

Tasmanian Forest Agreement Independent Verification Group

Terms of Reference

Note: These Terms of Reference identify the tasks and outputs needed from the Independent Verification process to meet the requirements of the relevant clauses of the Intergovernmental Agreement, but do not attempt to predetermine the design of the Independent Verification process or the methodology to be used by the Independent Verification Group.

As noted in paragraphs 2 and 3 of the Terms of Reference, the design and implementation of an independent and transparent assessment and verification process is one of the first and most important tasks for the Group. The Group is also required to seek the prior agreement of the Signatories to the process (including the underlying assessment methodologies) and to accept its results.

Introduction

The Premier of Tasmania and the Prime Minister jointly signed the Tasmanian Forests Intergovernmental Agreement (IGA) on 7 August 2011 in response to the community-led Tasmanian Forests Statement of Principles.

The intent of these Terms of Reference is to give effect to key elements of the Intergovernmental Agreement, including Clauses 19 and 20 of the Agreement which provide for the establishment of an Independent Verification Group of experts jointly nominated by both Governments, but independent of both Governments and all other stakeholders, and led by Professor Jonathan West of the University of Tasmania. For clarity, the references to clauses included in brackets in the Terms of Reference below are to assist in understanding the links to the Intergovernmental Agreement, but are not intended to be exclusive.

The Group will provide advice to the Prime Minister and the Tasmanian Premier by 31 December 2011 on the results of this independent verification process to be undertaken in accordance with this Terms of Reference jointly agreed by the Governments.

Terms of Reference

The Independent Verification Group is to:

1. Where harvesting work has already commenced in coupes within the 430,000 hectares of native forest identified in Attachment A to the Intergovernmental Agreement, provide advice to the Governments and Signatories before 22 August 2011 on the list of coupes where harvesting work is occurring and on a process for quickly determining practical rescheduling options (Clause 26).
2. In consultation with the Signatories, design and implement an independent and transparent verification process to assess and verify stakeholder claims relating to sustainable timber supply requirements (including at the regional level), available native forest and plantation volumes in both the short and longer term, and areas,

conservation values and boundaries of reserves from within the ENGO-nominated 572,000 hectares (Clauses 20 and 28). In making its assessments, the Group will have access to and use the best available data (including data on demand and usage), including that held by Forestry Tasmania and others.

3. As part of this process, the Independent Verification Group is required to seek the agreement of the Signatories on the process (including the underlying methodology for assessing the matters set out in paragraph 2 above) for conducting the independent verification and their agreement to accept the results. The Chair is to inform the Intergovernmental Taskforce by 10 September 2011 of the process and whether the Signatories have agreed to it and to accept the results. (Clause 20)
4. Put in place appropriate arrangements for ongoing consultation (Clause 20) with Governments (through the Intergovernmental Taskforce), Signatory organisations (through the Reference Group of Signatory representatives), experts and other stakeholders (including, but not limited to, the stakeholders listed at Attachment A). The Intergovernmental Taskforce and Reference Group of Signatories for these purposes are as defined in the Intergovernmental Agreement.
5. Assess and provide advice about stakeholder claims relating to conservation values, areas and boundaries of potential reserves from within the ENGO-nominated 572,000 hectares of High Conservation Value native forest. (Clauses 20 and 28)
6. Assess and provide advice on whether at least 155,000 cubic metres per year of high-quality sawlogs, 265,000 cubic metres of peeler billets, and an appropriate supply of specialty timber noting that the industry claim is 12,500 cubic metres, (clause 17) can be sustainably supplied from outside the areas identified in paragraph 5 above over both the short and longer terms, taking into account existing wood supply requirements, contracts and usage, potential voluntary exits and availability of suitable plantation wood supply as noted in clauses 23 and 24 of the IGA, respectively.
7. If it is determined that the guaranteed wood supply (including at the regional level) cannot be supplied from outside the areas identified in paragraph 5 above:
 - a. Provide advice on how much and what elements of the guaranteed wood supply cannot be met from outside the areas identified in paragraph 5 above; ; and
 - b. Advise how much and what elements of the guaranteed wood supply would therefore need to be met from within the areas identified in paragraph 5 above.
8. Consult with signatories to seek agreement on an agreed option(s) to minimise impacts on conservation values if harvesting is deemed necessary under paragraph 7 above to meet guaranteed wood supply from within the areas identified in paragraph 5 above.
9. Submit a draft report to the governments, through the Intergovernmental Taskforce before 1 December 2011, on the results of the verification process including:

- a. the conservation values contained in areas, and the boundaries of potential reserves, from within the ENGO-nominated 572,000 hectares of High Conservation Value native forest (clause 20);
 - b. sustainable wood supply requirements (including demand and usage at the regional level) (clause 17 and 20);
 - c. available native forest and plantation volumes in both the short and longer terms (clause 20);
 - d. how much and what elements, if any, of the guaranteed wood supply would need to be met from within the areas identified in paragraph 5 above;
 - e. the details of any agreement with signatories under paragraph 8 above on options to minimise impacts on conservation values if harvesting is deemed necessary to meet guaranteed wood supply from within the areas identified in paragraph 5 above;
 - f. advice on known potential economic development opportunities and the conservation values in the areas identified in 5 above to inform government decisions on appropriate land tenure (clause 29); and
 - g. any further legislative requirements that will assist the durability of the Intergovernmental Agreement and be needed to underpin guaranteed industry supply, conservation outcomes and the transition plan required for the successful delivery of the supply and protection commitments in the IGA (clauses 10, 19 and 37).
10. Submit a final report to the Prime Minister and the Premier on or before 31 December 2011, on the results of the verification process as per the draft report above, and taking into consideration any feedback supplied by governments through the Intergovernmental Taskforce.

In accordance with clause 21 of the IGA, the Commonwealth Government will provide funding to support the verification process. Both governments will ensure timely access to all relevant data, including that held by Forestry Tasmania, to the Independent Verification Group.

Membership of the Independent Verification Group

The Group will be led by Professor Jonathan West.

Other relevant independent experts, including with expertise in geology/mineralogy, will be jointly appointed by both governments, taking into account advice from Professor West following consultation with the Reference Group of Signatories.

ATTACHMENT A

Aboriginal Land Council of Tasmania
Cooperative Research Centre for Forestry
Directly affected land owners and land managers
Forest Practices Authority
Forestry Tasmania
Furniture Industry Association of Australia Victoria/Tasmania
Institute of Foresters Australia (Tasmania Division)
Local Government Association of Tasmania
Private Forests Tasmania
Special species users
Tasmanian Aboriginal Centre
Tasmanian Aboriginal Land and Sea Council
Tasmanian Beekeepers Association
Tasmanian Chamber of Commerce and Industry
Tasmanian Conservation Trust
Tasmanian Farmers and Graziers Assn
Tasmanian Minerals Council
Tourism Industry Council Tasmania
Department of Primary Industries, Parks, Water and Environment
Department of Economic Development, Tourism and the Arts
Department of Infrastructure, Energy and Resources

Note: the above list is not exclusive, and any other relevant stakeholders may be consulted.