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The Hon. Nick Bolkus
Australian Labor Party
The Senate
Parliament House
Canberra ACT 260

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Dear Senator Bolkus,

Re: Regional Forest Agreements Bill

I am the President of Lawyers For Forests, an association of legal professionals that is working to promote the conservation and better management of Victoria's remaining native forests.

We are extremely concerned at the prospect of a Regional Forest Agreements (RFA) Bill being laid before Parliament. We write to you to express our concerns, and ask that we be consulted on the form of any proposed RFA legislation.

We will be making a series of recommendations after we receive a copy of the proposed legislation.

Our concerns with the previous Bill include the following:

- The last RFA Bill was unacceptably weighted in favour of long-term resource security without providing commensurate environmental protection. Perhaps most importantly, it purported to provide resource security in the face of scientific uncertainty.
- The resource security provisions would appear to impose a dangerous limitation on the (economic) ability of the Commonwealth to respond to its international obligations. A guarantee of compensation for Commonwealth intervention seems absurd in light of our ever increasing knowledge of the importance of forests as greenhouse sinks, the effects of logging on water yields and quality, and rates of species extinctions. In particular, by passing legislation similar to the 1999 Bill, the Commonwealth will be boxing itself in on the manner in which it can deal with the flexibility mechanisms in the Kyoto Protocol.
- Further, the previous Bill did not address the problems of lack of compliance with the RFAs (and the principles behind them) from a conservation perspective. It is of the utmost importance to ensure that any RFA legislation provides proper enforcement mechanisms to guarantee environmental protection. Third parties must be able to trigger Commonwealth legislation to ensure the RFAs (and the State legislation, regulations and policies accredited by them) are being complied with. Third party standing provisions are part and parcel of modern environmental legislation.
- We are concerned by the attempt to exempt the forestry industry from ongoing environmental scrutiny.
- Finally, but importantly, if further conservation reserves were added in the future, the proposed legislation would not guarantee that any Commonwealth funds available to help with readjustment would be directed to those most affected.

We strongly urge the Australian Labor Party to reject any legislation until proper consultation has occurred.

We would be very happy to discuss the proposed legislation with you. Please contact either Juliet Forsyth (co-ordinator of our Law and Policy group) on (03) 9387 1213 or myself on 0417 318 368.

Yours sincerely,

Lucy Turner
President
Lawyers for Forests

Caveat: This letter does not endorse the current RFAs. We have grave concerns over the scientific criteria behind the RFAs, the consultation process and the outcomes of these agreements. This letter simply highlights some of the additional concerns with enacting legislation to give the RFAs legal force and provide resource security.

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