

## **Procedures for the management of threatened species under the forest practices system**

### **(A) Roles and responsibilities**

#### **1. Joint roles and responsibilities of the FPA and the DPIPWE**

- a. The Forest Practices Authority (FPA) and the Department of Primary Industries, Parks, Water and Environment (DPIPWE) will cooperate on the development of procedures, tools, objectives, endorsed management prescriptions and training for the management of threatened species within forests and/or threatened non-forest vegetation types at both the strategic (landscape) level and at the operational (forest practices plan) level.
- b. The FPA and the DPIPWE will liaise on any cases that may require the imposition of constraints that exceed the duty of care of landowners under the Forest Practices Code, including potential applications under Part 5 (Conservation Covenants) of the *Nature Conservation Act 2002* relating to the refusal or amendment of applications for forest practices plans for the purpose of protecting a threatened species. Where such cases proceed to a tribunal, the FPA and the DPIPWE will cooperate in providing evidence to the tribunal.

#### **2. Primary roles and responsibilities of the DPIPWE**

- a. Developing strategic plans and other strategic and operational instruments for the management of threatened species as prescribed in legislation, plans and policies for which the department is responsible, including measures that complement the contribution of actions under the forest practices system to the long term conservation and management of threatened species.
- b. Co-ordinating and participating in research and monitoring of the impacts of land use activities and other factors on the maintenance of habitat and populations of threatened species.

#### **3. Primary roles and responsibilities of the FPA**

- a. Organising and coordinating training in threatened species and the use of the planning tools for Forest Practices Officers and others involved in the forest practices plan (FPP) planning process.
- b. Assessing notifications lodged as part of the FPP planning process as required to ensure that the planned operations are in accordance with the requirements of the Forest Practices Code and associated planning procedures.
- c. Developing and providing site-specific management advice for forest practices plans where the planned operations are not covered by endorsed management prescriptions. This may involve consultation with relevant specialists within the DPIPWE and other organisations where specific expertise is required.
- d. Ensuring that provisions within forest practices plans make an effective contribution to the management of threatened species in accordance with the duty of care requirements of the Forest Practices Code.
- e. Monitoring and reporting on the standard of compliance with, and the effectiveness of, the endorsed or site-specific management prescriptions contained within forest practices plans.

- f. Undertaking investigations and taking any enforcement action that is necessary to achieve compliance with the prescriptions contained within forest practices plans, in conjunction with the DPIPWE where relevant.
- g. Collaborating with DPIPWE on, and participating in, research and monitoring priorities relating to threatened species management under the Forest Practices System.

## **(B) Procedures**

Threatened species as listed in the schedules to the *Threatened Species Protection Act 1995* will be managed under the forest practices system as follows.

### **1. Provisions of the Forest Practices Code**

The Code prescribes the approach that must be taken with respect to the conservation of flora and fauna, including the management of threatened species in accordance with the prescribed duty of care. The Code provides that threatened species must be managed in accordance with procedures agreed between the FPA and the Secretary of the department responsible for the administration of the Threatened Species Protection Act (currently the DPIPWE). This document sets out those agreed procedures.

### **2. Forest Practices Officers**

Forest Practices Officers are responsible for planning and supervising forest operations and they are therefore key personnel for the transmission of good management prescriptions to landowners and forest workers. Specialists within the FPA and DPIPWE will actively support and facilitate the continuing training of Forest Practices Officers.

### **3. Management prescriptions**

- 3.1 Management prescriptions at the operational (coupe) scale will be provided through-
  - 3.1.1 Planning Tools, and other documents jointly endorsed from time to time by the FPA and the DPIPWE in accordance with paragraph 3.3 (below).
  - 3.1.2 The FPA FPP notification process, which provides for the development of specific management prescriptions for situations that are not adequately covered by the standard management prescriptions within the planning tools, including situations where the application of standard prescriptions in planning tools would individually or collectively exceed the duty of care thresholds in the Code.
- 3.2 The planning tools will be updated on a regular basis, as new information becomes available. In addition, the planning tools should be reviewed at least every 5 years, to coincide with the 5 yearly reviews under the RFA.
- 3.3 Any new or altered planning tools relating to the management of threatened species must be endorsed by both the Board of the FPA and the Secretary responsible for the *Threatened Species Protection Act*. Before formally endorsing any new or altered planning tools, the FPA and DPIPWE will consult with, and take account of, the advice of the Forest Practices Advisory Council<sup>1</sup> and the Scientific Advisory Committee<sup>2</sup> where relevant with respect to any new or altered management prescriptions.

<sup>1</sup> established under the *Forest Practices Act 1985*

<sup>2</sup> established under the *Threatened Species Protection Act 1995*

- 3.4 New threatened species locality data (including species range boundaries) that become available to the FPA will be added to the relevant databases as soon as practical after the data are received (within 2 weeks) to ensure that the most up-to-date information is available to forest planners. Such alterations to the database do not require formal consultation and endorsement by the parties listed above. Specialists from DPIPWE will supply relevant data on forest-associated threatened species, as the data become available.

#### **4. Incorporation of management prescriptions into forest practices plans<sup>3</sup>**

- 4.1 Forest Practices Officers will consult the relevant databases and other sources of information and will undertake field assessments to determine whether an operational area contains or is likely to contain threatened species.
- 4.2 The Forest Practices Officer will consult the planning tools to determine the appropriate endorsed management prescription and will seek further specialist advice from the FPA where required by the provisions of the planning tools and where necessary to ensure that the proposed management specifications to be inserted into the forest practices plan are in accordance with the duty of care provisions of the Forest Practices Code.
- 4.3 Where a Forest Practices Officer seeks further advice for a specific operational area in accordance with the requirements of the planning tools, or where generic endorsed management prescriptions need to be adapted for a specific operational area, the FPA will determine an appropriate site-specific management prescription. The FPA will notify DPIPWE in cases where any endorsed management prescriptions have been modified in order to comply with the duty of care thresholds in the Code. The determination of an appropriate site-specific management prescription may involve consultation and negotiation with the Forest Practices Officer and the landowner and may involve field inspections or surveys. Advice will be provided within 6 weeks of notification unless further information and assessments are required, in which case the Forest Practices Officer will be advised<sup>4</sup>.
- 4.4 Once the Forest Practices Officer has obtained an endorsed or site-specific management prescription, the officer will incorporate the prescription into the Forest Practices Plan for the area. The provisions of a certified Forest Practices Plan are legally binding on all parties who operate within the area covered by the plan for the duration of the plan.

#### **5. Monitoring of compliance by Forest Practices Officers**

Compliance with the provisions of the Forest Practices Plan, including provisions that relate to threatened species, will be assessed by a Forest Practices Officer and reports on compliance will be lodged with the FPA as required under s.25A of the *Forest Practices Act*. The FPA will publish information on compliance in its Annual Report.

#### **6. Monitoring and assessment of compliance by the FPA**

The FPA will assess the standard of planning and the degree of compliance with the implementation of the Code and Forest Practices Plan, including those that relate to threatened species as part of its assessment and enforcement functions under s.4E and

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<sup>3</sup> See attached flow diagram for a summary of the implementation process

<sup>4</sup> Note that under s.19(2) of the Forest Practices Act the FPA must certify, amend or refuse a forest practices plan within 28 days of receiving the application except where the FPA has requested further particulars. Where an applicant does not agree to the provision of further particulars and the FPA as a consequence refuses or amends the application, the applicant may appeal to the Forest Practices Tribunal

s.4G of the *Forest Practices Act*. Results will be published in the FPA's Annual Report, as required under s.4X of the *Forest Practices Act*. Appropriate action will be taken with respect to instances of poor planning, or failure to comply with the prescriptions within a plan, in accordance with the provisions of the *Forest Practices Act*. Potential breaches of the *Threatened Species Protection Act* will be reported to DPIPWE as soon as practicable.

#### **7. Monitoring the effectiveness of prescriptions**

The FPA in association with the DPIPWE will monitor the effectiveness of management prescriptions through a coordinated approach to monitoring and research.

#### **8. Research**

The FPA and the DPIPWE will consult with landowners and other stakeholders to determine the priorities for research into the ecology and management requirements of threatened species. Both bodies will coordinate an approach to promote appropriate levels of funding from all available sources.


#### **9. Review of these procedures**

The FPA and the DPIPWE will jointly review and report on the implementation and effectiveness of these procedures annually. A report will also be provided as part of the five yearly report to parliament pursuant to s.4ZA of the *Forest Practices Act*.

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These procedures are agreed for the purposes of section D3.3 of the Forest Practices Code:

**1. By the Forest Practices Authority, as the statutory authority responsible for the administration of the *Forest Practices Act***



**Professor Gordon Duff**  
**Chairperson**  
Date: 14/3/14.

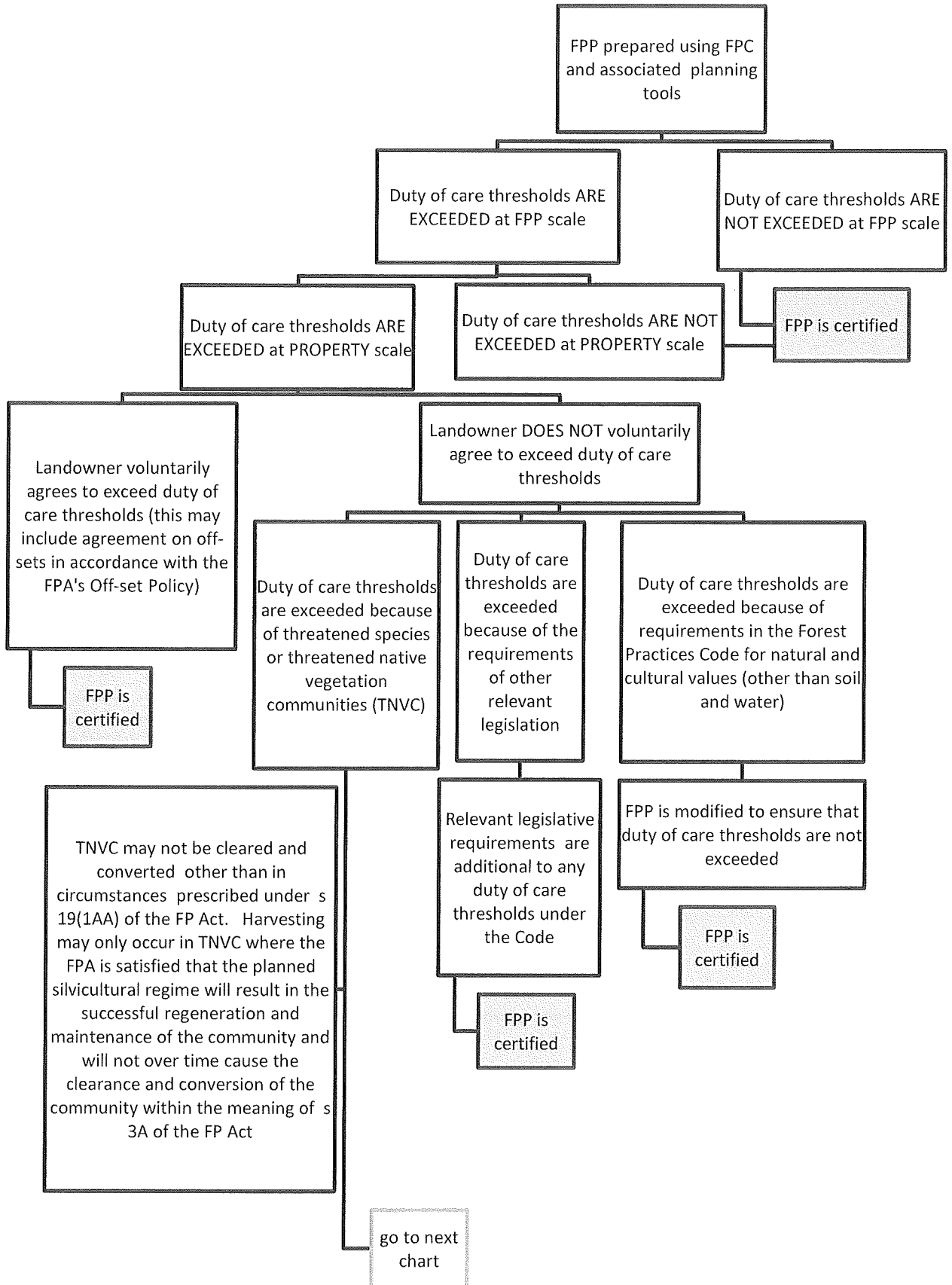
**2. By the Department of Primary Industries, Parks, Water and Environment as the department responsible for the administration of the *Threatened Species Protection Act 1995***

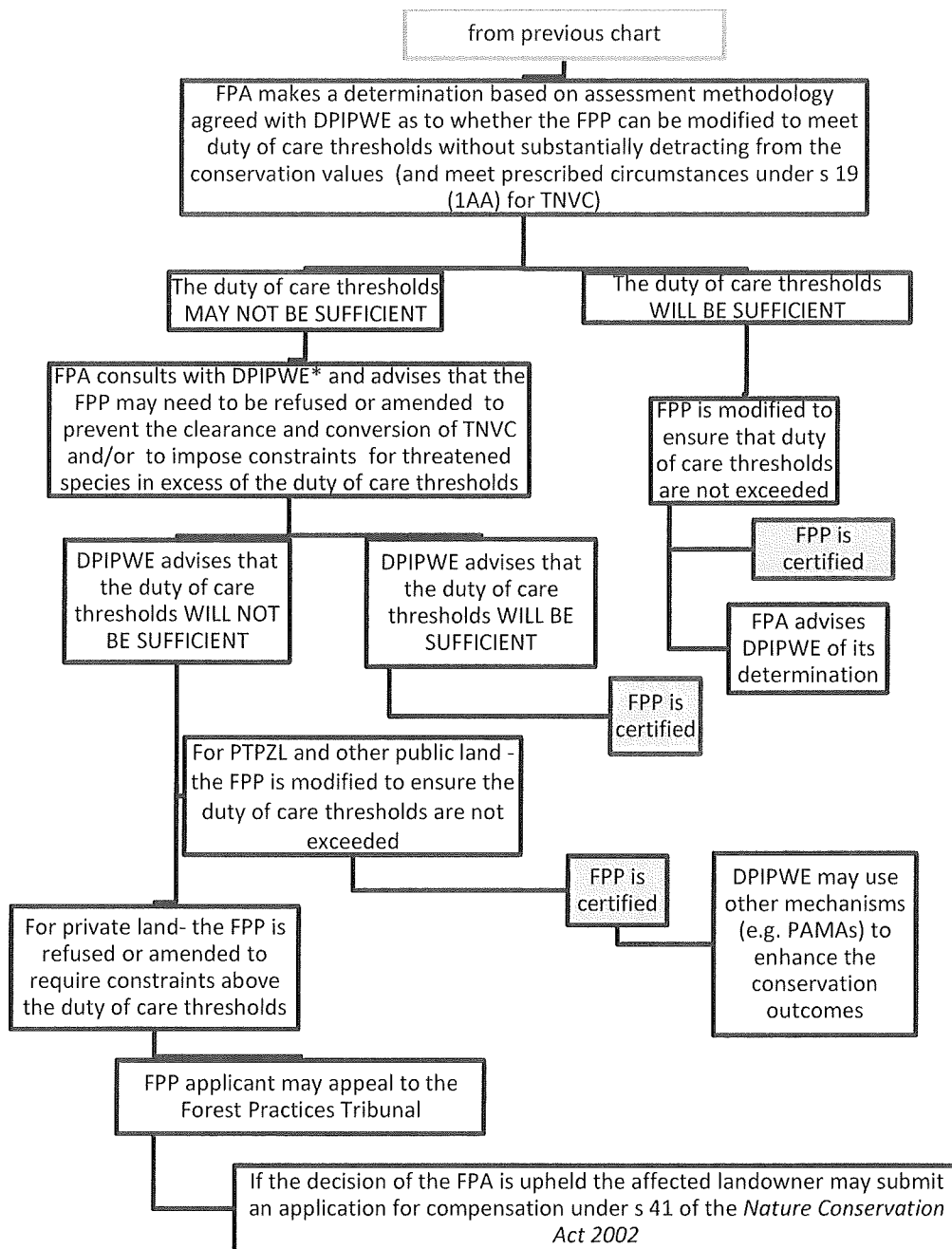


**Kim Evans**  
**Secretary**  
Date: 7/3/14

(TRIM file 2014/052295)

**Flowchart: The application of the duty of care thresholds in the Forest Practices Code**





\*NOTE: any reference to DPIPWE providing formal advice to the FPA in relation to the application of Duty of Care means the Secretary of Department administering the *Threatened Species Protection Act 1995* is to provide that advice.