion of references to these legally binding obligations in Part 2 does not derogate from the Parties intent that they be legally binding in Part 3.

FUNCTIONING OF THE AGREEMENT

Relationship to the Interim Forest Agreement

17. This Agreement replaces the Interim Forest Agreement, signed by the Commonwealth and Victorian governments on 27 January 1996 and subsequently amended on 30 June 1998 and 31 December 1999, in relation to the West Victoria region.

Relationship to Statutory Obligations

18. This Agreement cannot impose on either Party or a third party any obligation that is inconsistent with Australia's international obligations, or a law of the Commonwealth or of Victoria.

19. Neither Party will seek to use existing or future legislation to undermine or impede this Agreement.

20. The Commonwealth, in signing the Agreement, confirms that its obligations under the *Australian Heritage Commission Act 1975* (Cwth) have been met.

21. Parties will manage their respective responsibilities with regard to the National Estate in accordance with the provisions of this Agreement as detailed in Attachment 3.

22. The Commonwealth confirms it has on or before the date of this Agreement entered into an agreement with the Australian Heritage Commission in which the Commission has agreed to perform and comply with all the agreements and confirmations which are specified in Attachment 3 as being agreements and confirmations on the part of the Commission.

23. The Commonwealth, in signing the Agreement, confirms that its obligations under the *Environment Protection (Impact of Proposals) Act 1974* (Cwth) have been met. The Commonwealth also confirms that, under the administrative procedures of the Act, any activities covered by the Agreement, including the 5 yearly review and minor amendments to the Agreement, will not trigger further environmental impact assessment.

24. The Commonwealth, in signing the Agreement, confirms that its obligations under the *Endangered Species Protection Act 1992* (Cwth) have been met.

25. The Commonwealth notes that its obligations to promote endangered species protection will involve ongoing cooperative work with Victorian agencies concerning the West Victoria region.

26. The Commonwealth undertakes to use its best endeavours to secure the enactment of legislation which amends the *Environment Protection and Biodiversity*

Conservation Act 1999 (Cwth) by inserting definitions of 'Forestry Operations', 'RFA Forestry Operations' and RFA or *Regional Forest Agreement* identical to those contained in the *Regional Forest Agreements Bill* (Cwth) and introduce such legislation into the Parliament of the Commonwealth by 30 June 2000. The purpose of these amendments is to give effect to the Commonwealth Government's intention that Forestry Operations in RFA regions may be undertaken without approval under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwth).

27. Parties agree to actively investigate, and participate in, World Heritage assessment of the Australia-wide Eucalypt theme, including any potential contribution from the West Victoria region.

28. Parties note that in order to progress work and then proceed to World Heritage nomination, the agreement of all relevant governments will be required.

29. Parties agree that any potential World Heritage nomination involving areas in the West Victoria region will be from within the CAR Reserve System.

30. The Commonwealth agrees that it will give full consideration to the potential socio-economic consequences of any World Heritage nomination of places in the West Victoria region and that any such nomination will only occur after the fullest consultation and with agreement of the State.

31. The Parties agree that before any World Heritage nomination is made:

- all necessary management arrangements, including joint policy coordination arrangements will be agreed; and
- all related funding issues will be resolved to the satisfaction of both Parties.

32. Parties note that current Commonwealth export arrangements provide that, after 31 March 2000, exports of hardwood woodchips from native forests will only be permitted from areas covered by an RFA.

33. Parties note that no controls under the *Export Control Act 1982* (Cwth) will apply to hardwood woodchips or unprocessed wood sourced from the West Victoria region while this Agreement is in place.

34. The Commonwealth notes Victoria's intention to separate more clearly its commercial forestry activities within native State Forests from the broader policy, strategic planning and regulatory functions associated with the management of those forests. Victoria also confirms its commitment to the ongoing implementation of its plans, codes and prescriptions relevant to the achievement of ESFM.

35. The Commonwealth notes Victoria's change to the administration arrangements applying to the management of its parks, and that the primary emphasis of management will continue to be the conservation and protection of Environmental and Heritage Values.

Milestones

36. This Agreement establishes milestones (Attachment 4) and Parties will report annually on their achievement for the first five years, and then as they fall due and as part of the 5 yearly review, using an appropriate public reporting mechanism.

Five yearly review

37. Within each five year period, a review of the performance of the Agreement will be undertaken. The purpose of the five yearly review is to provide an assessment of progress of the Agreement against the established milestones, and will include:

- the extent to which milestones and obligations have been met including management of the National Estate;
- the results of monitoring of Sustainability Indicators; and
- invited public comment on the performance of the Agreement.

38. While the review process will not open up the Agreement to re-negotiation, both Parties may agree to some minor modifications to incorporate the results of the review.

39. The outcomes of the review will be made public. The mechanism and timing for the review will be determined by both Parties before the end of the five year period and the review will be completed within three months.

ECOLOGICALLY SUSTAINABLE FOREST MANAGEMENT

40. The Parties agree that ESFM is an objective which requires a long term commitment to continuous improvement and that the key elements for achieving it in accordance with clause 7 are:

- the establishment of a CAR Reserve System (Attachment 1);
- the development of internationally competitive Forest Products industries; and
- a fully integrated and strategic forest management system capable of responding to new information.

41. The Parties agree that Victorian processes and systems provide for ecologically sustainable management of forests in the West Victoria region and that these processes and systems are accredited in clause 48 of this Agreement.

Monitoring, Reporting and Consultative Mechanisms

42. Victoria will report on the results of monitoring of Sustainability Indicators.

43. Comprehensive Regional Assessments and the development of this Agreement have provided extensive opportunities for public participation and reporting. Parties recognise that the public reporting activities and on-going opportunities for public participation and consultation associated with existing Victorian and Commonwealth processes and instruments will continue. These processes are listed in Attachment 5.

44. In addition to these activities, Victoria agrees to publish future reports of audits of compliance with the Code of Forest Practices for Timber Production. Supporting documents will also be publicly available.

45. Parties note that to develop the transparency and accountability of its forest management processes, Victoria is implementing an on-going quality assurance program utilising, as appropriate, expertise external to the forest agency in the Department of Natural Resources and Environment or its equivalent.

46. Victoria undertakes to:

- (a) continue to manage the Dedicated Reserves within the CAR Reserve System in accordance with the relevant government approved recommendations of the Land Conservation Council or Environment Conservation Council;
- (b) manage cultural values, both Aboriginal and non-Aboriginal, in the West Victoria region, based on Statewide Guidelines for the Management of Cultural Heritage Values in Forests, Parks and Reserves which will be jointly agreed; and
- (c) implement the Integrated Forest Planning System and the Statewide Forest Resource Inventory (SFRI) across Victoria in accordance with the schedule set out in Attachment 10.

Accreditation

47. Parties agree that Victoria's Forest Management System (including its legislation, policies, Codes, plans and management practices) as described in the Statewide Assessment of Ecologically Sustainable Forest Management and including responses reported in chapter 16 of the *West Victoria Comprehensive Regional Assessment Report* provides for continuing improvement in relation to ESFM.

48. The Commonwealth accredits Victoria's Forest Management System for the West Victoria region as amended by this Agreement. The system includes:

- the forest management planning process;
- the *Flora and Fauna Guarantee Act 1988* (Vic);
- the process for forecasting sawlog Sustainable Yield in the West Victoria region; and
- the systems and processes established by the Code of Forest Practices for Timber Production and the Code of Practice for Fire Management on Public Land.

Sustainability Indicators

49. Parties agree that the current Forest Management System could be enhanced by further developing appropriate mechanisms to monitor and review the sustainability of forest management practices. To ensure that this occurs, Parties agree to establish an appropriate set of Sustainability Indicators to monitor forest changes. Any indicators established will be consistent with the Montreal Process Criteria (as amended from time to time), the current form of which is specified in Attachment 7, and will take into account the framework of regional indicators developed by the Montreal Process Implementation Group (MIG). Indicators will be practical, measurable, cost-effective and capable of being implemented at the regional level.

50. In developing effective indicators, Parties agree to take into account the results of the Forest and Wood Products Research and Development Corporation's pilot studies for the development of effective regional indicators.

51. Development of indicators, and collection of results for those indicators which can be readily implemented, will be completed in time to enable assessment during the first review of this Agreement.

Private land

52. The Parties reaffirm their commitments made in the NFPS to the conservation and management of the private forest estate. The Parties note that Victoria has, under the *Planning and Environment Act 1987* (Vic), native vegetation retention controls to regulate the clearance of native forest on private land.

53. Victoria will continue to encourage private forest owners to ensure that their management operations are consistent with the Code of Forest Practices for Timber Production, and to have in place adequate mechanisms to protect nature conservation and catchment values.

54. The process for determining those ecological ecological vegetation classes which are priorities for the CAR Reserve System and which occur on private land is outlined in Attachment 1. Parties agree that those EVCs identified as priorities can be managed to protect values consistent with the JANIS Reserve Criteria or could contribute to the CAR Reserve System through a range of mechanisms, with the consent of the land owner.

Threatened Flora and Fauna

55. The Parties agree that the CAR Reserve System, actions under the *Flora and Fauna Guarantee Act 1988* (Vic) and the *Endangered Species Protection Act 1992* (Cwth), and the application of the strategies in Attachment 2 provide for the protection of rare or threatened flora and fauna species and ecological communities. These will guide the development of the range of management strategies to be included in future Forest Management Plans.

56. Where threatened species, ecological communities and threatening processes restricted to Victoria are listed under both the *Flora and Fauna Guarantee Act 1988* (Vic) and the *Endangered Species Protection Act 1992* (Cwth), any new or revised Action Statements will be jointly prepared to meet the requirements of both Acts. Where the Action Statements meet the requirement of the *Endangered Species Protection Act 1992* (Cwth), the Commonwealth intends to adopt Action Statements as Recovery Plans under Section 46 of the *Endangered Species Protection Act 1992* (Cwth).

57. Recovery Plans for items listed under both Acts and extending beyond Victoria will be prepared jointly with Victoria and other relevant governments, and incorporate the agreed Action Statement as the Victorian component of the Recovery Plan.

58. Parties will continue to consult on the priorities for listing threatened species, ecological communities and threatening processes, and the preparation of Action Statements and Recovery Plans, recognising that priorities can change in the light of new information. Currently agreed priorities and commitments for the next five years are outlined in Attachment 2.

59. Parties reaffirm their commitment that species in the West Victoria region for which Recovery Plans or Action Statements have already been prepared will have all recommended actions completed or significantly advanced in accordance with the timelines specified in the Recovery Plans or Action Statements.

60. Parties agree that within five years pest plant and pest animal control programs will be developed within the framework established by the relevant Catchment Management Authority.

Water

61. Parties agree that the provision of adequate flows of high quality surface water and maintenance of groundwater processes is a fundamental goal of forest management and note that a range of measures (see Attachment 9) have been implemented through the Victorian Forest Management System to address the issues associated with water supply, water quality and groundwater processes in forests. As part of the Forest Management System, Victoria proposes to conduct hydrological research on the impacts of timber harvesting on water quality and yield. Victoria will develop a project brief for this research which will include the Otway Ranges, in consultation with industry and community stakeholders, by 30 June 2000.

THE CAR RESERVE SYSTEM

62. Parties agree that the primary function of the CAR Reserve System is to ensure the conservation and protection of environment and heritage values.

63. Parties agree that the CAR Reserve System as identified on Maps 1 and 2 and described in Attachment 1, in conjunction with the arrangements proposed for private land in Attachment 1, satisfies the JANIS Reserve Criteria. Each element of the reserve system will be administered in accordance with Victorian legislation.

64. Victoria agrees to implement the CAR Reserve System, including the required public land tenure changes, described in Attachment 1 and identified on Maps 1 and 2.

65. Parties agree that changes to that component of the CAR Reserve System in State Forest will only occur in accordance with this Agreement, will not lead to a net deterioration in the protection of identified CAR Values, and will be publicly available.

66. Parties agree that best endeavours will be used to maintain the levels of protection of national estate values in a regional context, however, minor changes to the levels of protection of individual values may occur as a result of changes to the CAR Reserve System in State Forest.

67. Victoria agrees to:

- (a) produce and publish a Forest Management Plan for the Portland and Horsham FMAs by 30 June 2002; and
- (b) review and where appropriate update forest management plans for the Midlands and Otway FMAs by 2005.

to reflect the outcomes of this Agreement. Attachment 9 provides further details on the Forest Management Plan process and other relevant forest management issues.

INDUSTRY DEVELOPMENT

68. The Parties agree that State Forest outside the CAR Reserve System is available for timber harvesting in accordance with the Victorian Forest Management System. Victoria also confirms that the Sustainable Yield for forests for the West Victoria region will continue to be based on areas available for timber harvesting outside the CAR Reserve System.

69. Parties agree that any changes to the area of State Forest available for timber harvesting will not lead to a net deterioration in the timber production capacity of the forest.

70. The Parties acknowledge that the forest-based industries in the West Victoria region make an important contribution to both the regional and State economies and are an important component of some communities in the region. The Parties therefore acknowledge that this Agreement must provide enhanced security of access to resources on forested land for the life of the Agreement. This, in turn will facilitate industry development including through:

- new investment, plantation development, reforestation, downstream processing, value-adding and jobs growth in forests-based industries;
- further introduction of new technology, enhanced utilisation of regrowth timber for sawn products, and more efficient utilisation of residual wood;
- investment in Mineral exploration and Mining; and
- tourism and recreation investment.

71. As part of providing greater security of access to forest resources, the Commonwealth will not prevent enterprises obtaining, using or exporting timber, woodchips or unprocessed wood products sourced from the West Victoria region in accordance with this Agreement.

72. The Parties:

- (a) acknowledge that this Agreement is expected to provide 77,900 m³ per annum of D+ sawlogs from the West Victoria region comprising:
- (i) the Midlands FMA (40,000 m³ per annum subject to Clause 72(c)),
 - (ii) the Otway FMA (27,000 m³ per annum),
 - (iii) the Portland FMA (10,000 m³ per annum) and
 - (iv) the Horsham FMA (900 m³ per annum)

but recognise that timber supply levels in Victoria are subject to change based on periodic review of Sustainable Yield and that Sustainable Yield estimates are based on the full extent of FMAs;

- (b) acknowledge that completion of SFRI will result in updated datasets which will form the basis of Sustainable Yield forecasts for each FMA, and agree that when these datasets become available during the course of this Agreement, Sustainable Yield will be reviewed in consultation with industry and community stakeholders and that, following this, Sustainable Yield rates are likely to change;
- (c) agree that, in particular, the Sustainable Yield rate for Midlands FMA will be reviewed by 31 December 2003, in consultation with industry and community stakeholders, following completion of SFRI for this area. It should be noted that SFRI data were not available at the time of the Timber Resource Analyses used to develop the RFA;
- (d) recognise that the expected available volume of D+ sawlogs referred to in Clause 72(a) includes a component of forest stands which may be less desirable to harvest under existing market conditions, due to low yields, accessibility and product distribution but not areas which are considered unproductive for sawlogs, for example less than 22 metre stand height. The available volume is dependent on the capacity of the timber industry to harvest all areas contributing to the estimate;

(e) agree that economic and social issues have been taken into account in providing a land base that is expected to deliver the yields in Clause 72(a).

73. It will be necessary to provide industry with sufficient time to adjust to the revised timber resource availability resulting from the RFA outcomes. The Parties agree that this adjustment will take place within two years of the date of signing this agreement in conjunction with the actions in Clause 77.

74. Victoria agrees that Sustainable Yield levels will be reviewed based on new resource information from the SFRI when available, and the use of IFPS.

75. The Parties agree that Victoria will continue to implement silvicultural programs that aim to at least maintain its timber production capacity in terms of volume, species and quality.

76. Wherever possible Victoria will enhance Statewide silvicultural programs and reforestation works to improve the productive capacity of State Forests.

77. The Parties agree that the funding available through the joint Commonwealth-Victorian Hardwood Timber Industry Development and Restructuring Program (VicFISAP) has been increased to \$42.6 million across the five Victorian RFA regions. The Parties agree to review the Memorandum of Understanding for the VicFISAP which establishes the respective roles and responsibilities of the two governments in administering the program to take into account the outcomes of this Agreement. The Parties acknowledge that Victoria will provide an additional \$20 million dollars to facilitate improvements in the productive capacity of public native forests, establish hardwood plantations, and other forest-based initiatives that will generate significant employment opportunities in regional Victoria. This brings the total funding package associated with the five Victorian RFAs to \$63 million. Attachment 11 provides details.

INDIGENOUS HERITAGE

78. The Parties agree to develop a package of measures that will be implemented by Victoria to ensure the appropriate management of Aboriginal heritage including the maintenance of traditional historic uses and values, in the West Victoria region. These measures are the development of: Statewide guidelines for the management of cultural heritage values; provision for participation and negotiation through the establishment of formal consultation mechanisms with local Aboriginal communities; modelling to establish priority areas for future surveys of Aboriginal sites; and training of staff. These measures are further outlined in Attachment 8.

79. This Agreement is not intended to influence either current or future Native Title claims in any way. Where any government action to implement this Agreement could affect Native Title, that action will be taken in accordance with the *Native Title Act 1993* (Cwth).

PLANTATIONS

80. The Parties recognise that export controls have been removed from unprocessed wood and woodchips sourced from Victorian plantations in accordance with the Export Control (Unprocessed Wood) Regulations.

81. Parties agree that a significant expansion in the extent of hardwood and softwood plantations on previously cleared land in the West Victoria Region, consistent with environment and heritage objectives, would be desirable and note that a range of programs, including initiatives through the *Plantations for Australia - the*

2020 Vision, have been established to encourage investment in plantations as a source of both sawlogs and pulpwood.

82. Parties agree that the current extent of hardwood sawlog plantations is not sufficient to provide an alternative source of supply to native forest hardwood sawlog resources in the West Victoria Region. Governments recognise the need to facilitate product diversification in the plantation sector.

OTHER FOREST USES

83. Parties agree that forest uses other than timber production will be determined in accordance with Victorian legislation with due regard for protection of Environmental and Heritage Values. In some limited circumstances that do not relate to the substance of this Agreement (for example foreign investment approval, export controls for non-forest products and major infrastructure developments) Commonwealth legislative provisions may also apply.

84. Parties recognise that under legislative provisions in Victoria, issuing of new exploration licences and subsequent mining is not permitted in National Parks, Wilderness Parks, State Parks and Reference Areas.

85. Parties recognise that exploration and mining may be permitted in parts of the CAR Reserve System, other than those identified in Clause 84, where the identified conservation values are not incompatible with exploration and mining. To this end, Victoria will ensure that in accordance with relevant Victorian legislation proposed Mining Operations in the CAR Reserve System will be subject to an Environmental Effects Statement or planning permission (eg planning permit) as required. In the case of exploration, the provisions of the *Mineral Resources Development Act 1990* (Vic) require the application of conditions to protect environmental values, and may in the case of proposed road construction or bulk sampling require an exploration impact statement. Victoria will ensure these provisions apply to proposed exploration activities in the CAR Reserve System. The Parties note that no new activities under the *Extractive Industries Development Act 1995* (Vic) will be permitted in the State Forest component of the CAR Reserve System in the West Victoria region unless it will make a significant contribution to the regional economy and unless the values within the CAR Reserve System can be maintained or provided for elsewhere.

86. Rehabilitation of any mining site will be in accordance with the provisions of the *Mineral Resources Development Act 1990* (Vic) or the *Extractive Industries Development Act 1995* (Vic), and it will aim to achieve world's best practice.

87. Parties agree that the harvesting of firewood, posts and poles, will be phased out within the CAR reserve system within three years of signing this Agreement.

COMPETITION PRINCIPLES

88. Parties recognise that under the Competition Principles Agreement, Governments aim to achieve more transparency and greater efficiency in Government business enterprises. The Commonwealth agrees that the day to day pricing and allocation arrangements for wood from public forests are matters for Victoria. Victoria confirms its commitment to the pricing and allocation principles set out in the National Forest Policy Statement. Victoria confirms that legislation and policies relevant to the allocation and pricing of hardwood logs from State Forests have been reviewed as part of the Competition Principles Agreement. Competitive neutrality principles will be taken into account in any changes following the review.

RESEARCH

89. The results of the Comprehensive Regional Assessments of the forest values of the West Victoria region indicated a number of areas requiring further research. The *Compendium of Victorian Forest Research* (1998) provides a bibliography of research in progress as well as published and unpublished works. Parties have outlined Statewide research priorities in Attachment 6.

90. Parties agree to consult each other in the development of future research projects that may affect the Agreement and note that the subject areas and priorities may change throughout the duration of the Agreement.

91. Parties agree to make publicly available, wherever possible, research reports relevant to this Agreement.

DATA AGREEMENT

92. Parties note the signing of a State-wide data agreement on 28 March 2000. Both Parties agree to develop a schedule to the State-wide agreement concerning the management of the data used to develop this Agreement by 30 June 2000. The data agreement covers:

- ownership and custodianship;
- archival lodging and location and associated documentation standards; and
- access, use and maintenance of the data.

Parties also agree to lodge archival copies of data by 31 March 2001.

PART 3

Nature of Obligations under this Part

93. It is the intention of the Parties that this Part is to create legally enforceable rights and obligations. It is also their intention that, in the event that any provision of this Part exceeds the power of either Party or is unenforceable for any other reason, that provision is to be read as not intending to create legally enforceable rights and obligations.

Forest Management

94. Victoria will:

94.1. Implement the CAR Reserve System, including any required public land tenure changes, described in Attachment 1 and identified on Maps 1 and 2.

94.2. Produce and publish by 30 June 2002 the Portland and Horsham Forest Management Plan that reflects the outcomes of this Agreement.

94.3. Implement the Integrated Forest Planning System and the Statewide Forest Resource Inventory by 31 December 2003 for the Midland FMA, 30 June 2005 for the Otway FMA and 30 June 2006 for the Portland FMA;

94.4. Publish future reports of audits of compliance with the Code of Forest Practices for Timber Production;

95. The Commonwealth will:

95.1. Maintain accreditation of Victoria's Forest Management System for the West Victoria region as amended by this Agreement providing changes to the system are consistent with the provisions of this Agreement;

95.2. Not prevent enterprises obtaining, using or exporting timber, woodchips or unprocessed wood products sourced from the West Victoria region in accordance with this Agreement;

Compensation

96. The Parties agree that:

96.1. If to protect the Environmental and Heritage values in native forests and in connection therewith the protection of:

- (a) CAR Values; or
- (b) National Estate Values; or
- (c) World Heritage Values; or
- (d) Wild Rivers

the Commonwealth takes any Action during the period of this Agreement which is inconsistent with any provision of this Agreement and a foreseeable and probable consequence of which is to prevent or substantially limit:

- (e) the use of land which is not included within the CAR Reserve System for Forestry Operations which, immediately before the announcement of the proposed Commonwealth Action, are being undertaken or were intended to be undertaken at any time or the use of land which is not included within the CAR Reserve System or of land within that system but not within a Dedicated Reserve in which Mineral exploration and mining is prohibited pursuant to a

statutory licence, permit or authority permitting those Mining Operations which was in force immediately prior to the announcement of the proposed Commonwealth Action; or,

- (f) the sale or commercial use of Forest Products sourced from land which is not included within the CAR Reserve System or the first sale or first commercial use of Mining Products sourced from land which is not included within the CAR Reserve System or land within that system but not within a Dedicated Reserve in which Mineral exploration and mining is prohibited for a purpose for which, immediately prior to the announcement of the proposed Commonwealth Action, they had been intended to be sold or used commercially at any time; or,
- (g) the construction on land which is not included within the CAR Reserve System of roads being built or intended to be built, immediately before the announcement of the proposed Commonwealth Action, where those roads' primary purpose is for the transportation of Forest Products sourced from land which is not included within the CAR Reserve System,

the Commonwealth will pay compensation to the State in accordance with the remaining provisions of clauses 96.2 to 96.20.

96.2. Subject to:

- (a) clauses 96.3, 96.4, 96.5, 96.6, 96.8, 96.9, 96.10, 96.11 and 96.12 the compensation to be paid by the Commonwealth to the State in accordance with clause 96.1 in relation to the prevention by Commonwealth Action of the use of land for Forestry Operations or prevention by Commonwealth Action of the sale or commercial use of Forest Products is the amount of the reasonable loss or damage sustained by reason of that prevention, calculated as at the time at which the prevention referred to in clause 96.1 occurred, by any person in any of the following classes of person:
 - (i) the Owner of the land or of the Forest Products on the land;
 - (ii) any person who, prior to the announcement of the proposed Commonwealth Action but not in anticipation of that Action, entered into a contract with the Owner of the land or of the Forest Products on the land or with any person mentioned in sub-paragraph (iii) below for the carrying out of Forestry Operations on the land; and
 - (iii) any person who, prior to the announcement of the proposed Commonwealth Action but not in anticipation of that Action, entered into a contract with the Owner of the land or of the Forest Products on the land to purchase the Forest Products on the land.
- (b) clauses 96.3, 96.4, 96.5, 96.6, 96.7, 96.8, 96.10, 96.11 and 96.12 the compensation to be paid by the Commonwealth to the State in accordance with clause 96.1 in relation to the prevention by Commonwealth Action of the use of land for Mining Operations or the first sale or first commercial use of Mining Products is the amount of the reasonable loss or damage sustained by reason of that prevention, calculated as at the time at which the prevention referred to in clause 96.1 occurred, by any person carrying on Mining Operations on the land pursuant to a statutory licence, permit or authority permitting those operations which was in force immediately prior to the announcement of the proposed Commonwealth Action.

- (c) clauses 96.3, 96.6, 96.8, 96.11 and 96.12 the compensation to be paid by the Commonwealth to the State in accordance with clause 96.1 in relation to the prevention by Commonwealth Action of construction of a road is the amount of reasonable loss or damage sustained by reason of that prevention, calculated as at the time at which the prevention referred to in clause 96.1 occurred, by any person who, immediately before the announcement of the proposed Commonwealth Action, was contracted to construct that road.

96.3. No amount of compensation is payable in the event of any loss or damage being sustained which would have been so sustained regardless of the Commonwealth Action. No compensation is payable hereunder in respect of any additional areas included pursuant to this Agreement in the CAR Reserve System.

96.4. The State warrants that no claim will be made in respect of areas where Forestry Operations or Mining Operations would not have been permitted by this Agreement and that any claims will be certified by it as being or not being in respect of such areas and as having been assessed by the State in this regard.

96.5. The State warrants that no claim will be made in respect of Forest Products or Mining Products which would not have been available for sale or commercial use under this Agreement and that any claims will be certified by it as being or not being in respect of such Products and as having been assessed by the State in this regard.

96.6. The State undertakes to supply to the Commonwealth on request information, including as to areas protected by prescription, required by the Commonwealth for the purposes of considering claims under this clause.

96.7. To the extent that clause 96.2(b) relates to loss or damage in respect of an exploration licence or search permit, that clause is to be read as providing for compensation to be payable only:

- (a) in respect of the part of the area to which that licence or permit relates that is affected by the Commonwealth Action; and
- (b) up to the loss in market value of that licence or permit resulting from the prevention of the Mining Operations.

96.8. Any claim made by the State hereunder is to be notified in writing within 6 months after the loss or damage is sustained.

96.9. For the purposes of clause 96.1(e), the intention to conduct Forestry Operations is to be established on the basis of contracts, documentation of management history or other records establishing clear intent and in existence immediately prior to the announcement of the proposed Commonwealth Action.

96.10. For the purposes of clause 96.1(f), the purpose for which there was an intention to sell or use commercially is to be established on the basis of contracts, documentation of management history or other records establishing clear intent and in existence immediately prior to the announcement of the proposed Commonwealth Action.

96.11. No compensation is payable under clause 96.2 in relation to any loss or damage which the person who sustained the loss or damage might have avoided by taking reasonable steps in mitigation including by the making of alternative contractual arrangements which would have avoided or reduced that loss or damage.

96.12. Clause 96.2 does not apply so as to entitle the State to recover compensation more than once in respect of the same loss or damage.

96.13. The initial procedure in relation to a claim for compensation under this clause is as follows:

- (a) A person who claims to have sustained loss or damage for which compensation is payable may lodge an initiating claim with the State.
- (b) On receiving a claim, the State must make a corresponding claim for compensation to the Commonwealth.
- (c) The State is to make the claim for compensation by a notice in writing to the Commonwealth which indicates the amount claimed, for whom the claim is made, the area to which it relates and gives detailed particulars of the basis for the claim, and of the manner in which it has been calculated.
- (d) Where there is a dispute concerning a claim for compensation, or on or before the expiry of thirty days after the receipt of the claim, the Commonwealth notifies the State that it does not accept the amount claimed, then either Party may serve a notice of dispute under clause 10.
- (e) In the event that the amount of compensation payable in response to a claim has not been agreed in the dispute resolution process for which clauses 10 to 14 provide, or the Commonwealth fails to pay the agreed amount of compensation to the State within 60 days of agreement (for reasons other than lack of the necessary appropriation), the Parties hereby refer the claim to arbitration.
- (f) An arbitration under this Agreement is to be conducted in accordance with the provisions of the *Commercial Arbitration Act 1984* (Vic) which are, to the extent permitted by the *Judiciary Act 1903* (Cwth) and the Commonwealth Constitution, incorporated by reference into this Agreement.

96.14. The procedure in relation to any arbitration required by reason of the provisions of clause 96.13 is as follows:

- (a) The Parties must meet to appoint an arbitrator within 7 days of an unsuccessful mediation.
- (b) If the Parties are unable to agree on the appointment of an arbitrator, either of them may refer the matter to the President of the Law Council of Australia, or equivalent officer of such body as in future may have the functions of the Law Council of Australia, with a request that that person appoint an arbitrator.
- (c) At an arbitration under this clause:
 - (i) the Parties are entitled to representation by a legal practitioner qualified to practice in any State or Territory of Australia;
 - (ii) the arbitrator may order the Parties to discover any relevant documents prior to the hearing;
 - (iii) the arbitrator may order the Parties to exchange proofs of evidence of witnesses (whether expert or not) prior to the hearing;
 - (iv) the arbitrator may, in accordance with clause 96.13(f), inform himself or herself in relation to any matter in such manner as the arbitrator thinks fit; provided that if the arbitrator takes advice from any person who is not a Party to this Agreement as to the matters in issue, the arbitrator must provide the Parties with an opportunity to:
 - (1) make submissions on the matter in which the advice is to be taken;

- (2) make submissions on the identity of the person from whom the advice is to be taken;
- (3) make submission on the substance of any advice given before making any decision on the issue on which the advice is taken.

96.15. Unless the Commonwealth appeals the decision of the arbitrator, and subject to clause 96.18, the Commonwealth undertakes to pay the State the amount of any award made by an arbitrator under clause 96.14 as a debt due to the State, within 60 days of the award.

96.16. Except where the State is the person who sustained the relevant loss or damage, any payment of compensation made by the Commonwealth to the State in accordance with this clause will be paid to and received by the State as trustee for the person who sustained the relevant loss or damage.

96.17. Subject to clause 96.18(b), where the State receives monies as a trustee pursuant to clause 96.16, it will pay those monies to the person who sustained the relevant loss or damage within 30 days.

96.18.

- (a) Where the Commonwealth has agreed to pay compensation to the State under this clause, or an award of compensation has been made under clause 96.14 as a result of arbitration, and the Commonwealth claims that events have since taken place which have the result that the compensation so agreed or awarded no longer reflects the actual loss or damage that has been or will be sustained, the Commonwealth may by notice in writing to the State, decline to pay that compensation.
- (b) If a notice under paragraph (a) is delivered after the State has received the compensation so agreed or awarded, but before the State has paid it to the person who sustained the relevant loss or damage, the State will not pay the compensation to that person.
- (c) If a notice under paragraph (a) is delivered, the Parties will attempt to agree the amount of the compensation which the Commonwealth should pay, and -
 - (i) in default of agreement, will first seek to resolve the dispute by dispute resolution under clauses 10 to 14; and
 - (ii) in the event that the dispute is not so resolved, or the Commonwealth fails to pay the agreed amount of compensation to the State within 60 days of agreement (for reasons other than lack of the necessary appropriation), hereby refer the claim for compensation to arbitration in accordance with clause 96.13(f).
- (d) Subject to paragraph (e) of this clause, where an arbitration takes place in accordance with sub-paragraph (c)(ii), clauses 96.14 and 96.15 of this Agreement apply to that arbitration and to any amount awarded in that arbitration.
- (e) If, following the observance of paragraph (c) of this clause, it is determined by agreement or award that the Commonwealth should pay a reduced amount of compensation to the State, the State will within 30 days of that determination -
 - (i) repay to the Commonwealth the amount by which the compensation paid to it by the Commonwealth is reduced; and

- (ii) pay the balance of the compensation to the person who sustained the relevant loss or damage.
- (f) If, following the observance of paragraph (c) of this clause, it is determined by agreement or award that the amount of compensation previously paid to the State is correct the State will within 30 days of that determination pay to the person who sustained the relevant loss or damage the amount of the compensation previously paid to it by the Commonwealth.

96.19. Where the State:

- (a) has received monies as a trustee pursuant to clause 96.16; and
- (b) has made all reasonable endeavours to pay the monies to the person who sustained the relevant loss or damage; and
- (c) but has been unable to do so within six months of receiving payment

the State shall repay to the Commonwealth at the expiry of that period the monies so received.

96.20. In this clause

- (a) “Action” means
 - (i) the commencement of legislation or subordinate legislation; and
 - (ii) administrative action which is taken pursuant to legislation or subordinate legislation, or otherwise than in accordance with such legislation.
- (b) “Owner” means
 - (i) in relation to land
 - (1) the owner of any estate or interest in that land, including the Crown in right of the State; and
 - (2) any statutory corporation which has the power to carry on Forestry Operations or Mining Operations, as the case may be, on the land for profit.
 - (ii) in relation to Forest Products or Mining Products, as the case may be, the owner of any interest in those products.

Industry Development Funding

97. The Commonwealth will, subject to the terms and conditions under any Commonwealth Act which appropriates money, provide an amount of \$18.8 million and Victoria will provide \$23.8 million to implement a Hardwood Timber Industry Development and Restructuring Program across the five Victorian RFA regions. A revision of the Memorandum of Understanding between the two Parties which established the respective roles and responsibilities of the two governments in administering VicFISAP will be required to take into account the outcomes of this Agreement.

Termination

98. This Agreement may only be terminated by the Commonwealth:

- (a) where the dispute resolution procedures in clauses 10 to 14 have been observed and the State has been given a 90 day period of notice on:

- (i) a failure by the State to comply with clause 94.1, being a failure to implement the CAR Reserve System described in Attachment 1 and to manage and conserve the identified CAR Values; or
- (ii) a failure to comply with clause 94.2, being a failure to produce and publish by 30 June 2002 the Portland and Horsham Forest Management Plan that reflects the outcomes of this Agreement; or
- (iii) a failure to comply with publishing and/or reporting requirements in accordance with clauses 42 and 44; or
- (iv) a failure to comply with clause 46(c), being a failure to implement the Integrated Forest Planning System and the Statewide Forest Resource Inventory (SFRI) in the West Victoria region by 31 December 2003 for the Midland FMA, 30 June 2005 for the Otway FMA and 30 June 2006 for the Portland FMA; or
- (v) a failure by the State to observe the terms and conditions referred to in clause 97 or a failure to use the money referred to in clause 97 for the purpose for which it is appropriated;

other than a failure of a minor nature which is not one or part of a series of deliberate or reckless failures of a minor nature; and save that the above provisions do not apply if rectification is possible and has occurred before the end of the 90 day period; or

- (b) on a fundamental failure by the State to comply with the spirit of the Agreement after the observance of the dispute resolution procedures in clauses 10 to 14.

99. This Agreement may only be terminated by the State:

- (a) where the dispute resolution procedures in clauses 10 to 14 have been observed and the Commonwealth has been given a 90 day period of notice on:
 - (i) a breach by the Commonwealth of clause 97, being a failure to pay the financial assistance in accordance with that clause; or
 - (ii) a failure by the Commonwealth to comply with clause 96, being a failure to pay compensation due under that clause;

save that the above provisions do not apply if rectification is possible and has occurred before the end of the 90 day period; or

- (b) on a fundamental failure by the Commonwealth to comply with the spirit of the Agreement after the observance of the dispute resolution procedures in clauses 10 to 14.

100. This Agreement may be terminated with the consent of the Commonwealth and the State.

Notice of intention to review before termination by consent

101.

101.1. A consent under clause 100 is of no effect, unless:

- (a) it is given at least 12 months after a notice of intention to review the operation of this Agreement is published in the Commonwealth *Gazette* and a national newspaper and a newspaper circulating in Victoria stating that a joint review is

being undertaken by the Parties because they intend to terminate the Agreement by consent; and

(b) the Parties have conducted the joint review.

101.2. The joint review must consider whether the operation of the Agreement has met the goals set out in Recitals A and B.

101.3. Within 8 months after the notice of intention to review is published under this clause, and after considering any submissions to the joint review, the Parties must make a report of the review publicly available.

101.4. If, under clause 37, a 5 yearly review is to be conducted during the 12 month period after a notice of intention to review is published under this clause, and the joint review is conducted under this clause, the Parties may agree that the review under clause 37 need not be undertaken.

Miscellaneous

102. This Agreement may be executed in any number of counterparts, all of which taken together constitute one and the same instrument.

IN WITNESS WHEREOF this Agreement has been signed for and on behalf of the Parties as at the day and year first above written.

SIGNED by

the HONOURABLE JOHN WINSTON HOWARD MP, Prime Minister

for and on behalf of the Commonwealth of Australia

in the presence of:

SIGNED by

the HONOURABLE STEVE BRACKS MP, Premier

for and on behalf of the State of Victoria

in the presence of:

COMPREHENSIVE, ADEQUATE AND REPRESENTATIVE (CAR) RESERVE SYSTEM

The *National Forest Policy Statement* (NFPS) established that the CAR Reserve System will in the first instance be selected from public land. Provision is also made in the JANIS Reserve Criteria for inclusion of private land in the CAR Reserve System, with the agreement of landholders, where the Criteria cannot be met from public land.

Public Land

In the West Victoria region, the CAR Reserve System on public land primarily comprises areas established for conservation purposes (eg National and State parks) and areas reserved for conservation within the Special Protection Zone (SPZ) in State forest.

The CAR Reserve System has the following three components, as described by the JANIS Reserve Criteria:

- i. **Dedicated Reserves.** This comprises reserves established through legislation for conservation purposes such as National Parks, State Parks and Flora and Fauna Reserves.
- ii. **Informal Reserves.** This comprises elements of the Special Protection Zone (SPZ) in State forest.
- iii. **Values protected by Prescription.** This comprises those CAR Values protected by prescriptions.

The CAR Reserve System covers an area of approximately 633,500 hectares (approximately 65 per cent of the public land in the region or approximately 11 per cent of the entire region). Approximately 194,000 hectares have been added to the existing reserve system of approximately 440,000 hectares.

Map 1 illustrates the extent of the CAR Reserve System in the West Victoria region in Dedicated and Informal Reserves as a consequence of this Agreement. Other areas protected by prescription are also included in the CAR Reserve System. Levels of protection of Ecological Vegetation Classes (EVCs) and Old Growth forest achieved in the CAR Reserve System by this Agreement are shown in Tables 2 and 3.

To implement the CAR Reserve system Victoria will change the tenure of the following areas of State Forest to Dedicated Reserves as shown in Table 1 and illustrated on Maps 1 and 2. Victoria will use its best endeavours to introduce legislation giving effect to this commitment by 31 December 2002. From the date of signing of this Agreement, until the tenure changes are effected, Victoria agrees to manage these areas as part of the CAR Reserve System.

Table 1 Schedule of tenure changes (as identified on Maps 1 and 2)

Map Ref.	Locality	New Tenure
1	Tallageira	Nature Conservation Reserve
2	Arapiles - Tooan	Additions to Arapiles-Tooan State Park
3	Jilpanger	Additions to the Jilpanger Flora and Fauna Reserve
4	Dunmore	Addition to Mount Eccles National Park
5	Langi Ghiran	Addition to Langi Ghiran State Park
6	Pyrete Range (Wombat State Forest)	Addition to the Lerderderg State Park

The forest zoning as illustrated on Map 1 will be effective on the signing of this Agreement. Victoria will produce a Forest Management Plan for the Portland and Horsham FMAs by 30 June 2002 which includes the Special Protection Zone within State Forest as illustrated on Map 1.

The boundaries of the CAR Reserve System at the time of signing this Agreement will be included in the Data Archive for the West Victoria region, as required in the RFA Data agreement. Copies of the Data Archive are to be held by both Parties.

Endangered, Vulnerable or Rare EVCs

Table 2 includes the endangered, vulnerable or rare EVCs in the West region, the majority of which are protected to the maximum extent practicable on public land within the CAR Reserve System. For 18 endangered, vulnerable and rare EVCs (including 8 mosaics) that occur predominantly on public land, inclusion of additional areas into the CAR Reserve System has increased their levels of protection, but not to the level specified in the national reserve criteria (refer to Table 2). Further protection of these EVCs would have significant resource implications and potential adverse social and economic consequences. For many endangered and rare EVCs the occurrence outside of the CAR Reserve System is predominantly on private land.

Thirty two EVCs are considered vulnerable, 26 of which are protected to the level specified in the national reserve criteria or to the maximum extent practicable on public land within the CAR Reserve System. Inclusion of additional areas into the CAR Reserve system of a further five vulnerable EVCs, has increased the level of protection. Further protection of these EVCs would have significant social and economic consequences. The majority of the occurrence of vulnerable EVC Damp Sands Herb-rich Woodland occurs on private land.

Old Growth

The dispersed nature of the old growth forest of several EVCs in the Region including Shrubby Wet Forest and Wet Forest, is such that in some cases, it would be necessary to include a considerable area of non-old growth of already well-represented EVCs in order to achieve comparatively small gains in old growth forest protection. This would have resource availability implications. Reserving small isolates of old growth also presents operational and management problems particularly in relation to the identification of old growth forest in the field and the delineation of identifiable boundaries.

The national reserve criteria provide for protection by prescription when certain values are dispersed in the landscape and it is not practicable to place reserve boundaries so as to capture them effectively or efficiently. The Agreement recognises that further protection is afforded to old growth forest values outside of the formal and informal CAR reserve elements through areas identified by the Code of Forest Practices for Timber Production prescriptions for exclusion of timber harvesting from streamside buffers and slopes of 30 degrees or more.

Box Ironbark Investigation

Parties note that the Victorian Environment Conservation Council (ECC) is reviewing public land use in the Box Ironbark Study Area which includes several areas of public land in the West Victoria RFA region (Midlands and Horsham FMAs). The Draft Report for that investigation is in preparation and will be published for public comment shortly.

Table 2 Ecological Vegetation Class Representation in the West region based on pre-1750 vegetation mapping

EVC No	Ecological Vegetation Class	Area (ha)		Percent Remaining	Status	EVC reserve representation and area in each land category								
		Pre-1750	Current			CAR reserve system			SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)		
						CAR Reserves (including additions)							Formal Reserves (ha)	Informal Reserves (SPZ) (ha)
						ha	% pre 1750	% current						
1	Coastal Dune Scrub Mosaic	2 751	1 786	65	-	1 669	61		1 618	50		9	75	32
*3	Damp Sands Herb-rich Woodland	180 072	43 042	24	V	18 937		44	14 918	4 019	563	1 998	916	20 629
*6	Sand Heathland	15 403	14 480	94	R, V	13 784		95	12 387	1 397			28	669
7	Clay Heathland	32	32	100	R	2		5	2				31	
*8	Wet Heathland	11 537	7 492	65	R, V	7 133		95	5 581	1 552			86	273
9	Coastal Saltmarsh	30	14	48	R	14		94	14					1
*10	Estuarine Wetland	1 330	273	21	R, V	129		47	129			2	1	140
13	Brackish Sedgeland	485	152	31	R, V, E	135		89	124	11				17
16	Lowland Forest	170 671	86 608	51	-	30 522	18		22 600	7 922	1 917	37 124	1 928	15 117
*17	Riparian Scrub Complex	6 776	4 324	64	R	2 776		64	1 361	1 414			779	769
*18	Riparian Forest	10 383	4 775	46	R, V	3 329		70	1 535	1 794	1	2	57	1 386
19	Riparian Shrubland	201	115	57	R, V, E	98		85	98					17
20	Heathy Dry Forest	150 871	95 826	64	-	59 421	39		50 937	8 484	2 716	9 929	1 823	21 938
21	Shrubby Dry Forest	11 540	8 738	76	-	6 284	54		6 192	92	286	954	41	1 173
22	Grassy Dry Forest	130 712	46 744	36	-	21 256	16		10 404	10 851	2 169	7 319	480	15 520
*23	Herb-rich Foothill Forest	232 847	65 008	28	V	20 400		31	9 276	11 124	3 313	15 971	433	24 890
28	Rocky Outcrop Shrubland	14 133	14 011	99	R, E	13 464		96	12 682	782		450	12	85
29	Damp Forest	2 599	2 130	82	R, V	1 766		83	1 058	709				364
30	Wet Forest	51 873	40 653	78	-	14 506	28		9 357	5 149	2 679	15 322	820	7 326
37	Montane Grassy Woodland	14	14	100	R	14		100	14					
45	Shrubby Foothill Forest	81 000	68 082	84	-	26 435	33		19 137	7 298	12 774	18 527	386	9 961
*47	Valley Grassy Forest	66 587	15 638	23	R, V	7 471		48	5 526	1 945		2	183	7 983
48	Heathy Woodland	220 661	179 030	81	-	123 056	56		80 028	43 028	6 697	18 112	5 509	25 656
50	Coastal Heathland	33			na									
52	Coastal Saltmarsh Complex	6 225	3 221	52	-	2 145	34		2 145			3	1 073	
*53	Swamp Scrub	53 317	2 320	4	E	975		42	618	357			80	1 265
*55	Plains Grassy Woodland	1 210 000	36 104	3	V, E	12 437		34	5 674	6 763	136	8 916	3 605	11 009
*56	Floodplain Riparian Woodland	40 163	3 833	10	R, V, E	1 421		37	1 416	5	100	4	171	2 136
*61	Box Ironbark Forest	27 015	8 427	31	R, V	4 934		59	2 614	2 320	282	237	571	2 403

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		Pre-1750	Current			CAR reserve system					SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)
						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)				
						ha	% pre 1750	% current						
*64	Rocky Chenopod Woodland	1 693	666	39	R	376		56	376				9	281
65	Sedge-rich Woodland	179	155	86	R, V	143		93		143				11
*67	Alluvial Terraces Herb-rich Woodland	21 553	3 804	18	E	2 812		74	1 315	1 497	185		39	768
*68	Creekline Grassy Woodland	66 360	2 341	4	R, V, E	1 292		55	1 107	185		19	81	948
*69	Metamorphic Slopes Shrubby Woodland	79	8	10	R, E									8
70	Hillcrest Herb-rich Woodland	821	482	59	R	378		78	70	308				104
*71	Hills Herb-rich Woodland	36 280	17 028	47	-	10 217	28		9 656	561	75	105	497	6 134
72	Granitic Hills Woodland	6 704	250	4	R, E	226		90	226			2		23
73	Rocky Outcrop Shrubland/Herbland Mosaic	6 924	6 423	93	R, E	6 213		97	6 171	43	42	1	4	163
74	Wetland Formation	571	119	21	R, V, E	110		92	73	37			2	8
*76	Low Rises Grassy Woodland/Alluvial Terraces Herb-rich Woodland Mosaic	18 414	635	3	E	63		10	26	37		76	22	474
80	Spring Soak Woodland	4			na									
81	Alluvial Terraces Herb-rich Woodland/Creekline Grassy Woodland Mosaic	294			na									
*83	Swampy Riparian Woodland	11 145	441	4	R, V, E	11		3	11			8	50	372
84	Riparian Forest/Swampy Riparian Woodland/Riparian Shrubland/Riverine Escarpment Scrub/Disturbed Mosaic	115			na									
93	Broombush Mallee	1 441	209	15	R, V	187		90	187					22
*103	Riverine Grassy Chenopod Woodland	10 089	197	2	R, E	95		48	95				21	81
104	Lignum Wetland	140	1	1	R, V, E	1		100	1					
124	Grey Clay Drainage Line Complex	1 629			na									
*125	Plains Grassy Wetland	44 124	144	0	R, E	48		33	43	5		14	40	42
126	Swampy Riparian Complex	513			na									
*127	Valley Heathy Forest	1 463	70	5	R, E	12		16	12					59
*128	Grassy Forest	12 611	2 923	23	E	64		2	4	60	16	4	1	2 839
*132	Plains Grassland	242 286	3 464	1	V, E	76		2	76				3 305	82
133	Limestone Pomaderris Shrubland	4	4	100	R	4		100	4					
*134	Sand Forest	1 553	374	24	R, V, E	76		20	22	54				298
*136	Sedge Wetland	3 886	1 353	35	R, V	1 088		80	314	775			10	255
140	Mangrove Shrubland	88	44	50	R	44		100	44					

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						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)							
						ha	% pre 1750	% current									
*152	Alluvial Terraces Herb-rich Woodland/Plains Grassy Woodland Complex	9 800	172	2	R, V, E							8	16	148			
155	Bird Colony Succulent Herbland	2			R												
160	Coastal Dune Scrub	4 908	1 402	29	V	1 109	79	1 109					11	282			
161	Coastal Headland Scrub	5 497	3 298	60	R	2 755	84	2 755					27	516			
162	Coastal Headland Scrub/Headland Coastal Tussock Grassland Mosaic	1 447	383	26	R	361	94	361						22			
163	Coastal Tussock Grassland	753	487	65	R	487	100	487									
*164	Creepline Herb-rich Woodland	8 968	2 097	23	R, V	993	47	547	446				67	1 038			
165	Damp Heath Scrub	24 770	2 986	12	V, E	2 524	85	2 472	52				30	432			
*174	Grassy Dry Forest/Rocky Outcrop Shrubland/Herbland Mosaic	185	31	17	R	24	77	24						7			
175	Grassy Woodland	257 407	5 963	2	E	1 156	19	718	438	517	22	445		3 824			
177	Valley Slopes Dry Forest	14	14	100	R	14	100	14									
178	Herb-rich Foothill Forest/Shrubby Foothill Forest Complex	12 052	7 996	66	-	1 847	15	15	1 832	1 641	3 228	100		1 180			
179	Herb-rich Heathy Woodland	41 458	21 788	53	-	9 629	23	6 025	3 603	993	3 210	377		7 579			
181	Coast Gully Thicket	345	178	52	R	174	98	174					4				
184	Montane Wet Heathland	54	54	100	R	54	100	54									
*191	Riparian Scrub	6 651	4 803	72	R	3 866	80	2 848	1 018				120	817			
192	Montane Rocky Shrubland	1 863	1 863	100	R	1 863	100	1 863									
193	Rocky Outcrop Herbland	10 021	10 026	100	R	9 948	99	9 899	50		36			41			
*195	Seasonally Inundated Shrubby Woodland	8 399	4 424	53	R, V	3 354	76	2 341	1 013	14			75	981			
196	Seasonally-inundated Sub-saline Herbland	58	58	100	R	58	100	58									
198	Sedgy Riparian Woodland	11 882	6 151	52	-	4 087	34	2 587	1 500	204	663	300		897			
200	Shallow Freshwater Marsh	4 917	1 004	20	R, V, E	801	80	667	134		33	25		145			
201	Shrubby Wet Forest	38 022	31 812	84	-	8 406	22	5 722	2 684	1 345	15 154	255		6 652			
*203	Stoney Rises Herb-rich Woodland	111 474	18 638	17	E	9 310	50	9 310			48	108		9 172			
233	Wet Sands Thicket	1 299	1 264	97	R	1 206	95	448	757				12	47			
235	Gilgai Plain Woodland/Wetland Mosaic	452			na												
*237	Riparian Forest/Swampy Riparian Woodland Mosaic	262	14	5	R, E									14			

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						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)						
						ha	% pre 1750	% current								
336	Grampian Ranges Mosaics (includes EVCs 336-350, 352-381, 384-400, 402-471, 475-480, 484-634)	8 204	8 336	102	R	7 850		94	7 315	534		126	104	257		
351	Rocky Outcrop Shrubland/Herbland Mosaic/Grassy Dry Forest Complex	2 131	1 603	75	R	1 328		83	779	550	102	13	6	154		
382	Lowland Forest/Heathy Dry Forest Complex	743	743	100	R	743		100	743							
383	Lowland Forest/Valley Grassy Forest Complex	1 318	1 150	87	R	1 005		87	1 005					145		
401	Hills Herb-rich Woodland/Heathy Woodland Complex	737	737	100	R	718		97	718					19		
472	Heathy Woodland/Heathy Woodland Complex	734	734	100	R	731		100	567	163				3		
481	Heathy Woodland/Heathy Dry Forest Complex	1 294	1 294	100	R	1 274		98	1 274					20		
636	Brackish Lake	457	12	3	R, V, E	6		50	5	1			6			
*640	Creepline Sedgy Woodland	2 856	364	13	R, V	250		69	250			6		108		
*641	Riparian Woodland	25 071	3 073	12	R, V, E	1 552		51	1 397	156			44	1 476		
*642	Basalt Shrubby Woodland	70 853	76	0	R, E	2		2	2				1	73		
*643	Brackish Drainage Line Herbland/Sedgeland Mosaic	1 108	24	2	R, E	12		50	12					12		
644	Cinder Cone Woodland	460	203	44	R,E	203		100	203							
645	Wet Heathland / Heathy Woodland Mosaic	6 347	4 486	71	R, V	4 035		90	2 824	1 211				451		
*646	Heathy Woodland / Plains Grassy Woodland Mosaic	1 064	327	31	E							2		325		
*647	Plains Sedgy Wetland	33 402	309	1	R, E	121		39	104	17	2	32	45	109		
648	Saline Lake Verge Herbland/Sedgeland Mosaic	18			na											
649	Stony Knoll Shrubland	175			na											
650	Heathy Woodland / Damp Heathy Woodland / Damp Heathland Mosaic	25 811	12 835	50	V	10 734		84	1 948	8 786	1		25	2 075		
*651	Plains Swampy Woodland	19 705	87	0	R, E	26		30	1	25				60		
*652	Lunette Woodland	2 335	52	2	R, E	14		26	14					38		
*653	Aquatic Herbland	2 372	266	11	R, V	184		69	100	84			5	77		
654	Creepline Tussock Grassland	2 558			na											
655	Lignum Cane Grass Swamp	360	8	2	R, E	8		100	8							
656	Brackish Wetland	1 038	192	18	R, V	191		99	185	6			1			
*657	Freshwater Lignum Shrubland	1 076	21	2	R, E	13		61	8	5				8		
*658	Riverine Grassy Woodland / Riverine Sedgy Forest / Aquatic Herbland Mosaic	1 196	212	18	R, V	89		42	89				2	121		

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						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)						
						ha	% pre 1750	% current								
659	Plains Riparian Shrubby Woodland	416	281	68	R, V	250		89	250				10	22		
660	Plains Woodland/Plains Grassy Wetland Mosaic	7 911	2 234	28	E	1 400		63	864	536	244	219		370		
662	Escarpment Shrubland / Grassy Woodland / Riparian Woodland Mosaic	65			na											
*663	Black Box Lignum Woodland	348	65	19	R, V, E	28		42	28				15	23		
664	Limestone Ridge Woodland	29	29	100	R	22		78	22					6		
*665	Coastal Mallee Scrub	597	302	51	R, V	194		64	194					109		
*666	Riparian Shrubland / Escarpment Shrubland / Grassy Woodland Mosaic	2 641	29	1	R, E	12		41	12					17		
*668	Riparian Woodland / Escarpment Shrubland Mosaic	463	13	3	R, E									13		
669	Escarpment Shrubland / Damp Sands Herb-rich Woodland / Riparian Woodland / Swamp Scrub Mosaic	190	122	64	R, E	122		100	122							
670	Limestone Woodland	69	69	100	R	69		100	69							
*672	Damp Sands Herb-rich Woodland / Shrubby Woodland Mosaic	990	312	32	V	125		40	82	44		12		175		
*673	Dune Soak Woodland	115	46	40	R, E	24		52	5	19				22		
*674	Sandy Stream Woodland	7 276	788	11	R, V	23		3	10	13			4	760		
675	Escarpment Shrubland / Damp Sands Herb-rich Woodland / Swamp Scrub Mosaic	91	66	73	R, E	62		94	62					4		
*676	Salt Paperbark Woodland	163	46	28	R, V	29		62	21	7				18		
677	Inland Saltmarsh	238	3	1	R, E	3		100	3							
*679	Drainage Line Woodland	3 815	371	10	R, E	227		61	206	20	6	4	6	129		
*680	Freshwater Meadow	1 704	150	9	R, E	61		40	6	55				90		
*681	Deep Freshwater Marsh	4 808	1 304	27	V	1 090		84	795	296		14	9	190		
682	Permanent Open Freshwater	184	43	24	R	37		85	37				1	6		
683	Semi-permanent Saline	479	25	5	R	17		70	11	6				7		
684	Permanent Saline	188	46	24	R	42		92	42				1	2		
685	Box Ironbark Forest/Heathy Woodland Complex	8			na											
*690	Floodplain Riparian Woodland/Billabong Wetland Mosaic	1 558	1	0	R, E									1		
*691	Aquatic Herbland/Plains Sedgy Wetland Mosaic	29 452	356	1	R, V	157		44	112	45		9	20	170		

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						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)							
						ha	% pre 1750	% current									
692	Mangrove Shrubland/Coastal Saltmarsh/Berm Grassy Shrubland/Coastal Tussock Grassland Mosaic	61	26	42	R										26		
*693	Riverina Plains Grassy Woodland/Plains Grassland Mosaic	11 625	277	2	R, E										9	268	
697	Grassy Woodland / Alluvial Terraces Herb-rich Woodland Mosaic	969	119	12	E	108		91	4	105		6				5	
*704	Lateritic Woodland	7 218	1 422	20	V	736		52	103	633				6		680	
705	Basalt Creekline Shrubby Woodland	3 996			R, E												
*707	Sedgy Swamp Woodland	355	48	14	R, V	9		18		9						40	
709	Scree-slope Grassland/Woodland	32	7	22	R, V	7		100	7								
710	Damp Heathland	7 638	5 465	72	-	3 429	45		1 909	1 520	23	1 420				593	
711	Shallow Sands Woodland / Plains Sedgy Woodland Mosaic	3 264	1 878	58	V	1 391		74	1 391		237					250	
*713	Damp Sands Herb-rich Woodland / Damp Heathland / Damp Heathy Woodland Mosaic	84 333	2 929	3	V	692		24	189	503		16	5			2 216	
714	Stony Knoll Shrubland / Plains Grassy Woodland / Plains Grassy Wetland Mosaic	58 136	6	0	E	5		81	5						1		
715	Plains Grassland / Stony Knoll Shrubland Mosaic	847			na												
716	Plains Grassy Woodland / Stony Knoll Shrubland Mosaic	1 619	2	0	E										2		
*719	Grassy Woodland / Damp Sands Herb-rich Woodland Mosaic	43 873	918	2	E	80		9	18	62	1		6			832	
*720	Swamp Scrub / Aquatic Herbland Mosaic	2 382	96	4	E	48		50	48							47	
*724	Plains Woodland/Plains Sedgy Woodland/Damp Sands Herb-rich Woodland Mosaic	5 525	964	17	E	197		20		197		80	143			544	
725	Damp Sands Herb-rich Woodland / Riparian Woodland / Swamp Scrub Mosaic	279	195	70	R, V	187		96	187			2				6	
*726	Rocky Outcrop Shrubland/Herbland Mosaic / Heathy Woodland Mosaic	450	401	89	R	337		84	337					26		38	
*727	Hills Herb-rich Woodland / Heathy Woodland Mosaic	9	8	90	R											8	

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						ha	% pre 1750	% current								
*729	Sand Ridge Woodland / Damp Sands Herb-rich Woodland Mosaic	428	86	20	V	62		72	62					24		
*730	Plains Grassy Woodland / Shrubby Woodland Mosaic	17	8	43	E	1		7	1					7		
*732	Damp Sands Herb-rich Woodland / Plains Swampy Woodland / Aquatic Herbland Mosaic	9 400	228	2	V	26		11	12	14				202		
*733	Swamp Scrub / Plains Sedgy Wetland / Aquatic Herbland Mosaic	8 982	72	1	R, V	41		58	41				2	28		
734	Damp Heathland / Damp Heathy Woodland / Wet Heathland Mosaic	994	634	64	V	515		81	19	497		55		64		
736	Limestone Rise Grassland / Limestone Rise Woodland	98	90	92	R	90		100		90						
737	Heathy Woodland / Limestone Woodland Mosaic	3 541	3 210	91	-	3 003	85		3 003			162		44		
*738	Damp Sands Herb-rich Woodland / Plains Grassy Woodland / Plains Sedgy Woodland Mosaic	157	145	93	V, E	100		69		100		19		26		
*739	Plains Grassy Woodland / Plains Swampy Woodland Mosaic	5 396	136	3	E	16		12		16		6	4	110		
740	Damp Sands Herb-rich Woodland / Heathy Woodland / Sand Heathland Mosaic	1 008	969	96	V	966		100	966					3		
741	Salt Paperbark Woodland / Inland Saltmarsh Mosaic	154	13	8	R, V	13		100	13							
742	Basalt Shrubby Woodland / Herb-rich Foothill Forest Mosaic	1 237			na											
744	Stony Knoll Shrubland / Basalt Shrubby Woodland Mosaic	223			na											
*745	Hills Herb-rich Woodland / Plains Grassy Woodland Mosaic	5 874	888	15	E	437		49	26	411	48	8		395		
746	Damp Heathland / Damp Heathy Woodland Mosaic	22 586	4 008	18	V	2 525		63	639	1 885		646		837		
748	Shallow Sands Woodland / Heathy Woodland Mosaic	958	788	82	V	730		93	564	166				58		
*749	Shallow Sands Woodland / Plains Sedgy Woodland / Seasonally Inundated Shrubby Woodland Mosaic	4 166	905	22	V	261		29	261		440			204		

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		Pre-1750	Current			CAR reserve system						SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)	
						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)						
						ha	% pre 1750	% current								
750	Shallow Sands Woodland / Plains Sedgy Woodland / Seasonally Inundated Shrubby Woodland Mosaic / Damp Sands Herb-rich Woodland Mosaic	20 263	5 692	28	V	2 734		48	591	2 143	1 327	271		1 360		
*751	Seasonally Inundated Shrubby Woodland / Plains Sedgy Woodland Mosaic	3 482	1 251	36	R, V	592		47	173	420	14	239	3	404		
*752	Grassy Woodland / Hills Herb-rich Woodland / Damp Sands Herb-rich Woodland Mosaic	20 082	806	4	E	45		6	37	8		13		748		
*753	Rocky Outcrop Shrubland/Herbland / Broombush Mallee Mosaic	182	168	92	E	122		73	122					46		
*754	Damp Heathland / Seasonally Inundated Shrubby Woodland Mosaic	63	62	98	R, V	31		50		31				31		
756	Heathy Woodland / Seasonally Inundated Shrubby Woodland Mosaic	457	178	39	R, V	86		49		86	88			4		
*757	Damp Sands Herb-rich Woodland / Seasonally Inundated Shrubby Woodland Mosaic	691	340	49	V	187		55	187	1				153		
*758	Rocky Outcrop Shrubland/Herbland / Hills Herb-rich Woodland Mosaic	25	16	66	E									16		
*759	Hills Herb-rich Woodland / Valley Grassy Forest Mosaic	71	49	68	R	3		7	3					45		
*760	Lateritic Woodland / Heathy Dry Forest Mosaic	115	95	82	V	3		3	3					92		
*761	Hills Herb-rich Woodland/ Lateritic Woodland Mosaic	151	1	1	V									1		
762	Damp Heathland / Sand Heathland Mosaic	821	655	80	R, V	508		78	251	256		140		7		
*763	Damp Heathland / Damp Heathy Woodland / Seasonally Inundated Shrubby Woodland Mosaic	1 480	10	1	V									10		
*764	Lateritic Woodland / Heathy Woodland Mosaic	83	63	76	V	34		53	7	27				29		
*765	Heathy Dry Forest / Plains Grassy Woodland Mosaic	40	30	75	E									30		
*766	Shrubby Woodland / Lateritic Woodland Mosaic	14	13	90	R, V	6		43	6					7		
768	Wet Heathland / Riparian Scrub Mosaic	16			na											
*770	Damp Sands Herb-rich Woodland / Lowland Forest Mosaic	1 836	932	51	V	603		65	169	434		143	3	183		
*771	Heathy Dry Forest/Sand Heathland Mosaic	5	3	62	R, V	1		26	1					2		

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						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)							
						ha	% pre 1750	% current									
772	Heathy Dry Forest/Hill Herb-rich Woodland/Lateritic Woodland Mosaic	5			na												
*773	Hills Herb-rich Woodland / Shrubby Woodland Mosaic	2	2	100	R										2		
*774	Sedgy Riparian Woodland / Damp Sands Herb-rich Woodland Mosaic	4	4	100	V	2		56	2						2		
*775	Floodplain Thicket / Shrubby Woodland Mosaic	4	4	85	R										4		
*776	Plains Swampy Woodland / Swamp Scrub Mosaic	2 664	77	3	R, E	19		24	7	12					58		
*779	Damp Sands Herb-rich Woodland / Shallow Sands Woodland Mosaic	2 201	474	22	V	231		49	178	53					242		
*780	Plains Sedgy Woodland / Shallow Sands Woodland / Heathy Woodland Mosaic	370	365	99	R, E	281		77		281	27				57		
*781	Damp Sands Herb-rich Woodland / Herb-rich Foothill Forest Mosaic	3 118	404	13	V	184		46		184		4			216		
783	Grassy Dry Forest / Heathy Woodland Complex	239	191	80	-	155	65		98	57					37		
*785	Heathy Herb-rich Woodland / Damp Sands Herb-rich Woodland Mosaic	5 342	716	13	V	457		64	411	45					259		
*786	Heathy Woodland / Heathy Herb-rich Woodland / Damp Heathy Woodland Mosaic	3 465	2 622	76	V	1 873		71		1 873					750		
787	Plains Woodland/Damp Sands Herb-rich Woodland Mosaic	218	109	50	E	105		96	105						4		
*788	Shallow Sands Woodland / Heathy Herb-rich Woodland Mosaic	69	62	90	V										62		
789	Hills Herb-rich Woodland / Grassy Dry Forest Complex	54	54	100	-	54	100		54								
*790	Heathy Woodland / Heathy Herb-rich Woodland Mosaic	331	187	57	-	114	34		114						73		
*791	Plains Grassy Woodland / Damp Sands Herb-rich Complex / Damp Sands Herb-rich Woodland / Plains Grassy Woodland Complex / Damp Sands Herb-rich Woodland Mosaic	35 053	184	1	E	7		4	7						177		
*792	Stony Rises Woodland / Stony Knoll Shrubland Complex	3 587	2 016	56	E	1 257		62	5	1 251		15			744		

EVC No	Ecological Vegetation Class	Area (ha)		Percent Remaining	Status	EVC reserve representation and area in each land category										
		Pre-1750	Current			CAR reserve system						SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)	
						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)						
						ha	% pre 1750	% current								
*793	Damp Heathy Woodland	2 607	833	32	V	584		70	110	474		41		208		
*794	Floodplain Riparian Woodland / Plains Grassy Woodland Mosaic	2 894	13	0	E	8		64	8					5		
*796	Valley Grassy Forest / Lateritic Woodland Mosaic	38	29	77	R, V	1		2	1					28		
797	Coastal Landfill / Sand Accretion	86	5	6	na	5			5							
798	Sedgy Riparian Woodland/Riparian Scrub Mosaic	61			na											
799	Shrubby Woodland/Riparian Scrub Mosaic	53			na											
*802	Grassy Woodland / Heathy Woodland Mosaic	2 825	519	18	E	48		9	48				17	454		
*803	Plains Woodland	439 583	4 349	1	E	1 570		36	884	687	85	164	182	2 347		
836	Damp Heath Scrub/Heathy Woodland Complex	16	16	100	R	16		100	16							
851	Stream-bank Shrubland	6 245	1 379	22	R, V	785		57	709	76			88	506		
858	Calcarene Dune Woodland	17 831	4 268	24	R, V	3 192		75	3 012	181		49	44	982		
859	Montane Grassy Woodland/Rock Outcrop Mosaic	9	9	100	R	6		65	6				3			
863	Floodplain Reedbed				R											
876	Spray-zone Coastal Shrubland	77	9	11	R, V	9		100	9							
881	Damp Sands Herb-rich Woodland / Heathy Woodland Mosaic	5 933	4 816	81	V	3 535		73	3 475	60		311		970		
*882	Shallow Sands Woodland	44 908	8 569	19	V	4 661		54	3 074	1 587	755	545	126	2 482		
*885	Damp Sands Herb-rich Woodland / Plains Grassy Woodland Complex	91 460	1 434	2	V, E	304		21	31	272	46	47	10	1 027		
*886	Red Gum Wetland / Aquatic Herbland Mosaic	1 193	142	12	R, E	83		58	65	17	38			21		
890	Valley Grassy Forest/Creepline Grassy Woodland Mosaic	428			na											
891	Plains Brackish Sedge Wetland	29	16	55	R	16		100	16							
*892	Heathy Woodland/Sand Heath Mosaic	8 400	4 642	55	R, V	3 347		72	2 588	759		13		1 282		
*894	Scoria Cone Woodland	15 421	589	4	R, V, E	229		39	229			1	88	271		
*895	Escarpment Shrubland	3 541	257	7	R, V, E	19		7	19				26	212		
*896	Grassy Woodland/Heathy Dry Forest Complex	31 987	820	3	E	9		1	9			44	70	697		
*897	Plains Grassland/Plains Grassy Woodland Mosaic	480 110	1 558	0	E	846		54	846			6	322	384		
898	Cane Grass-Lignum Halophytic Herbland	137	89	65	R	89		100	89							
899	Plains Freshwater Sedge Wetland	91	82	90	R	82		100	82							

EVC No	Ecological Vegetation Class	Area (ha)		Percent Remaining	Status	EVC reserve representation and area in each land category										
		Pre-1750	Current			CAR reserve system						SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)	
						CAR Reserves (including additions)			Formal Reserves (ha)	Informal Reserves (SPZ) (ha)						
						ha	% pre 1750	% current								
Other Land																
57	Plantation - Softwood		85 395			1 045			694	350	126	1 375	879	81 971		
58	Cleared / Severely Disturbed		43 783			14 826			13 961	864	589	1 115	25 459	1 794		
121	Plantation - Hardwood		817			656			656					161		
987	Plantation - Undefined		14 684			296			67	229	20	165	409	13 794		
988	Quarry		80			42			41	1		38				
989	Cleared/Severely Disturbed Due To Power Easement		6			5			2	3		1				
991	Water Body-Salt		43 326			2 293			2 293			6	40 908	118		
992	Water Body-Fresh		13 326			284			236	47	3	21	12 917	101		
995	Water - Ocean															
996	Cleared area/unknown		1											1		
997	Cleared areas		4 330 504			24 979			22 251	2 728	835	5 280	12 941	4 286 468		
998	Water Body - Natural or man made		5 869			199			186	13	3	46	5 606	14		
999	Unknown/Unclassified		153 706			7 760			5 502	2 258	197	3 412	553	141 783		
Total		5,669,159	5,762,793			633,498			457,059	176,431	44,880	176,494	126,499	4,781,424		

* denotes EVC that occur largely on private land

Additional protection for a number of EVCs is afforded under prescriptions of the Code of Forest Practices for Timber Production which exclude of timber harvesting from streamside buffers and slopes of 30 degrees or more.

The figures shown in this table are based on modelled information mapped at a scale of 1:100,000 derived during the pre-1750 analysis of vegetation types in the West Victoria region, and are therefore only approximate. A vegetation mosaic consists of discrete floristic entities (EVCs) which were unable to be distinguished in the mapping due to the scale used (that is 100,000). A vegetation complex occurs where floristic entities are unable to be distinguished in the area but are known to exist discretely elsewhere. In the West Victoria RFA area complexes were mapped as part of the pre-1750 mapping exercise on private land where sufficient information was available to accurately map the boundaries between them. The areas on private land formerly occupied by each EVC are included in the plantation, disturbed and cleared areas categories under 'Current Extent'. Code Prescription refers to areas protected under the Code of Forest Practices for Timber Production prescriptions for exclusion of timber harvesting from streamside buffers and slopes of 30 degrees or more. E – Endangered, R – Rare, V – Vulnerable in accordance with the national reserve criteria (JANIS 1997). Special Management Zone is abbreviated to SMZ and General Management Zone to GMZ.

Cool Temperate Rainforest is not included in this table and is completely protected on public land; all occurrences on State forest are protected by Special Protection Zone or the Code of Forest Practices for Timber Production.

Table 3 Representative conservation of Old Growth in the CAR Reserve System in the West Victoria Region

EVC No	Ecological Vegetation Classes	Area of EVC (ha)	% EVC as Old Growth	Area of Old Growth (ha)	CAR Reserve System				SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)
					Total (ha)	%	Formal Reserves (ha)	Informal Reserves (SPZ) (ha)				
*3	Damp Sands Herb-rich Woodland	43 042	3	1 475	1 293	88	1 087	206	74	52	56	
*16	Lowland Forest	86 608	5	4 239	3 988	94	3 597	391	10	237	3	
*18	Riparian Forest	4 775	2	88	88	100	79	9				
20	Heathy Dry Forest	95 826	15	14 593	14 198	97	12 483	1 715	38	118	233	6
*21	Shrubby Dry Forest	8 738	6	520	510	98	510				9	1
*22	Grassy Dry Forest	46 744	5	2 107	2 015	96	1 515	500	6	18	68	
*23	Herb-rich Foothill Forest	65 008	0	127	126	99	118	8		1		
*29	Damp Forest	2 130	1	29	29	100	29					
*30	Wet Forest	40 653	6	2 631	2 494	95	1 843	651	9	128		
*45	Shrubby Foothill Forest	68 082	2	1 298	1 287	99	1 125	162	5	5		
*47	Valley Grassy Forest	15 638	9	1 406	1 396	99	1 387	10			9	
48	Heathy Woodland	179 030	39	70 294	60 117	86	37 447	22 669	2 034	7 738	309	98
*55	Plains Grassy Woodland	36 104	0	156	125	80	55	69		30	2	
*61	Box Ironbark Forest	8 427	1	101	96	95	42	54		5		
64	Rocky Chenopod Woodland	666	20	135	134	99	134					1
*67	Alluvial Terraces Herb-rich Woodland	3 804	3	108	108	100	103	5				
71	Hills Herb-rich Woodland	17 028	15	2 564	2 521	98	2 494	27		3	39	
*134	Sand Forest	374	4	13	13	100		13				
*164	Creekline Herb-rich Woodland	2 097	1	16	15	89	12	3			2	
174	Grassy Dry Forest/Rocky Outcrop Shrubland/Herbland Mosaic	31	25	8	8	100	8					
*175	Grassy Woodland	5 963	0	14	14	100	14	1				
*178	Herb-rich Foothill Forest/Shrubby Foothill Forest Complex	7 996	0	8	1	17		1		7		
179	Herb-rich Heathy Woodland	21 788	13	2 883	1 847	64	1 120	727	161	803	72	

EVC No	Ecological Vegetation Classes	Area of EVC (ha)	% EVC as Old Growth	Area of Old Growth (ha)	CAR Reserve System				SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)
					Total (ha)	%	Formal Reserves (ha)	Informal Reserves (SPZ) (ha)				
*195	Seasonally Inundated Shrubby Woodland	4 424	5	206	202	98	173	29			3	
198	Sedgy Riparian Woodland	6 151	17	1 038	1 002	97	946	56			36	
*201	Shrubby Wet Forest	31 812	2	656	533	81	109	424	10	114		
278	Herb-rich Heathy Forest	430	94	403	402	100	402				1	
282	Shrubby Woodland	7 906	31	2 461	2 443	99	2 433	10		9	9	1
*283	Plains Sedgy Woodland	2 277	3	68	68	100	36	33				
285	Dry Creekline Woodland	352	23	83	65	79	26	39		17		
336	Grampian Ranges Mosaics (includes EVCs 336-350, 352-381, 384-400, 402-471, 475-480, 484-634)	8 336	24	1 976	1 925	97	1 876	49		2	49	
*351	Rocky Outcrop Shrubland/Herbland Mosaic/Grassy Dry Forest Complex	1 603	3	44	44	99	44				1	
382	Lowland Forest/Heathy Dry Forest Complex	743	41	306	306	100	306					
383	Lowland Forest/Valley Grassy Forest Complex	1 150	13	144	144	100	144					
*401	Hills Herb-rich Woodland/Heathy Woodland Complex	737	4	28	28	100	28					
481	Heathy Woodland/Heathy Dry Forest Complex	1 294	19	252	252	100	252					
645	Wet Heathland / Heathy Woodland Mosaic	4 486	21	945	945	100	934	12				
650	Heathy Woodland / Damp Heathy Woodland / Damp Heathland Mosaic	12 835	38	4 933	4 916	100	607	4 309			9	8
*704	Lateritic Woodland	1 422	4	56	56	100	47	10				
*711	Shallow Sands Woodland / Plains Sedgy Woodland Mosaic	1 878	2	46	46	100	46					

EVC No	Ecological Vegetation Classes	Area of EVC (ha)	% EVC as Old Growth	Area of Old Growth (ha)	CAR Reserve System				SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)
					Total (ha)	%	Formal Reserves (ha)	Informal Reserves (SPZ) (ha)				
*713	Damp Sands Herb-rich Woodland / Damp Heathland / Damp Heathy Woodland Mosaic	2 929	0	15	15	100		15				
*725	Damp Sands Herb-rich Woodland / Riparian Woodland / Swamp Scrub Mosaic	195	5	11	11	100	11					
726	Rocky Outcrop Shrubland/Herbland Mosaic / Heathy Woodland Mosaic	401	32	130	130	100	130					
*734	Damp Heathland / Damp Heathy Woodland / Wet Heathland Mosaic	634	4	25	25	100		25				
*737	Heathy Woodland / Limestone Woodland Mosaic	3 210	3	89	85	96	85			4		
740	Damp Sands Herb-rich Woodland / Heathy Woodland / Sand Heathland Mosaic	969	39	382	382	100	382					
*746	Damp Heathland / Damp Heathy Woodland Mosaic	4 008	9	349	340	97	105	235		9		
*748	Shallow Sands Woodland / Heathy Woodland Mosaic	788	2	15	15	100	13	2				
*749	Shallow Sands Woodland / Plains Sedgy Woodland / Seasonally Inundated Shrubby Woodland Mosaic	905	3	25	25	100	25					
*750	Shallow Sands Woodland / Plains Sedgy Woodland / Seasonally Inundated Shrubby Woodland Mosaic / Damp Sands Herb-rich Woodland Mosaic	5 692	2	98	76	78	8	68	13	9		
751	Seasonally Inundated Shrubby Woodland / Plains Sedgy Woodland Mosaic	1 251	25	308	194	63	80	115	14	100		
753	Rocky Outcrop Shrubland/Herbland / Broombush Mallee Mosaic	168	31	52	52	100	52					

EVC No	Ecological Vegetation Classes	Area of EVC (ha)	% EVC as Old Growth	Area of Old Growth (ha)	CAR Reserve System				SMZ (ha)	GMZ (ha)	Other Public Land (ha)	Private Land (ha)
					Total (ha)	%	Formal Reserves (ha)	Informal Reserves (SPZ) (ha)				
756	Heathy Woodland / Seasonally Inundated Shrubby Woodland Mosaic	178	27	48	47	98		47	1			
757	Damp Sands Herb-rich Woodland / Seasonally Inundated Shrubby Woodland Mosaic	340	21	73	73	100	73					
*780	Plains Sedgy Woodland / Shallow Sands Woodland / Heathy Woodland Mosaic	365	7	25	25	100		25				
783	Grassy Dry Forest / Heathy Woodland Complex	191	11	21	21	100	21					
*785	Heathy Herb-rich Woodland / Damp Sands Herb-rich Woodland Mosaic	716	9	68	68	100	68					
786	Heathy Woodland / Heathy Herb-rich Woodland / Damp Heathy Woodland Mosaic	2 622	10	266	266	100		266				
*793	Damp Heathy Woodland	833	8	67	65	98	2	63		2		
*803	Plains Woodland	4 349	0	13	12	90	7	5			1	
881	Damp Sands Herb-rich Woodland / Heathy Woodland Mosaic	4 816	21	1 034	1 031	100	1 031			3		
*882	Shallow Sands Woodland	8 569	2	155	125	81	79	46	21	9		
892	Heathy Woodland/Sand Heath Mosaic	4 642	33	1 514	1 512	100	1 218	294				3
Total		897 159		123 242	110 396		76 998	33 398	2 396	9 423	911	116

* denotes those Old Growth EVCs that are rare or depleted and which the nationally agreed JANIS Reserve Criteria specify all viable examples should be protected where ever possible.

The figures shown in this table are based on modelled information mapped at a scale of 1:100,000 derived during the pre-1750 analysis of vegetation types in the West Victoria region, and are therefore only approximate. For the Old Growth analysis in the West Victoria region it was considered that Old Growth only occurs on public land, due to the generally high levels of disturbances on private land. . Only those EVCs that contain Old Growth are shown in the table. The total area of each EVC is derived from the pre-1750 analysis and includes extant forest on both public and private land. The proportion of Old Growth in each EVC has been derived using the total area of extant forest on both public and private land. Special Management Zone is abbreviated to SMZ and General Management Zone to GMZ.

Private Land

The NFPS established that the CAR Reserve System will in the first instance be selected from public land. There are a number of EVCs in the West Victoria region that largely occur on private land. Such EVCs are denoted by an asterisk (*) in Table 2 above.

The NFPS and National Reserve Criteria (JANIS 1997) recognise that a range of strategies will be appropriate for protecting biodiversity on private land. These range from purchase of priority areas for inclusion in the reserve system, to mechanisms which ensure protection, such as covenants on freehold land. Inclusion of private land in the CAR Reserve System will be voluntary.

Mechanisms which provide for the protection of biodiversity on private land in Victoria include:

- Conservation covenants under the *Victorian Conservation Trust Act 1972* (Vic);
- Land Management Cooperative Agreements under the *Conservation Forests and Lands Act 1987* (Vic);
- Wildlife Management Cooperative Areas under the *Wildlife Act 1975* (Vic);
- Critical habitat provisions of the *Flora and Fauna Guarantee Act 1988* (Vic);
- Provisions of the *Planning and Environment Act 1987* (Vic).

Private land protected by these mechanisms could be included in the CAR Reserve System with the consent of the landholder.

Both Parties agree that within the Statewide framework established in the Victorian Biodiversity Strategy and Regional Catchment Strategies, Victoria will review private land in West Victoria and identify native vegetation, including endangered, vulnerable and rare EVCs which are priorities for protection and possible inclusion in the CAR Reserve System. This review will be undertaken in consultation with, and the agreement of, landholders and will be incorporated into Regional Vegetation Plans which will be produced by 2001.

Priorities for protection of EVCs on private land will be assessed using, but not limited to, the following criteria:

At the Victorian bioregion level:

- all EVCs that are rated endangered, vulnerable or rare based on the JANIS criteria have a high priority for protection

At the landscape and site level: the following criteria are to be used to assess EVCs on a site by site basis.

Site values are defined as values restricted to a particular site. These include:

- presence of threatened species or communities
- vegetation – quality involves an assessment of vegetation structure, floristics, diversity, effects of disturbance, density, cover and diversity of weed species present
- vegetation viability – involves an assessment of the degree of management required to maintain a remnant at its current quality or better, including time frame

- potentially threatening processes – are the processes that may result from disturbance. At the site level these include weed invasion, inappropriate fire regimes, erosion, salination, clearing, pathogens
- level of protection – assesses site characteristics which may afford protection from, or increase negative effects of potentially threatening processes eg. topography, palatability, erodability, fertility, fire response
- level of homogeneity of fragments of a particular EVC (will impact on the importance of a particular site) – assesses similarity to examples in conservation areas
- shape of remnant – assesses edge effects and buffering
- fragility – need to consider the EVC, the particular disturbance and resulting threats. For example EVCs on more fertile soils are more likely to be grazed (the disturbance) but the degree of threat will depend on the EVC present, eg. grazing may damage sub-alpine EVCs but certain grazing regimes may be of benefit to Plains Grassy Woodland.

Landscape values may be defined as features and processes in the landscape or surrounding areas that may impact on the vegetation at a particular site. These include:

- potentially threatening processes – are the processes that may result from disturbance. At the landscape level these include habitat loss, alteration of hydrological regimes, inappropriate fire regimes, erosion, salination
- fragmentation – effects include loss of connectivity, isolation of populations of flora and fauna, depletion of gene pool, increased edge effects, weed invasion, altered fire regimes, exposure which may lead to dehydration or dieback, decrease in species diversity. Effects may be partially ameliorated by application of buffer.
- proportion of EVC on private land
- other considerations, including the importance of the region/study area for the protection of the EVC (edge of range, unique form, only region etc).

Victoria further agrees to review conservation covenants, established under the *Victorian Conservation Trust Act 1972*, in the West Victoria region, to identify the conservation covenants which cover land with the EVCs identified as priorities for protection on private land and which may be suitable for inclusion in the CAR Reserve System. Victoria will consult the landholders of these identified conservation covenants as to whether they consent to the covenanted area being included within the CAR Reserve System. If a landholder agrees to inclusion of the area, Victoria will assess the covenanted area, taking into account the viability, integrity and significance of each area, to determine whether the covenanted area should be included within the CAR Reserve System.

Victoria will maintain a schedule listing areas of private land which are included in the CAR Reserve System, and this schedule will be part of the Agreement. The Schedule of the Agreement will be amended from time to time as appropriate. Any amendments will be approved by the Secretary of the Department of Natural Resources and Environment.

**GUIDELINE FOR REVIEWING MANAGEMENT GUIDELINES,
MANAGEMENT PRESCRIPTIONS AND THE ZONING SCHEME**

Where proposed changes to the CAR Reserve System are made in accordance with the following Guideline, the Commonwealth agrees to accept those changes. This Guideline will be included in the relevant forest management plans.

Victoria will maintain records indicating the location, extent and purpose of any amendment to the informal reserve system and the net impact that amendments have on CAR values and timber resource values. Summary information on amendments will be provided in RFA reports prepared in accordance with clause 36. Updated copies of digital maps will be provided to the Commonwealth for each five yearly review. Summary information and digital coverage would be provided between these periods if there were any substantial amendments to the informal reserve system. The information will be made publicly available on request.

MANAGEMENT GUIDELINES

Reviewing Management Guidelines, Management Prescriptions and that component of the CAR Reserve System in State forest

Management guidelines and prescriptions may be reviewed under the following circumstances:

- when new information on the impact of forest management or utilisation activities on biological or cultural values becomes available;
- if the status of a threatened species changes;
- if new species are identified that are considered to be threatened;
- when monitoring of the practical implementation of the reserve system indicates that improvements can be made;
- as required by new legislation, policies or action statements.

CAR Reserve System boundaries may require review if:

- changes to management strategies for certain species or values mean that the reserve system is more or less than adequate for those values;
- field inspections or better mapping indicate that minor amendments are required to create practical management boundaries or to more accurately define the location of a particular species or value. At the scale of mapping used in the Agreement, the boundaries of some values cannot be accurately defined.
- the reserve does not contain the values for which it was identified - amendments may be required to ensure that conservation targets are met;
- new records are listed for species whose conservation targets have not been met;
- new records of some species warrant changes to reserves to include areas of good-quality habitat in exchange for areas of poorer-quality habitat;
- existing boundaries are found to place unreasonable restrictions on the practical access to areas for timber production or for infrastructure development (easements etc).

Proposed changes to the reserve system will be assessed according to whether they:

- ensure the CAR Reserve System continues to comply with the JANIS Reserve Criteria;
- adequately conserve the CAR values identified in the Comprehensive Regional Assessment data sets;
- ensure there is no net deterioration in the level of protection of identified CAR Values in the SPZ;
- will maintain the protection of national estate values at the agreed regional scale, noting that as a result of any change to the CAR Reserve System in State forest, some minor changes to individual values may occur;
- consider the maintenance of National Estate protection;
- conserve the values highlighted in the zoning scheme register of the Forest Management Plan;
- maintain a well-distributed, inter-connected network of protected areas;
- at least maintain the timber production capacity of State forest in terms of volume, species and quality;
- minimise practical problems for timber harvesting or access in the General Management Zone;
- make the best use of areas that are unavailable for timber harvesting due to other considerations such as slope, access and site quality;
- avoid conflict with strategic burning zones.

ATTACHMENT 2

THREATENED FLORA, FAUNA AND COMMUNITIES

Both Parties recognise the range of mechanisms in place to conserve the habitat of rare and threatened flora and fauna in the West Victoria region. These include protection within the CAR Reserve System, protection of rare or threatened Ecological Vegetation Classes (EVCs), and the development of Action Statements for species listed under the *Flora and Fauna Guarantee Act 1988* (Vic) and Recovery Plans for species listed under the *Endangered Species Protection Act 1992* (Cwth).

Current priorities for developing Action Statements and Recovery Plans for fauna, flora and EVCs in the West Victoria region are listed in the following tables. Species which have been identified as priorities in the East Gippsland, Central Highlands and North East Victoria RFAs and which also occur within the West Victoria region have not been identified in the following lists.

Table 1. Priority species for nomination under the *Flora and Fauna Guarantee Act 1988*

Scientific Name	Common Name
<i>Bertya findlayi</i>	Mountain Bertya
<i>Caladenia tensa</i>	Rigid Spider-orchid
<i>Diuris behrii</i>	Golden Cowslips
<i>Thelymitra mackibbinii</i>	Brilliant Sun-orchid
<i>Grevillea williamsonii</i>	Mt. William Grevillea
<i>Aprasia striolata</i>	Striped Worm-lizard
<i>Galaxias rostratus</i>	Flat-headed Galaxias
<i>Plectrotarsus gravenhorstii</i>	caddisfly
<i>Taskiria otwayensis</i>	caddisfly
<i>Boekella nyoraensis</i>	calanoid copepod

Table 2. Priority species for preparation of an Action Statement / Recovery Plan

Scientific Name	Common Name	Action
<i>Caladenia fulva</i>	Tawny Spider-orchid	Action Statement Recovery Plan ¹
<i>Caladenia hastata</i>	Mellblom's Spider-orchid	Action Statement [♦] Recovery Plan ¹
<i>Caladenia tensa</i>	Rigid Spider-orchid	Recovery Plan ¹
<i>Caladenia xanthochila</i>	Yellow-lip Spider-orchid	Action Statement Recovery Plan ¹
<i>Caladenia formosa</i>	Elegant Spider-orchid	Action Statement Recovery Plan ¹
<i>Grevillea williamsonii</i>	Mt. William Grevillea	Action Statement [♦] Recovery Plan ¹
<i>Olearia pannosa</i> ssp. <i>cardiophylla</i>	Velvet Daisy-bush	Action Statement
<i>Prasophyllum diversiflorum</i>	Gorae Leek-orchid	Action Statement [♦] Recovery Plan ¹
<i>Prasophyllum subbisetum</i>	Pomonal Leek-orchid	Recovery Plan
<i>Thelymitra epipactoides</i>	Metallic Sun-orchid	Recovery Plan ¹
<i>Thelymitra merraniae</i>	Merran's Sun-orchid	Action Statement
<i>Rutidosia leptorhynchoides</i>	Button Wrinklewort	Recovery Plan ¹
<i>Dasyurus maculatus</i>	Spot-tailed Quoll	Revise Action Statement
<i>Pseudomys shortridgei</i>	Heath Mouse	Action Statement Recovery Plan ¹
<i>Grantiella picta</i>	Painted Honeyeater	Action Statement
<i>Edelia obscura</i>	Yarra Pygmy Perch	Action Statement
<i>Neochanna cleaveri</i>	Australian Mudfish	Action Statement

Notes: ♦ Highest priority

¹ The Commonwealth intends to adopt Action Statements as Recovery Plans where an Action Statement meets the requirements of the *Endangered Species Protection Act 1992* (Cwth).

Spot-tailed Quoll *Dasyurus maculatus*

The Spot-tailed Quoll is an endangered species listed as threatened under the *Flora and Fauna Guarantee Act 1988* (Vic) and vulnerable under the *Endangered Species Protection Act 1992* (Cwth). An Action Statement has been prepared. Quolls have been recorded from a wide variety of habitat types, ranging from dry rainshadow woodland in eastern Victoria to Cool Temperate Rainforest in the Otway Ranges. Available research indicates that Quolls occur at low population densities and may occupy home ranges in excess of 1000 hectares. This, and their cryptic behaviour, make the collection of data on population biology and habitat use difficult.

Potentially threatening processes were summarised in the Comprehensive Regional Assessment report and include incidental take of 1080 baits laid for pests, fragmentation of forest habitats through clearing for agriculture or plantation development and disturbance within forest areas from timber production, road construction and other activities. Insufficient information is currently available to assess the relative importance of these threats and they are likely to vary from place to place. Other threatening processes may also be important.

Recent surveys for Spot-tailed Quoll conducted in the Otway Ranges detected Quolls at three sites from 51 locations surveyed. This indicates that the population remains low in the Otway Ranges and may be continuing to decline.

Design of the CAR reserve system addressed the conservation of habitat for Spot-tailed Quolls through the protection of approximately 1000 hectares of suitable habitat for records categorised as acceptable in the Atlas of Victorian Wildlife. Protection afforded by existing parks and reserves was considered and where necessary, new reserves were established in State Forest. For each record located in State Forest, 500 hectares of suitable habitat is protected in the CAR reserve system (including adjacent formal reserves where possible). Unless otherwise protected, a further 1000 hectares will be maintained within Special Management Zones contiguous with the CAR reserve, of which 500 hectares is maintained as suitable prey habitat at any point in time. These measures address the potential sensitivity of the Quoll to disturbance associated with timber production and supplement the requirements of the Action Statement, by taking account of the new information that has become available since its publication. Other measures, such as the protocols for the use of 1080 baits, will be addressed through forest management processes.

The Action Statement for the Spot-tailed Quoll is currently under review. Parties agree that the extent of reservation and associated measures implemented in this Agreement will provide sufficient protection for the Spot-tailed Quoll pending the completion of the formal review of the Action Statement.

Grassy woodland EVCs

Plains Grassy Woodland and a range of similar EVCs dominated by River Red Gum (*Eucalyptus camaldulensis*) and Yellow Gum (*E. leucoxylon var leucoxylon*) have been highly depleted by clearing for agriculture on the western plains, and are now considered to be endangered or rare on the basis of the extent of clearing or the size of remaining remnants.

Clearing of these EVCs on public land has now ceased but they remain subject to disturbances such as timber production (for sawlogs, farm timbers and firewood), sheep and cattle grazing under licence and the impacts of weeds and pests. These impacts are generally of low intensity but are widespread. A substantial proportion of

these endangered EVCs have been protected in the CAR reserve system but, consistent with the flexibility provisions of the JANIS criteria, other areas have been retained for low intensity utilisation of timber and other forest products.

The management objective for these EVCs both within and outside the CAR reserve system is to maintain the biodiversity and structure of the grassy woodland communities with an increased density of mature trees. Matters to be addressed in achieving this objective are:

- the protection of areas of high floristic diversity;
- the retention and recruitment of large and hollow-bearing trees;
- regeneration systems used in areas subject to timber harvesting;
- the retention of fallen timber for microhabitat;
- sustainable levels of harvesting;
- ecologically appropriate fire regimes;
- management of areas utilised for domestic stock grazing;
- establishment of a monitoring regime to determine the effects of management practices;

and other matters that affect the structure or biodiversity of these EVCs.

Grazing licences occurring in areas of rare or endangered EVCs will be reviewed on a case by case basis in conjunction with the licensee to determine grazing regimes which conform with the management objectives of the EVC. Current grazing licences may be cancelled or suspended where a grazing regime cannot be agreed with the licensee, or if agreed regimes are not implemented.

Timber harvesting in areas outside of the CAR reserve system will continue to use low-intensity selection systems which limit disturbance to small areas and generally maintain the continuity of forest cover in areas harvested (isolated canopy gaps will be created by removal of small groups of trees). Methods used to obtain regeneration will be reviewed to find methods that create a suitable seed bed for River Red Gum germination and growth while maintaining the diversity of native grasses and herbs in forest stands.

LISTING, PROTECTION AND MANAGEMENT OF NATIONAL ESTATE VALUES IN THE WEST VICTORIA REGION

Protection and management of National Estate values

1. Both Parties endorse the findings of the joint Commonwealth and Victorian Regional Forest Agreement Steering Committee *National Estate Identification and Assessment in the West Region of Victoria* (2000) and agree that national estate values exist as documented in the report.
2. Both Parties recognise that the extensive and systematic information and regional framework provided by the above national estate assessment and this Agreement provide a unique regional context for national estate values in West Victoria.
3. Both Parties agree that many of the national estate values are well reserved in the CAR Reserve System and that existing and future Forest Management Plans and other mechanisms as described in Table 1 provide for the conservation of many other national estate values within the region.
4. Both Parties agree that all national estate values in West Victoria will be conserved through the application of the principles for managing national estate values as detailed in the appropriate Forest Management Plans.
5. Both Parties endorse the joint preparation of a set of Statewide Guidelines for the Management of Cultural Heritage Values in the Forests, Parks and Reserves of Victoria, based on those prepared for East Gippsland, and agree to finalise these guidelines by June 2000. When completed Victoria agrees to manage in accordance with these guidelines.
6. Both Parties agree to maintain the databases of the values identified in the national estate assessment for the region and cooperate in relation to access to the data.

Listings in the Register of the National Estate

Existing Listings

7. Parties note that the Australian Heritage Commission (the Commission) has agreed to update the Statements of Significance and condition and description statements for all existing listings to incorporate the results of the West national estate assessment. Parties note that existing national estate places will remain in the Register of the National Estate where the results of the assessment confirm the presence of national estate values.

Listings Arising from the West National Estate Assessment

8. The Parties note that new listings recommended to the Commission will include national estate values protected by reservation, by reserve management prescription, by site exclusion, by consultation processes or other measures appropriate to the value, or which are robust and not affected by harvesting or other off-reserve management regimes or activity.
9. Parties note that the Commission will work in cooperation with Victoria in delineating places for National Estate listing. The identification of these areas will be based on the following principles:

- New listings in Dedicated and Informal Reserves, the boundaries of which are unlikely to change, should be distinct places and may be based on any national estate values.
 - Listing of other National Estate places outside the CAR Reserve System will be based on robust values and those values that are protected by forest management prescription. Areas of contiguous values will be listed as a single National Estate place.
 - Boundaries for listing National Estate places outside the CAR Reserve System will be based on identified values and will follow natural topographic features and/or roads as appropriate. In areas where a national estate value overlaps an Informal Reserve, but also continues outside that reserve, the full coverage of the value will be listed and it will be recognised that a portion of this value is protected.
 - For places arising from the national estate assessment, only places identified by the above principles will be listed in the Register of the National Estate.
10. Both Parties note that the identification and assessment of national estate values for the CRA has been completed with the only exception being Indigenous heritage. Parties note that the Commission will continue to consult with Victoria and Indigenous communities in an effort to finalise this work.

Future Listings

11. Parties note that future nominations will be referred to them by the Commission. The Parties agree to work cooperatively and in a timely fashion in considering whether such nominations will be recommended to the Commission for listing. The Parties are to compare the nominations with the existing agreed West national estate database, and to consider any new research or information provided. Parties will also jointly agree on any future recommendations to the Commission for listing. The Parties note that the Commission will work cooperatively with Victoria on the detail of any consequent listings that may arise.
12. The Parties note that the Commission has agreed not to undertake any further regional studies of forests in West Victoria.
13. Parties note that the Commission confirms that, based on the national estate assessment, there is no evidence to identify additional large areas with national estate values in the forested areas of West Victoria and that it therefore does not anticipate listing additional large places in the region.

Statutory Advice

14. The Parties agree that the advice of the Australian Heritage Commission has already been provided in relation to the protection of national estate values and the impact of forestry activities within the West in developing this Agreement. The Commission is also satisfied regarding the range of mechanisms and levels of protection afforded to national estate values.
15. The Parties note that the advice of the Commission will be sought in relation to proposed actions by the Commonwealth which are outside the scope of this Agreement, such as actions specified in Clause 83 of this Agreement, and which

might adversely affect national estate values in the West, including proposed actions that may affect national estate values in areas outside the CAR Reserve System and which have not been listed in the Register of the National Estate. The Parties note that the Commission has agreed to take into account the undertakings in this Agreement in providing its advice and will provide such advice in a regional context.

16. The Parties note that the Commission may delegate the section 30 function for the West Victoria RFA area to an appropriate official in a Victorian Agency. This delegation would be limited to the West RFA area, and those operations which affect those aspects of the forest estate documented in the CRA.

Table 1: Protection of National Estate values on Public Land

National Estate Values	Percentage ¹ of the area on Public Land containing the value which lies within the CAR reserve system			Existing and/or additional protection mechanisms operating within and outside the CAR reserve system
	Formal Reserve ²	Informal Reserve ³	Total Reserve	
Natural landscapes (B.1)	75%	13%	88%	Code of Forest Practice ⁴ (Code) and Existing and future Management Plans (FMPs)
Undisturbed catchments (A.2) ⁷	N/A	N/A	N/A	Code and FMPs
Old-growth forest (A.2)	65%	25%	90%	Code and FMPs
Endemic flora (A.1)	87%	3%	90%	Code and FMPs; For rare/threatened species: <i>Flora and Fauna Guarantee Act 1988</i> (FFG Act) and <i>Endangered Species Protection Act 1992</i> (ESP Act)
Flora species at the limits of their range (A.1)	80%	4%	84%	Code and FMPs For rare and threatened species, FFG and ESP Acts
Disjunct flora (A.1)	62%	9%	71%	Code and FMPs For rare and threatened species, FFG and ESP Acts
Relictual EVCs and associated flora (A.1) ⁵	39%	19%	58%	Code and FMPs
Refugia from Climate Change (A.1) ⁵	44%	25%	69%	Code and FMPs
Contemporary Flora Refugia (A.2) ⁵	41%	20%	61%	Code and FMPs
Remnant vegetation (A.2)	48%	23%	71%	Code and FMPs For rare and threatened species, FFG and ESP Acts
Species richness (A.3)	80%	11%	91%	Code and FMPs For rare and threatened species, FFG and ESP Acts
Rare/threatened flora (B.1)	77%	5%	82%	FFG and ESP Acts Code and FMPs
Rare old-growth forest (B.1)	79%	16%	95%	Code and FMPs
Areas Demonstrating Principle Characteristics of EVCs (D.1)	63%	18%	81%	Code and FMPs
Endemic fauna (A.1)	51%	14%	65%	Code and FMPs <i>Wildlife Act 1975</i> For rare and threatened species, FFG and ESP Acts
Fauna species at the limits of their range (A.1)	80%	6%	86%	Code and FMPs <i>Wildlife Act 1975</i> For rare and threatened species: FFG and ESP Acts
Disjunct fauna (A.1)	69%	7%	78%	Code and FMPs <i>Wildlife Act 1975</i> For rare and threatened species: FFG and ESP Acts

National Estate Values	Percentage ¹ of the area on Public Land containing the value which lies within the CAR reserve system			Existing and/or additional protection mechanisms operating within and outside the CAR reserve system
	Formal Reserve ²	Informal Reserve ³	Total Reserve	
Key fauna habitat (A.2) ⁶	17%	1%	18%	Code and FMPs <i>Wildlife Act 1975</i> For rare and threatened species: FFG and ESP Acts
Rare/threatened fauna (B.1) ⁸	29%	6%	35%	FFG and ESP Acts <i>Wildlife Act 1975</i> Code and FMPs
Geoheritage values (A.1, A.2, A.3, B.1, C.1, C.2, D.1, H.1)	N/A	N/A	N/A	Major geological and geomorphological features are considered robust to harvesting and roading. Identified localised sites of significance may be protected under the <i>Crown Land (Reserves) Act 1978</i> .
Natural History Sites Type localities & research/reference areas (C.1) ⁷	N/A 99%	N/A 1%	N/A 100%	Type localities are to be identified and managed appropriately.
Historic values (A.3, A.4, B.2, C.2, D.2, E.1, F.1, H.1) ⁷	N/A	N/A	N/A	<i>Aboriginal and Torres Strait Islanders Heritage Protection Act 1984</i> ; <i>Archaeological and Aboriginal Relics Protection Act 1972</i> <i>Heritage Act 1995</i> Code and FMPs Indigenous heritage to be protected through implementation of clause 78 of the Agreement.
Social values (G.1) ⁷	N/A	N/A	N/A	<i>Aboriginal and Torres Strait Islanders Heritage Protection Act 1984</i> ; <i>Archaeological and Aboriginal Relics Protection Act 1972</i> <i>Heritage Act 1995</i> Code and FMPs Indigenous heritage to be protected through implementation of clause 78 of the Agreement.
Aesthetic values (E.1)	98%	1%	99%	Code and FMPs NRE Visual Management System
Cultural Landscapes (A.3, A.4, D.2) ⁷	N/A	N/A	N/A	<i>Aboriginal and Torres Strait Islanders Heritage Protection Act 1984</i> ; <i>Archaeological and Aboriginal Relics Protection Act 1972</i> <i>Heritage Act 1995</i> Code and FMPs Indigenous heritage to be protected through implementation of clause 78 of the Agreement.

1. The percentages shown in this table are based on modelled information mapped at a scale of 1:100,000 derived during the Comprehensive Regional Assessment of the West Region, and are therefore only approximate.
2. Dedicated reserves are reserves established through legislation for conservation purposes, including national parks and flora and fauna reserves.
3. The figures in this column are based upon areas of the Special Protection Zone (SPZ) within State forest. Additional areas protected by prescription may also contribute towards the protection of National Estate values.
4. References to the Code of Forest Practice in this table is a reference to the *Code of Forest Practices for Timber Production*.
5. Areas of rainforest containing these values are fully protected by prescription in Victoria.
6. Many areas exhibiting this value are wetlands which are protected Ramsar sites (eg Lake Corangamite) but which are not considered formal or informal reserves for the purpose of this analysis.
7. Because of their particular characteristics, values such as undisturbed catchments, natural history sites, cultural landscapes, social and historical were not subject to GIS-generated area calculations in this assessment.
8. Significant occurrences of this value are on private land.

MILESTONES

Clause	Action	Timeline
26	Commonwealth to use its best endeavours to introduce legislation into the Parliament to insert into the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwth) definitions of 'Forestry Operations', 'RFA Forestry Operations' and 'RFA or Regional Forest Agreement' identical to those contained in the Regional Forest Agreements Bill (Cwth).	30 June 2000
36, 39 Attachment 1	Parties to report annually on achievement of milestones for first five years, and then as part of the 5 yearly review	Commencing 2001
46(c) Attachment 10	Victoria to implement the Integrated Forest Planning System and the Statewide Forest Resource Inventory in the West Victoria region.	31 December 2003 for the Midland FMA, 30 June 2005 for the Otway FMA and 30 June 2006 for the Portland FMA.
49 and 51	Victoria and the Commonwealth to develop Sustainability Indicators.	2005
56, 57 58	Victoria and the Commonwealth to undertake and, where relevant, complete threatened species work as detailed in Attachment 2.	2005
60	Victoria to develop programs for pest plant and animal control.	2005
64 Attachment 1	Victoria agrees to implement the agreed land tenure change.	31 December 2002
67	Victoria to produce and publish a Forest Management Plan for the Portland and Horsham FMAs.	30 June 2002
78 Attachment 3	Parties to prepare Statewide Guidelines for the Management of Cultural Heritage Values in the Forests, Parks and Reserves of Victoria, based on those prepared for East Gippsland.	30 June 2000
87	Victoria to phase out harvesting firewood, posts and poles within the CAR reserve system.	2003
92	Victoria and the Commonwealth to: <ul style="list-style-type: none"> • develop a schedule to the Statewide Data agreement • lodge archival copies of data 	30 June 2000 31 March 2001
Attachment 1	Victoria to prepare Regional Vegetation Plans covering the West Victoria region which provide for the protection of endangered, vulnerable or rare EVCs on private land.	2001

PUBLIC REPORTING AND CONSULTATIVE MECHANISMS

1. Public reporting and consultative mechanisms relevant to the management of the West Victoria region forests include:

- Land Conservation Council and Environment Conservation Council studies;
- preparation and amendment of forest management plans, National and State Park management plans, and regional fire protection plans;
- activities associated with the implementation of the *Flora and Fauna Guarantee Act 1988* (Vic);
- preparation and review of codes of practice;
- preparation of Wood Utilisation Plans and Fuel Reduction Burning Plans;
- publication of audits of compliance with the Code of Forest Practices for Timber Production;
- technical, research and other reports on such topics as
 - Sustainable Yield Reviews
 - Regeneration Performance
 - Old-growth Surveys
 - Updates of the Schedules of the *Flora and Fauna Guarantee Act 1988* (Vic);
- nomination, preparation and possible contraventions of recovery plans and threat abatement plans prepared under the *Endangered Species Protection Act 1992* (Cwth);
- listing of places in the Register of the National Estate under the *Australian Heritage Commission Act 1975* (Cwth).

RESEARCH

1. Forest research in Victoria is aimed at ensuring the management policies and practices for Victoria's native forests are scientifically based, efficient and sustainable for all forest values.

2. The major priority of future research in Victoria will be the development of appropriate mechanisms to monitor and continually improve the sustainability of forest management practices. Accordingly, Statewide research will continue on the following major themes:

- silviculture
- flora and fauna conservation
- soil and water conservation
- fire ecology
- wood quality in regrowth forests.

3. Parties also recognise the importance of continuing research to address:

- control of feral pests
- environmental weed control in priority areas
- population monitoring of high priority threatened flora and fauna species
- the effectiveness of Ecological Vegetation Classes as surrogates of biodiversity
- the effects of differing buffer and filter strip widths on water quality and stream biota
- the development of ecologically based fire management regimes
- the effect of regrowth forests on water yields and their impacts on stream biota
- the effect of introduced fish species on aquatic fauna
- growth responses and ecological impacts of intensive silviculture in regrowth forests
- stem defect and wood quality in regrowth forest
- technologies and processes associated with the development of high value wood products.

4. Research on the above themes will vary from region to region. The directions of forest research and development in Victoria are contained in the Forests Service Research and Development Strategy 1998/99 to 2002/03. Details of current research projects are included in the Department of Natural Resources and Environment web site (www.nre.vic.gov.au/forestry). The Compendium of Victorian Forest Research (1998) also provides a bibliography of research in progress as well as published and unpublished works.

MONTREAL PROCESS CRITERIA FOR THE CONSERVATION AND SUSTAINABLE MANAGEMENT OF TEMPERATE AND BOREAL FORESTS

- Criterion 1: Conservation of biological diversity
- Ecosystem diversity
 - Species diversity
 - Genetic diversity
- Criterion 2: Maintenance of productive capacity of forest ecosystems
- Criterion 3: Maintenance of ecosystem health and vitality
- Criterion 4: Conservation and maintenance of soil and water resources
- Criterion 5: Maintenance of forest contribution to global carbon cycles
- Criterion 6: Maintenance and enhancement of long term multiple socio-economic benefits to meet the needs of societies
- Production and consumption
 - Recreation and tourism
 - Investment in the forest sector
 - Cultural, social and spiritual needs and values
 - Employment and community needs
- Criterion 7: Legal, institutional and economic framework for forest conservation and sustainable management
- Extent to which the legal framework (laws, regulations, guidelines) supports the conservation and sustainable management of forests
 - Extent to which the institutional framework supports the conservation and sustainable management of forests
 - Extent to which the economic framework (economic policies and measures) supports the conservation and sustainable management of forests
 - Capacity to measure and monitor changes in the conservation and sustainable management of forests
 - Capacity to conduct and apply research and development aimed at improving forest management and delivery of forest goods and services.

INDIGENOUS HERITAGE

Governments agree to develop a package of measures that will be implemented by Victoria to ensure the appropriate management of Aboriginal heritage. The various elements of the package will be developed in conjunction with local Aboriginal communities. The following points provide the principles that will guide its development.

1. Communication

- Ensure there is an agreed framework for consultation with the Aboriginal people on forest management, incorporating adequate time to participate in the preparation of management plans.
- Ensure there is an agreed framework for consultation with the Aboriginal people to develop and implement protocols in regard to the implementation of management plans and in the conduct of management activities.

2. Heritage Management

- As specified by current Commonwealth and State legislation relating to cultural heritage protection and native title, Aboriginal people must be consulted when developing and implementing management plans for all Aboriginal cultural heritage sites and places.
- In consultation with Aboriginal people, develop and follow protocols to protect the confidentiality of Aboriginal heritage information.
- In consultation with Aboriginal people, develop and follow protocols to protect Aboriginal cultural heritage sites and places. These protocols will be incorporated in the 'Statewide Cultural Heritage Guidelines'.
- In consultation with Aboriginal people, Aboriginal heritage sensitivity models will be developed. Protocols will be developed in consultation with Aboriginal people to guide the appropriate use of the sensitivity models.

3. Training

- In consultation with Aboriginal people develop appropriate cross-cultural training programs within the Victorian Public Sector at various levels to enhance understanding of Aboriginal cultural heritage.

4. Employment

- In consultation with Aboriginal people, develop a strategic program for the sustained employment of Indigenous people within the Victorian public sector.

FOREST MANAGEMENT

This attachment outlines the key purposes of a Forest Management Plan (FMP) which are required to be prepared or updated as necessary in accordance with this Agreement. The attachment also outlines some particular issues that will need to be addressed in the development or updating of plans in the West Victoria RFA region.

REGIONAL FOREST PLANNING

Forest Management Plans are the fundamental plan for the management of environmental, cultural and resource values in public native forests. Plans must be prepared for each Forest Management Area and:

- be in accord with the relevant Acts, Agreements and policies of the Government of Victoria;
- be strategic, assessing and addressing the management and protection of environmental, cultural and resource values at the regional level and for the long-term;
- aim to achieve ecologically sustainable management, which includes the maintenance of environmental values and the sustainable use of natural resources;
- recognise the contribution of conservation reserves to, and the impacts of private land activities on, the determination of appropriate protection levels for environmental values in State Forest;
- take into account the Catchment Management Strategy prepared by the relevant Catchment and Land Protection Boards (now Catchment Management Authorities), and take account of any requirements of Special Area Plans made under the *Catchment and Land Protection Act 1994 (Vic)*;
- be planned and implemented so that the forest provides continuing opportunities for public recreation, scientific study and education;
- recognise the contribution of forest and forest resource use to the economic and social well being of Victorians;
- include public participation in their development process; and
- provide a basis for monitoring and reviewing management performance.

Plans should also:

- provide for the protection of regional biodiversity;
- provide protection for all flora and fauna listed as threatened under Victoria's *Flora and Fauna Guarantee Act 1988*;
- meet the requirement for sustainable yield under the *Forests Act 1958 (Vic)*;
- identify regional environmental, cultural and resource values and develop specific management aims, guidelines and actions for their management and protection;
- consider resilience, extensiveness, distribution and natural processes in determining protection for individual environmental values;
- sub-divide State Forest into zones, identifying where environmental, cultural and resources values are given management priority;
- link conservation reserves with special protection and special management zones where environmental values are given highest priority;

- provide opportunities for recreation, scientific study and education and specify separate objectives for these values;
- identify areas where forest stands can be managed more intensively by thinning and/or fertilisation to increase production of timber;
- identify areas which should be reforested;
- include public participation through advisory committees and opportunity to comment on proposed plans; and
- provide for periodic review and mechanisms for adjustment when new scientific data become available.

Forest Management Plans should be prepared with wide public consultation and reviewed every ten years.

Note: In general, timber is harvested according to a set of local prescriptions which are consistent with the Code of Forest Practices for Timber Production, but which incorporate local considerations necessary to achieve environmental care. The local prescriptions should be based on relevant scientific input, be consistent with Forest Management Plan strategies and be reviewed periodically.

Silvicultural Practices in the Portland Forest Management Area

Timber harvesting in the Portland Forests has been undertaken for more than 100 years. Harvesting has generally involved repeated selective harvesting operations and, as a consequence, a significant proportion of the forest now contains widely spaced mature trees with limited regrowth. As a result, the productive capacity of the forests has declined.

One of the silvicultural strategies used in the Portland forests to redress the decline in productive capacity (consistent with clause 74 of this Agreement), is the removal of the large mature trees that inhibit the regrowth developing following the harvesting operation. This process is referred to as ‘overwood removal’ and the way this is usually done in Portland is to cull ring the large trees. Other techniques such as stem injection, or simply felling the trees are also used to remove excessive overwood.

Concerns have been expressed that the practice of cull-ringing removes significant habitat components in the form of hollow-bearing trees and this is having a detrimental impact on hollow-dependent fauna in the forest.

Prior to any harvesting operation, habitat trees, particularly hollow-bearing trees, are identified in line with regional prescriptions to ensure that there is a resource of retained trees suitable for hollow-dependent species on the area to be harvested. In the Portland forests, all Yellow-bellied glider feed trees are retained on a harvested area (coupe), in addition to the required number of habitat trees. These prescriptions in the general management zone complement the broader strategy for protection of flora and fauna throughout the forest estate through the development of the CAR Reserve System which covers some 150,000 ha or 69% of the public land in the Portland FMA.

Prescriptions for habitat protection and the methods of overwood removal will be developed as part of the of the forest management planning process for the forests in the Portland FMA. Prescriptions will be developed to achieve a balance between

habitat protection and maintenance of the productive capacity of the forests. Community consultation will be an integral part of the forest management plan process for the Portland FMA.

Scenic Landscape

The Otway forests are a significant landscape feature and provide an important backdrop to the Otway coast and the Great Ocean road. Tourism and recreation are an integral part of the local economy of many towns along the coast. The Great Ocean road is one of the major attractions in Victoria for both domestic and overseas visitors and the forests are becoming an increasingly important destination for tourists visiting the region. Some of the roads in the forests are important tourist routes and NRE is working closely with local tourism authorities to ensure that major routes through the forest are promoted and that their scenic landscape values are maintained. High quality visitor facilities have also been established at key locations in State Forest, such as Lake Elizabeth and Triplet Falls. These facilities complement the attractions along the Great Ocean Road and provide alternative tourism destinations away from the coast. NRE will continue to ensure that tourism and recreation opportunities in State Forest are promoted and that scenic landscape values, particularly those from the Great Ocean Road, are maintained and taken into account in the development or update of FMPs and the development of timber harvesting plans in the forest. Guidelines for the maintenance of landscape values are documented in the Otway and Midlands FMPs. The RFA highlights the need to protect scenic landscape values, for example, the Wild Dog Ridge.

Protection of water quality and yield

Concerns have been raised about the impact of timber harvesting activities on water quality and yield in the West RFA region.

Road construction, timber harvesting and recreation and other activities may adversely affect water quality and yield from forested catchments. As part of Victoria's Ecologically Sustainable Forest Management system, a range of measures are currently in place to address the risks associated with these activities. The Victorian Code of Forest Practices for Timber Production, and associated forest management prescriptions require the establishment of buffers and filters along streams and water courses, establish limitations on harvesting on steep slopes and design standards and planning procedures for road construction and stream crossings. Forest operators involved in commercial timber harvesting operations are required to undertake training in environmental care principles which emphasise the measures required to protect soil and water values.

In addition, both the Otway and Midlands Forest Management Plans address water supply issues in greater detail. In each Plan, a range of measures have been established for domestic water supply catchments (which exceed the minimum requirements of the Code of Forest Practices), including limitations on the area and proportion of catchments to be harvested over time, seasonal restrictions on harvesting and more restrictive slope limits for timber harvesting. The standards established in the Otway FMP are based on detailed modelling of stream flow determined by research conducted in the Central Highlands and a detailed assessment of the capacity of various supply systems to cope with small reductions in total catchment yield in the Otways. In some catchments where a large proportion of the

stream flows are diverted for domestic water supply, such as Arkins Creek, no logging is permitted as a consequence of the strategy established in the Otway FMP.

Established limits on harvesting in water supply catchments within the Midlands FMA are detailed in Table 1 and in the Otway FMA in Table 2. In the Midlands FMA, a maximum of only 5 per cent of public land within the catchment can be harvested over any three year period.

Harvesting operations conducted since the establishment of the Otway and Midlands FMPs have conformed to the area limits established. In some cases, the harvested area has been substantially less than the area permitted, particularly in the Otways.

The effectiveness of these measures to manage water quality and yield and the applicability of any new information or research will be considered when the Otway and Midlands FMPs are reviewed or updated.

Table 1. Harvesting prescriptions for water catchments in the Midlands FMA

Catchment	Winter harvesting suspension	Maximum Coupe Size (Ha)	Maximum harvest area over 3 year period (Ha)
Blackwood	1 June – 31 October	35	5% of public land within the catchment
Bullarto	1 June – 31 October	20	
Colbrook	1 June – 31 October	40	
Collier Gap	1 June – 31 October	2	
Djerriwarrh	1 June – 30 September	15	
Hickmans Ck	1 June – 31 October	40	
Koreweinguboora	1 June – 31 October	15	
Lal Lal Lake Environs	1 June – 31 October	5	
Long Gully	1 June – 31 October	15	
Merrimu	1 June – 30 September	40	
Moorabool	1 June – 30 September	10	
Mount Cole	1 June – 31 October	20	
Musical Gully	1 June – 30 September	2	
Pykes Creek	1 June – 30 September	40	
Roslynne	1 June – 30 September	40	
Shepherds Creek	1 June – 31 October	40	
Sugarloaf	1 June – 30 September	20	
Troy	1 June – 30 September	2	
White Swan	1 June – 31 October	20	
Wombat	1 June – 31 October	20	

Note: This is not a complete account of the harvesting prescriptions applying to water catchments. Refer to the Midland FMP for relevant information.

Table 2. Harvesting prescriptions for water catchments in the Otway FMA

Catchment	Winter harvesting suspension	Total Catchment Area (Ha)	Annual Harvest Area (Ha)	Maximum harvest area per decade (Ha)
Arkins Ck ^(a)			0	0
St George River	1 May to 30 November	1,580	25	145
Skenes Ck	1 May to 30 November	820	12	70
West Barham River	1 May to 30 November	1,000	25	150
Upper Barwon (west branch)	1 June to 31 October	5,020	230	145
Upper Barwon (east branch)	1 June to 31 October	3,740	172	860
Upper Barwon (Callahans Creek)	1 June to 31 October	3,920	178	890
Gellibrand (upper Gellibrand)	1 June to 31 October	2,560	119	595
Gellibrand (Lardners Ck)	1 June to 31 October	6,580	288	1,440
Gellibrand (Charleys Ck)	1 June to 31 October	5,160	178	890
Gellibrand (Asplin Ck)	1 June to 31 October	3,220	149	745
Gellibrand (Carlisle River)	1 June to 31 October	8,000	316	1,580
Gellibrand South (Skinners Ck)	1 June to 31 October	7,560	324	1,620
Gellibrand South (Crinoline Ck)	1 June to 31 October	5,560	221	1,105
Gellibrand South (Sheepyard Ck)	1 June to 31 October	3,580	154	770
Upper Barwon (Dewings Ck)	1 June to 30 September	2,740	111	555

Catchment	Winter harvesting suspension	Total Catchment Area (Ha)	Annual Harvest Area (Ha)	Maximum harvest area per decade (Ha)
Gellibrand (Gum Ck)	1 June to 30 September	7,780	343	1,715
Gellibrand (Loves Ck)	1 June to 30 September	9,620	351	1,755
Painakalac Ck	1 June to 30 September	3,540	171	855
Pennyroyal Ck	1 June to 30 September	3,620	124	620
Mathews Ck	1 June to 30 September	1,680	64	320
Gosling Ck	1 June to 30 September	1,900	57	285

Note: This is not a complete account of the harvesting prescriptions applying to water catchments. Refer to the Otway FMP for relevant information.

- (a) There is no harvesting in this catchment.

PROGRAM FOR COMPLETION OF SFRI AND SUSTAINABLE YIELD FORECASTS FOR RFAs IN VICTORIA

Parties recognise the need to revise the Statewide Forest Resources Inventory (SFRI) and the Integrated Forest Planning System (IFPS) timetable across Victoria, to reflect current priorities as a result of completing the RFA program.

Parties agree to ensure the SFRI program is completed across Victoria in a timely and efficient manner to provide a sound scientific basis for sustainable yield projections. The SFRI and IFPS program will be implemented to allow legislative reviews of sustainable yields to take place based on best available information.

Table 1 shows agreed timelines for the completion of the Statewide Forest Resource Inventory (SFRI) and IFPS for all Forest Management Areas within the Victorian RFA regions.

Parties hereby consent to vary the completion dates for the SFRI and IFPS, specified in Clauses 45(e), 71, 88.2 and 92(b)(iv) of the Central Highlands Agreement, and Clauses 34 to 36 of the East Gippsland Agreement as described in this Table.

As part of the annual reporting process outlined in Clause 36 of this agreement Victoria will provide annual updates of work towards the implementation of SFRI and IFPS against the timetable in Table 1. Victoria will consult, as appropriate, with the Commonwealth on issues relating to the Statewide SFRI and IFPS program.

Parties acknowledge that Victoria has committed an additional \$3 million to accelerate the SFRI and IFPS program.

Table 1 Completion of SFRI and Sustainable Yield forecasts

RFA region	Forest Management Area	Implement SFRI and IFPS
West	Midlands	31 December 2003
	Otways	30 June 2005
	Portland	30 June 2006
Gippsland	Tambo	31 December 2002
	Central Gippsland (part)	31 December 2002
Central Highlands	Central Gippsland (part)	31 December 2002
	Central	31 December 2004
	Dandenong	31 December 2004
North East	Benalla/Mansfield	30 June 2001
	Wangaratta	31 December 2001
	Wodonga	31 December 2001
East Gippsland	East Gippsland	31 December 2005

INDUSTRY ADJUSTMENT AND DEVELOPMENT

Both Parties are committed to facilitating the adjustment of the timber industry to the outcomes of this Agreement and to the further development of efficient and diverse forest based industries in Victoria.

Both Parties are committed to a no net job loss outcome and have contributed to a comprehensive funding package to ensure that this outcome is achieved.

Parties recognise that it will be necessary to provide industry with sufficient time to adjust to the revised timber resource availability resulting from the RFA outcomes. As provided in Clause 73, this adjustment will be phased-in over a period of two years from the date of signing this agreement.

To support this adjustment and to promote industry development, the Parties will provide an additional \$15 million to the Forest Industry Structural Adjustment Program in Victoria. Adjustment will be facilitated on a strategic basis, having regard to:

- industry structure, location and efficiency,
- promoting value-adding

The adjustment will be managed through current FISAP arrangements and include consultation with industry and the community.

Further to the additional FISAP funding, Victoria is committed to undertaking an additional \$20 million program of works across Victoria to support forest-based industries and improve the resource base through a range of initiatives including increased productivity through improved forest management, re-forestation, plantation development and farm forestry. Other initiatives will improve forest based tourism infrastructure.

Parties agree that the combination of FISAP projects and the additional Victorian program of works will ensure at the very least a jobs neutral outcome for West Victoria RFA.