



The Hon. John Barilaro MP
Deputy Premier
Minister for Regional New South Wales
Minister for Industry and Trade

The Hon. Sussan Ley MP
Minister for the Environment
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister *Sussan*

I write to you on behalf of the NSW Government to share my concern about the future of Regional Forest Agreements (RFAs) following the recent Federal Court decision that an RFA did not exempt timber harvesting from further requirements under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) in all cases.

I refer to the VicForests case in which the Court found that by breaching the Victorian Code of Practice for Timber Production, contractors had not conducted operations in accordance with the Victorian Central Highlands RFA, and thus an exemption under section 38 of the EPBC Act did not apply. This has created uncertainty for forestry operators in NSW RFA areas, who rely on the three NSW long term RFAs to ensure availability of future wood supply. The RFAs facilitate forward planning and enhance the ability to set and implement long-term timber supply contracts, thereby providing supply security for industry and consumers.

Forestry and forest products form a key sector in NSW worth an estimated \$2.5 billion per annum, which in turn supports more than 22,000 jobs across NSW, many in regional areas.

NSW RFAs establish biodiversity conservation commitments in NSW. They also provide a simplified regulatory approval process and promote certainty for forest-based industries supporting the sustainable management and protection of native forests. This is because the RFAs act as an agreed form of assessment and approval for the purposes of the EPBC Act and *Export Control Act 2020*. If RFAs can no longer be relied upon as an alternate form of approval, the value of RFAs will be significantly diminished.

I would strongly urge you to pursue any necessary actions to provide certainty for the NSW RFAs and reaffirm the intentions of the Commonwealth in relation to RFAs and the EPBC Act. I would very much appreciate any assistance you could provide in progressing this as a matter of urgency.

Yours sincerely

The Hon. John Barilaro MP
Deputy Premier
Minister for Regional New South Wales
Minister for Industry and Trade

16 SEP 2020

cc. Senator the Hon. Jonathon Duniam, Assistant Minister for Forestry and Fisheries