

Monday 20 July 2020

Interim Report backs need for RFA clarity in EPBC Act

Professor Graeme Samuel's interim report into the Environmental Protection and Biodiversity Conservation (EPBC) Act has backed the need for clarity around Regional Forest Agreements following last month's Federal Court decision, paving the way for urgent amendments to the EPBC Act to provide certainty for Australia's sustainable native forest industries, the Australian Forest Products Association (AFPA) said today.

"Legal ambiguities in the relationship between the EPBC Act and the RFA Act should be clarified so that the Commonwealth's interests in protecting the environment interact with the RFA framework in a streamlined way."

Samuel Review, Interim Report page 60.

The report also recommends the Act be amended to establish 'single touch approvals' and bilateral agreements with state and territory governments, as RFAs do, in recognition this model reduces duplication and strikes the right balance between environmental, economic and social outcomes.

AFPA CEO Mr Ross Hampton said the recent Federal Court decision has created uncertainty around RFAs nationally, and called on the EPBC Act to be amended to reaffirm the intent of the RFAs.

"RFAs are required by law to be independently reviewed every five years, and all reviews have found they are meeting or exceeding all environmental objectives, while providing a level of certainty to industry," Mr Hampton said.

"However, the Federal Court decision has created enormous challenges for the future of Victoria's sustainable hardwood timber industry. VicForests is appealing the decision, but in the meantime it is causing significant damage to livelihoods and uncertainty for Australia's native forest industries."

"This could be addressed if the Federal Government urgently amended section 38 of the EPBC Act to affirm and clarify the Commonwealth's intent regarding RFAs. That would make it explicit that forestry operations in RFA regions are exempt from the Act, and that compliance matters are to be dealt with through the state regulatory framework and do not invalidate the RFA provisions."

Mr Hampton said the minor amendments to clarify the intent of the RFA exemptions should be dealt with urgently and separately to the EPBC review process.

"I commend Environment Minister Sussan Ley for saying today, 'This is our chance to ensure the right protection for our environment while also unlocking job-creating projects to strengthen our economy and improve the livelihoods of every-day Australians'", Mr Hampton said.

"The Federal Government can start by amending the Act to provide certainty for the tens of thousands of Australians that depend on Australia's native forestry operations," Mr Hampton concluded.

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