

This variation to the Tasmanian RFA was signed on 19 July 2001 by the Commonwealth and Tasmanian Governments. The text of the variation is reproduced below.

THIS AGREEMENT is made on the day of 2001
BETWEEN

THE STATE OF TASMANIA ("Tasmania" or "the State") and

THE COMMONWEALTH ("the Commonwealth")

Recitals

WHEREAS:

Purpose of Agreement

A On 8 November 1997, the Commonwealth and Tasmania ("the Parties") executed the Tasmanian Regional Forest Agreement ("the Tasmanian RFA").

B The Parties have agreed to vary the Tasmanian RFA.

NOW IT IS AGREED as follows:

1. This Agreement ("the Variation") is to be interpreted, unless the contrary intention appears, with reference to the definitions and general provisions specified in clauses 2 and 3 of the Tasmanian RFA.
2. The attached Schedule of Amendments sets out the amendments to the Tasmanian RFA.
3. This Variation will be Attachment 15 to the Tasmanian RFA.
4. The Variation may be executed in any number of counterparts, all of which taken together constitute one and the same instrument.

SIGNED by

the HONOURABLE JOHN WINSTON HOWARD MP, Prime Minister

for and on behalf of the Commonwealth of Australia

in the presence of:

SIGNED by

the HONOURABLE JIM BACON MP, Premier

for and on behalf of the State of Tasmania

in the presence of:

SCHEDULE OF AMENDMENTS TO THE TASMANIAN REGIONAL FOREST AGREEMENT

1. Omit in clause 2 under the definition of 'Formal Reserve':

"dedication or"

2. Insert at the beginning of the heading immediately above clause 9 ("Cooperation and Response to Requests"):

"Changes to the Agreement, "

3. Insert at beginning of clause 9:

"This Agreement may only be amended with the consent, in writing, of both Parties."

4. Under clause 16, omit:

"Department of the Prime Minister and Cabinet 3-5 National Circuit"

and replace with:

"Department of Agriculture, Fisheries and Forestry
Edmund Barton Building
Broughton Street"

5. Insert new clause 95:

"95. The Parties agree that:"

6. Insert new clauses (a) and (b) under clause 95.13 as follows:

"(a) A person who claims to have sustained loss or damage for which compensation is payable may lodge an initiating claim with the State.

(b) On receiving a claim, the State must make a corresponding claim for compensation to the Commonwealth. "

7. Renumber previous clauses 95.13(a) and 95.13(b) as clauses 95.13(c) and 95.13(d) respectively.

8. Renumber previous clause 95.13(c) as clause 95.13(e) and delete:

" in accordance with the Commercial Arbitration Act 1986 (Tas)".

9. Insert new clause 95.13(f) as follows:

"(f) An arbitration under this Agreement is to be conducted in accordance with the provisions of the *Commercial Arbitration Act 1986* (Tas) which are, to the extent permitted by the *Judiciary Act 1903* (Cwth) and the Commonwealth Constitution, incorporated by reference into this Agreement."

10. Under clause 95.14(c)(iv) omit and substitute with:

"(iv) the arbitrator may, in accordance with clause 95.13(f), inform himself or herself in relation to any matter in such manner as the arbitrator thinks fit; provided that if the arbitrator takes advice from any other person who is not a Party to this Agreement as to the matters in issue, the arbitrator must provide the Parties with an opportunity to:"

11. Delete clause 95.14(c)(vi).

12. Under clause 95.15 omit:

"Subject to clause 95.18 and any appeal under section 38.4 of the *Commercial Arbitration Act 1986* (Tas.)"

and substitute:

"Unless the Commonwealth appeals the decision of the arbitrator, and subject to clause 95.18, "

13. Under clause 95.18(c)(ii) omit:

" the *Commercial Arbitration Act 1986* (Tas)"

and substitute:

" clause 95.13(f)".

14. Omit clause 102(a) and renumber 102(b) and 102(c) as 102(a) and 102(b) accordingly.

15. Omit clause 103(a) and renumber 103(b) and 103(c) as 103(a) and 103(b) accordingly.

16. Insert new clauses as follows:

"104. This Agreement may be terminated with the consent of the Commonwealth and the State.

Notice of intention to review before termination by consent

105

105.1. A consent under clause 104 is of no effect, unless:

(a) it is given at least 12 months after a notice of intention to review the operation of this Agreement is published in the Commonwealth *Gazette* and a national newspaper and a newspaper circulating in Tasmania stating that a joint review is being undertaken by the Parties because they intend to terminate the Agreement by consent; and

(b) the Parties have conducted the joint review.

105.2. The joint review must consider whether the operation of the Agreement has met the goals set out in Recitals A and B.

105.3. Within 8 months after the notice of intention to review is published under this clause, and after considering any submissions to the joint review, the Parties must make a report of the review publicly available.

105.4. If, under clause 45, a 5 yearly review is to be conducted during the 12 month period after a notice of intention to review is published under this clause, and the joint review is conducted under this clause, the Parties may agree that the review under clause 45 need not be undertaken.

17. Omit in Attachment 6, clause 3, Other Formal Reserves:

"public reserve"