



Regional Forest Agreements Act 2002

No. 30, 2002

Compilation No. 4

Compilation date:	28 March 2021
Includes amendments up to:	Act No. 13, 2020
Registered:	15 April 2021

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Regional Forest Agreements Act 2002* that shows the text of the law as amended and in force on 28 March 2021 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1	Short title.....	1
2	Commencement.....	1
3	Objects.....	2
4	Definitions.....	2
5	Act binds the Crown.....	4
6	Certain Commonwealth Acts not to apply in relation to RFA wood or RFA forestry operations	4
7	Termination of RFA by Commonwealth	5
8	Compensation for breach of RFA by Commonwealth.....	5
9	Publication of information about RFAs.....	6
10	Tabling of RFAs etc.	6
10A	Source of forestry information.....	7
11	Forest and Wood Products Council	8
	Endnotes	10
	Endnote 1—About the endnotes	10
	Endnote 2—Abbreviation key	12
	Endnote 3—Legislation history	13
	Endnote 4—Amendment history	14

An Act relating to Regional Forest Agreements, and for other purposes

1 Short title

This Act may be cited as the *Regional Forest Agreements Act 2002*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, on the day or at the time specified in column 2 of the table.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent	5 April 2002
2. Sections 3 to 12	A single day to be fixed by Proclamation, subject to subsection (3)	3 May 2002 (<i>see Gazette 2002, No. S133</i>)
3. Schedule 1	At the same time as the provisions covered by item 2 of this table	3 May 2002

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table is for additional information that is not part of this Act. This information may be included in any published version of this Act.

Regional Forest Agreements Act 2002

1

Compilation No. 4

Compilation date: 28/03/2021

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- (3) If a provision covered by item 2 of the table does not commence within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

3 Objects

The main objects of this Act are as follows:

- (a) to give effect to certain obligations of the Commonwealth under Regional Forest Agreements;
- (b) to give effect to certain aspects of the National Forest Policy Statement;
- (c) to provide for the existence of the Forest and Wood Products Council.

4 Definitions

In this Act, unless the contrary intention appears:

comprehensive, adequate and representative reserve system, in relation to an RFA, has the same meaning as in the RFA.

forest and wood products industry means:

- (a) the forest products industry; and
- (b) the wood products industry.

National Forest Policy Statement means the National Forest Policy Statement signed on behalf of the Commonwealth and each of the States (other than Tasmania) in December 1992, and on behalf of Tasmania in April 1995.

plantation means an intensively managed stand of trees of either native or exotic species that is created by the regular placement of seedlings or seed.

RFA or ***Regional Forest Agreement*** means an agreement that is in force between the Commonwealth and a State in respect of a region or regions, being an agreement that satisfies all the following conditions:

- (a) the agreement was entered into having regard to assessments of the following matters that are relevant to the region or regions:
 - (i) environmental values, including old growth, wilderness, endangered species, national estate values and world heritage values;
 - (ii) indigenous heritage values;
 - (iii) economic values of forested areas and forest industries;
 - (iv) social values (including community needs);
 - (v) principles of ecologically sustainable management;
- (b) the agreement provides for a comprehensive, adequate and representative reserve system;
- (c) the agreement provides for the ecologically sustainable management and use of forested areas in the region or regions;
- (d) the agreement is expressed to be for the purpose of providing long-term stability of forests and forest industries;
- (e) the agreement is expressed to be a Regional Forest Agreement.

RFA forestry operations means:

- (a) forestry operations (as defined by an RFA as in force on 1 September 2001 between the Commonwealth and New South Wales) that are conducted in relation to land in a region covered by the RFA (being land where those operations are not prohibited by the RFA); or
- (b) forestry operations (as defined by an RFA as in force on 1 September 2001 between the Commonwealth and Victoria) that are conducted in relation to land in a region covered by the RFA (being land where those operations are not prohibited by the RFA); or
- (c) harvesting and regeneration operations (as defined by an RFA as in force on 1 September 2001 between the Commonwealth and Western Australia) that are conducted in relation to land in a region covered by the RFA (being land where those operations are not prohibited by the RFA); or

- (d) forestry operations (as defined by an RFA as in force on 1 September 2001 between the Commonwealth and Tasmania) that are conducted in relation to land in a region covered by the RFA (being land where those operations are not prohibited by the RFA).

For the purposes of paragraph (b), the East Gippsland RFA (as in force on 1 September 2001) is taken to include a definition of **forestry operations** that is identical to the definition of **forestry operations** in the Central Highlands RFA (as in force on 1 September 2001).

RFA wood means processed or unprocessed wood (including woodchips) sourced from a region covered by an RFA, but does not include wood sourced from a plantation in a State unless:

- (a) a code of practice for that State has been approved under rules made under section 432 of the *Export Control Act 2020*; and
(b) that approval has not been revoked under those rules.

State includes the Australian Capital Territory and the Northern Territory.

5 Act binds the Crown

This Act binds the Crown in right of the Commonwealth.

6 Certain Commonwealth Acts not to apply in relation to RFA wood or RFA forestry operations

- (1) RFA wood is not prescribed goods for the purposes of the *Export Control Act 2020*.

Note: The *Export Control Act 2020* regulates the export of “prescribed goods”.

- (2) An export control law does not apply to RFA wood unless it expressly refers to RFA wood. For this purpose, **export control law** means a provision of a law of the Commonwealth (other than the *Export Control Act 2020*) that prohibits or restricts exports, or has the effect of prohibiting or restricting exports.

- (4) Part 3 of the *Environment Protection and Biodiversity Conservation Act 1999* does not apply to an RFA forestry operation that is undertaken in accordance with an RFA.

Note: This subsection does not apply to some RFA forestry operations. See section 42 of the *Environment Protection and Biodiversity Conservation Act 1999*.

7 Termination of RFA by Commonwealth

The termination of an RFA by the Commonwealth is of no effect unless it is done in accordance with the termination provisions of the RFA, being those provisions as in force:

- (a) at the time of commencement of this section; or
- (b) at the time the RFA comes into force;

whichever is later.

8 Compensation for breach of RFA by Commonwealth

- (1) The Commonwealth is liable to pay any compensation that:

- (a) is in relation to reasonable loss or damage arising from the curtailment of legally exercisable rights; and
- (b) is calculated as at the time of the curtailment; and
- (c) the Commonwealth is required to pay to a State in accordance with the compensation provisions of an RFA, being those provisions as in force:
 - (i) at the time of commencement of this section; or
 - (ii) at the time the RFA comes into force;

whichever is later.

- (2) The Commonwealth's liability incurred under subsection (1) while an RFA is in force continues even though the RFA may subsequently have expired or been terminated.

- (3) Compensation that the Commonwealth is liable to pay under this section:

- (a) may be recovered as a debt in a court of competent jurisdiction; and

(b) is payable out of money appropriated by the Parliament.

9 Publication of information about RFAs

- (1) As soon as practicable after an RFA is entered into, the Minister must publish a notice in the *Gazette*:
 - (a) stating that the RFA has been entered into; and
 - (b) giving details of the region and the date when the RFA comes into force or came into force.
- (2) As soon as practicable after an RFA ceases to be in force, the Minister must publish a notice in the *Gazette*:
 - (a) stating that the RFA has ceased to be in force; and
 - (b) giving details of the region and the date when the RFA ceased to be in force.

10 Tabling of RFAs etc.

RFAs

- (1) The Minister must cause a copy of an RFA to be tabled in each House of the Parliament within 15 sitting days of that House after:
 - (a) the commencement of this section; or
 - (b) the RFA is entered into;whichever is later.
- (2) Subsection (1) does not require an RFA to be tabled in a House of the Parliament if the RFA was tabled in that House before the commencement of this section.

Amendments of RFAs

- (3) The Minister must cause a copy of an amendment of an RFA to be tabled in each House of the Parliament within 15 sitting days of that House after:
 - (a) the commencement of this section; or
 - (b) the amendment is made;whichever is later.

RFA annual reports

- (4) The Minister must cause a copy of an RFA annual report to be tabled in each House of the Parliament within 15 sitting days of that House after:
- (a) the commencement of this section; or
 - (b) the report is provided to the Minister;
- whichever is later.
- (5) Subsection (4) does not require an RFA annual report to be tabled in a House of the Parliament if the report was tabled in that House before the commencement of this section.

RFA review reports

- (6) The Minister must cause a copy of an RFA review report to be tabled in each House of the Parliament within 15 sitting days of that House after:
- (a) the commencement of this section; or
 - (b) the report is provided to the Minister;
- whichever is later.

Definitions

- (7) In this section:

RFA annual report means an annual report about the achievement of milestones under an RFA during one of the first 5 years of operation of the RFA.

RFA review report means a report of the 5 yearly review of the performance of an RFA.

10A Source of forestry information

- (1) The Minister must cause to be established a comprehensive and publicly available source of information:
- (a) for national and regional monitoring and reporting in relation to all of Australia's forests; and

- (b) to support decision-making in relation to all of Australia's forests.
- (2) To avoid doubt, subsection (1) does not, by implication, limit the sources of information that may be used for a purpose mentioned in paragraph (1)(a) or (b).

11 Forest and Wood Products Council

- (1) The Minister must take all reasonable steps to ensure that, at all times, there is in existence a committee that is:
 - (a) known as the Forest and Wood Products Council; and
 - (b) established under the executive power of the Commonwealth.

Objects

- (2) The main objects of subsection (1) are as follows:
 - (a) the provision of a forum by which the Minister and stakeholders in the forest and wood products industry may:
 - (i) consult together; and
 - (ii) exchange advice and information;
 - (b) the promotion of co-operation between different sectors of the forest and wood products industry.

Functions

- (3) The Minister must take all reasonable steps to ensure that the functions of the Council include the following:
 - (a) to act as a means of liaison between the Minister and stakeholders in the forest and wood products industry, and between different sectors of that industry, in matters relating to that industry;
 - (b) to facilitate co-operation between different sectors of the forest and wood products industry;
 - (e) to do anything else conducive to the achievement of the objects mentioned in subsection (2).

- (4) The Council may perform its functions only to the extent that they are not in excess of the functions that may be conferred on the Council by virtue of any of the legislative powers of the Parliament and, in particular, may perform its functions:
- (a) in relation to matters arising in the course of, or that concern:
 - (i) trade or commerce with other countries, or among the States; or
 - (ii) the activities of a corporation to which paragraph 51(xx) of the Constitution applies; or
 - (b) for purposes in relation to any or all of the Territories.

Meetings

- (5) The Minister:
- (a) may convene a meeting of the Council at any time; and
 - (b) must convene a meeting of the Council on receipt of a written request from a majority of members of the Council.
- (6) The Minister must ensure that the Council meets at least twice in every calendar year.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law.

Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be

Endnote 1—About the endnotes

given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

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ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Regional Forest Agreements Act 2002	30, 2002	5 Apr 2002	ss. 3–12: 3 May 2002 (see <i>Gazette</i> 2002, No. S133) Schedule 1: 3 May 2002 Remainder: Royal Assent	
Australian Heritage Council (Consequential and Transitional Provisions) Act 2003	86, 2003	23 Sept 2003	Schedules 1 and 2: 1 Jan 2004 (see s. 2 and <i>Gazette</i> 2003, No. GN47) Remainder: Royal Assent	—
Statute Law Revision Act 2013	103, 2013	29 June 2013	Schedule 4 (items 28, 29): Royal Assent	—
Omnibus Repeal Day (Autumn 2014) Act 2014	109, 2014	16 Oct 2014	Sch 1 (items 4–9): 17 Oct 2014 (s 2(1) item 2)	—
Export Control (Consequential Amendments and Transitional Provisions) Act 2020	13, 2020	6 Mar 2020	Sch 2 (items 21–23) and Sch 3 (items 1–91): 3 am (A.C.T.) 28 Mar 2021 (s 2(1) item 2)	Sch 3 (items 1–91)

Regional Forest Agreements Act 2002

13

Compilation No. 4

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Endnotes

Endnote 4—Amendment history

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Provision affected	How affected
s 3	am No 109, 2014
s 4	am No 109, 2014; No 13, 2020
s 6	am No 86, 2003; No 13, 2020
s 11	am No 109, 2014
s 12	rep No 103, 2013
Sch 1	rep No 103, 2013
