Procedures for the management of Threatened Species and Relevant Protected Matters under the forest practices system "Agreed Procedures"

1. Status and Purpose

These Procedures are an administrative arrangement between the Forest Practices Authority (FPA) and the Department of Natural Resources and Environment Tasmania (NRE Tas) that describe how each agency will exercise its existing functions in relation to Threatened Species and Relevant Protected Matters under the forest practices system. They do not confer new statutory functions or alter existing statutory functions of the FPA or NRE Tas.

The standards and tests that apply to Relevant Protected Matters, including adequate assessment of impacts, application of the mitigation hierarchy, Unacceptable Impacts, Residual Significant Impacts and net gain, are established in Part D4A of the Forest Practices Code. Decisions on Forest Practices Plans (FPPs) are made by the FPA, or Forest Practices Officers (FPOs) acting under delegation, and the FPA remains responsible for those decisions and their consequences.

NRE Tas provides advice within its responsibilities under the *Threatened Species Protection Act 1995* and the *Nature Conservation (Wildlife) Regulations 2021*. Where a Relevant Protected Matter is also a threatened species listed under the *Threatened Species Protection Act 1995*, NRE Tas's advice on that species is taken into account through the processes established by these Procedures.

For Relevant Protected Matters that are not listed under State legislation, the FPA is responsible for assessment and decision-making. NRE Tas has no statutory role or obligation in relation to those matters. The FPA may nevertheless seek advice from NRE Tas, which NRE Tas may provide subject to capacity and expertise, or may seek advice from the Australian Government or other suitably qualified specialists.

These Procedures do not create obligations of NRE Tas to the Australian Government and do not affect the operation of section 51(3) of the *Threatened Species Protection Act 1995*, the Secretary's discretion to require a permit, or NRE Tas's functions under the *Nature Conservation (Wildlife) Regulations 2021.*

The purpose of the Procedures for the management of Threatened Species and Relevant Protected Matters under the forest practices system is to:

A. Facilitate the function of s.51(3) of the *Threatened Species Protection Act 1995* (TSP Act) and Regulation 16 of the *Nature Conservation (Wildlife) Regulations 2021* (the Regulations), and

B. Support the requirements for Relevant Protected Matters specified in s. D4A of the Forest Practices Code (the Code).

C. Support the State in meeting its obligations to the Listed Species and Communities as set out in the Tasmanian Regional Forest Agreement (clause 32).

1.1 *Threatened Species Protection Act 1995* and *Nature Conservation (Wildlife) Regulations 2021*

Section 51(3) of the TSP Act states 'A person acting in accordance with a certified forest practices plan or a public authority management agreement may take, without a

permit, a specimen of a listed taxon of flora or fauna, unless the Secretary, by notice in writing, requires the person to obtain a permit.'

Under the TSP Act, a threatened species means a taxon of flora or fauna that is listed in Schedule 3, 4 or 5 of the TSP Act and to 'take' includes kill, injure, catch, damage, destroy and collect.

Similarly, regulation 16 of the *Nature Conservation (Wildlife) Regulations 2021* requires a licence or permit for the taking or possession of specially protected wildlife or products of specially protected wildlife. However, this requirement does not apply where a person is acting in accordance with a certified FPP or a Public Authority Management Agreement. Specially protected wildlife comprises the species listed in Schedule 5 of the Regulations.

1.2 Forest Practices Code

Under the Tasmanian forest practices system, FPPs are developed in accordance with the provisions of the Code, which prescribes the approach that must be taken with respect to the conservation of natural and cultural values, including the management of relevant threatened species listed on schedules of the TSP Act (Part D4.4) ('Threatened Species') and relevant Matters of National Environmental Significance (Part D4A), being threatened species, threatened ecological communities and migratory species ('Relevant Protected Matters').

The Code prescribes that Threatened Species and Relevant Protected Matters will be managed in accordance with Procedures Agreed for the Management of Threatened Species and Relevant Protected Matters under the forest practices system, termed 'Agreed Procedures'.

1.3 Tasmanian Regional Forest Agreement

These Procedures support the State in meeting its commitments under clause 32 of the Tasmanian Regional Forest Agreement by contributing to the maintenance, application and continuous improvement of planning tools and management prescriptions for Listed Species and Communities. Through cooperation between the FPA and NRE Tas, the Procedures support the use of best available information, the management of impacts and disturbance, transparency of management arrangements, and ongoing monitoring and reporting on the effectiveness of measures designed to conserve Listed Species and Communities within Tasmania's forest estate.

2. Agreed Procedures

2.1 Responsibilities

The functions and responsibilities for the management of Threatened Species and Relevant Protected Matters under the forest practices system are set out in Section 3 of the Agreed Procedures.

The FPA is responsible for the assessment, decision-making, community engagement, operational implementation, monitoring, compliance, regulation and regulatory assurance functions required for the management of Threatened Species and Relevant Protected Matters under the forest practices system.

NRE Tas provides scientific, strategic and statutory expertise in relation to Threatened Species management. NRE Tas contributes to the FPA's development, review and continuous improvement of management instruments, planning tools and

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management actions, and participates in governance, monitoring and adaptive management processes that support the effective operation of the forest practices system.

In performing their respective functions, the FPA and NRE Tas work collaboratively to ensure that Threatened Species and Relevant Protected Matters are managed in a manner that supports the objectives of the forest practices system.

2.2 Structure

The Procedures are in three parts:

Section 3 - This section outlines the respective and shared functions of FPA and NRE Tas and explains how those functions are exercised within the purpose, status and operation of the Agreed Procedures.

Section 4 - The procedure for the development and review of management instruments and planning tools for Threatened Species and Relevant Protected Matters.

Section 5 – The advice and escalation process by which Threatened Species and Relevant Protected Matters are taken into consideration in the development and implementation of a FPP.

2.3 Definitions

Biodiversity Evaluation Sheet means the FPA's biodiversity assessment and decision-support document used to identify, assess and document biodiversity values and potential impacts associated with a proposed FPP, and to record the management prescriptions, conditions and other measures required to address those values.

Conservation planning documents include recovery plans, threat abatement plans, protection statements, approved conservation advice, designated environmental instruments, bioregional guidance plans, and rulings under the EPBC Act.

Community engagement is a documented process that establishes how stakeholders and the community will be informed, consulted and provided opportunities to contribute to the development and revision of management instruments and Planning tools for Relevant Protected Matters.

Critical Habitat for a Relevant Protected Matter is habitat necessary for one or more of the following:

- activities such as foraging, breeding, roosting or dispersal;
- the long - term maintenance of the species or ecological community (including maintenance essential to its survival);
- the maintenance of genetic diversity and long - term evolutionary development;
- the reintroduction of populations or the recovery of the species or ecological community.

and includes habitat listed on the Register of critical habitat under the EPBC Act.

Duty of Care is the contribution of forest owners to the conservation of environmental and social values and the sustainable management of Tasmania's forests, as required under Part D of the Code.

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Forest Planner is a suitably qualified person responsible for preparing and supporting the development of FPPs, including the identification and management of environmental, operational and regulatory requirements.

Forest Practices Code (the Code) is the legally enforceable code made under the *Forest Practices Act 1985* that prescribes the standards and requirements for the planning, conduct and management of forest practices in Tasmania.

Forest Practices Officer (FPO) is a person accredited by the FPA to undertake specified functions under the *Forest Practices Act 1985*, including the preparation, supervision and certification of forest practices.

Forest Practices Plan (FPP) is a statutory operational plan prepared and certified under the *Forest Practices Act 1985* that specifies how a forest operation will be conducted in compliance with legislative, environmental and management requirements.

Impact on a Relevant Protected Matter is an event or circumstance that is

- a direct consequence of the forest operation; or
- an indirect consequence where the forest operation is a substantial cause of the event or circumstance.

For an indirect consequence that results from another person's action, a forest operation is a substantial cause only where that action is facilitated to a major extent by the forest operation and both the action and the consequence are within the contemplation of the person conducting the forest operation or are reasonably foreseeable.

Irreplaceable Habitat

Habitat for a Relevant Protected Matter that is irreplaceable for a species or ecological community if, whether biologically, physically or technically, it is impossible to reverse damage to the habitat, or impossible to restore, recreate or replace the habitat:

(a) in a relevant timeframe and location; and

(b) with the function (including the complexity and scale) necessary to support the viability of the species or community.

Management instruments are the tools, systems, and mechanisms used to plan, implement, monitor, and control forest management activities.

Planning tools are the delivery mechanism for management instruments and may include, but are not limited to, decision support systems (e.g. Threatened Species Advisor), technical notes and survey guidelines.

Relevant international obligations include the following as defined in the EPBC Act:

- Australia's obligations under:
    - the Biodiversity Convention;
    - the Apia Convention;
    - CITES; and
- The Australian Government's obligations under whichever of the following conventions or agreements because of which the species is listed:
    - the Bonn Convention;
    - CAMBA;
    - JAMBA; and

- an international agreement approved under subsection 209(4) of the EPBC Act.

Relevant Protected Matters are the following Matters of National Environmental Significance (MNES), as listed from time to time under the EPBC Act:

- Nationally listed threatened species
- Nationally listed threatened ecological communities
- Nationally listed migratory species.

Residual Significant Impact
An impact that a forest operation will have or is likely to have on a Relevant Protected Matter is a ***Residual Significant Impact*** on the matter if all of the following apply:
(a) the impact is significant;
(b) the impact will not be avoided, mitigated or repaired in the course of taking the forest practice;
(c) the impact will not be avoided, mitigated or repaired in the course of complying with management measures in the FPP.

Seriously impair A significant impact of an action on a Relevant Protected Matter seriously impairs something if, compared to the action not being taken, the impact results in an impairment or alteration of the thing that is of a severe nature and extent (having regard to the nature, intensity, duration, magnitude, geographic extent and context of the impact).

Significant Impact is an impact on a Relevant Protected Matter which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.

Suitably qualified means possessing relevant training, experience, knowledge and competency appropriate to the nature, scale and complexity of the task or activity being undertaken.

Threatened Species means a taxon of flora or fauna that is listed in Schedule 3, 4 or 5 of the *Threatened Species Protection Act 1995*.

Unacceptable Impact means an impact on a Relevant Protected Matter that meets the criteria prescribed for an Unacceptable Impact under the *Environment Protection and Biodiversity Conservation Act 1999*, having regard to the category of Relevant Protected Matter affected as per the following table.

Matter Protected	Unacceptable Impact
A listed threatened species in the extinct in the wild category	A significant impact that seriously impairs the viability of the listed threatened species.
A listed threatened species in the critically endangered, endangered and vulnerable categories	A significant impact that: (a) seriously impairs the viability of the listed threatened species; or (b) causes serious damage to critical habitat of the listed threatened species where the habitat is irreplaceable and necessary for the listed threatened

	species to remain viable in the wild.
A listed threatened ecological community	A significant impact that: (a) seriously impairs the viability of the listed threatened ecological community; or (b) causes serious damage to critical habitat of the listed threatened ecological community where the habitat is irreplaceable and necessary for the listed threatened ecological community to remain viable in the wild.
A listed migratory species	A significant impact that: (a) seriously impairs the viability of the listed migratory species; or (b) causes serious damage to habitat of the listed migratory species where the habitat is irreplaceable and necessary for the listed threatened migratory to remain viable in the wild.

3. Functions

3.1 Joint functions of the FPA and NRE Tas

The FPA and NRE Tas have the following joint functions:

3.1.1 Regular review and updating of the list of species potentially impacted by activities regulated under the forest practices system to reflect changes in relevant conservation status and statutory listings, including new listings, delistings and amendments to listed taxa.

3.1.2 Development and review of management instruments and planning tools for Threatened Species for activities covered by the forest practices system as detailed in Section 4.1 of the Agreed Procedures, including consideration of feedback from community engagement on a Relevant Protected Matter where the feedback is material to a Threatened Species.

3.1.3 Development and implementation of training programs for identification and management of Threatened Species and their habitats.

3.1.4 Consult on proposed FPPs for the purposes of advice from NRE Tas, to the extent of NRE Tas expertise and capacity, where there is no agreed management instrument or planning tool for a Threatened Species or Relevant Protected Matter, where the agreed management cannot be applied or where there is uncertainty regarding the likelihood, extent or significance of impacts and the FPA does not hold the specialist expertise necessary to undertake the assessment.

3.1.5 Consult on FPPs for the purposes of advice from NRE Tas that may require implementation of management actions for Threatened Species that exceed the prescribed Duty of Care under the Code.

3.1.6 Collaborate in, facilitate and/or participate in the identification and implementation of research and monitoring priorities relating to Threatened Species and, where NRE Tas has relevant expertise, Relevant Protected Matters managed under the forest practices system.

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3.1.7 Participating in reviews of these Agreed Procedures.

3.2 Primary functions of NRE Tas

In addition to the joint functions above, NRE Tas has the following primary roles:

3.2.1 Administering the TSP Act and the *Nature Conservation Act 2002* and their associated Regulations.

3.2.2 Developing strategic plans and other strategic and operational instruments for the management of Threatened Species as prescribed in legislation, plans, and policies for which NRE Tas is responsible.

3.2.3 Provision of advice to the FPA that is consistent with the Objectives of the Threatened Species Protection System as set out in Schedule 1 (Part 2) of the TSP Act.

3.2.4 Regulating the taking of Threatened Species in circumstances where the Secretary requires a permit in addition to an FPP under s.51(3) of the TSP Act.

3.2.5 Regulating the taking or possession of specially protected wildlife where the *Nature Conservation (Wildlife) Regulations 2021* requires a licence or permit in addition to an FPP under regulation 16.

3.3 Primary functions of the FPA

In addition to the joint functions above, the FPA has the following primary functions:

3.3.1 Administering the *Forest Practices Act 1985* and the *Forest Practices Regulations 2017*.

3.3.2 Maintaining and updating a list of Threatened Species and Relevant Protected Matters relevant to the forest practices system, including changes made to State and Australian Government statutory listings from time to time.

3.3.3 Maintaining and updating Biodiversity Evaluation Sheets and other relevant management instruments, planning tools and planning documents used within the forest practices system to support the implementation of Part D4 and D4A of the Forest Practices Code.

3.3.4 Maintaining the Biodiversity Evaluation Sheets (or equivalent) in a form that contributes to the Impact Assessment Report requirement under Part D4A of the Code for Relevant Protected Matters.

3.3.5 Maintaining an accessible register, or equivalent record, of the date each management instrument and planning tool was made or varied.

3.3.6 Development and review of management instruments and planning tools for Relevant Protected Matters that are not Threatened Species.

3.3.7 Coordinating and conducting community engagement for management instruments and planning tools for Relevant Protected Matters following the community engagement process in Appendix 1.

3.3.8 Provision of specialist advice to FPOs and Forest Planners on Threatened Species and Relevant Protected Matters.

3.3.9 Organising and coordinating training on habitat identification, management and the use of the planning tools for Threatened Species and Relevant Protected Matters for FPOs and others involved in the FPP planning process.

3.3.10 Developing and delivering training to support the preparation, assessment and review of impact assessment reports and other assessment requirements under Part D4A of the Code.

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3.3.11 Responding to requests for advice on planned operations (lodged as part of the FPP planning process) to clarify the requirements of the Forest Practices Code, management instruments and planning tools.

3.3.12 Developing and providing site-specific management advice for Relevant Protected Matters that is not inconsistent with relevant international obligations and conservation planning documents, where the management instrument or planning tool is either:

- unavailable,
- requires updates, or
- is otherwise insufficient to meet the relevant Forest Practices Code requirements.

This may involve consultation with relevant specialists in other organisations, or individuals where specific expertise is required. This also may require consultation with NRE Tas in accordance with Section 3.1 of the Agreed Procedures where the Relevant Protected Matter is also a Threatened Species.

3.3.13 Conducting implementation and effectiveness monitoring to assess whether management actions for Threatened Species and Relevant Protected Matters within FPPs are:

- being applied to an acceptable standard,
- making an effective contribution to the management of Threatened Species and Relevant Protected Matters, and
- a commensurate response in relation to level of risk being mitigated.

3.3.14 Undertaking investigations and taking necessary enforcement actions to assist with compliance with the management recommendations contained within FPPs or where Threatened Species or Relevant Protected Matters have been impacted by unauthorised forest practices.

3.3.15 In addition, the Board of the FPA is responsible for reviewing current Management instruments and Planning tool for Relevant Protected Matters or adopting new or amended Management instruments and Planning tools for Relevant Protected Matters made in accordance with the standards set out in Part D4A of the Code.

4. Procedure for the development and review of management instruments and associated planning tools

General requirements

4.1 Management instruments will be developed for Threatened Species and Relevant Protected Matters and delivered or supported by planning tools.

4.2 The development and review of management instruments and planning tools are undertaken jointly by the FPA and NRE Tas.

4.3 The management instruments and planning tools will be reviewed on a regular basis and as new information becomes available. New information about a Threatened Species and Relevant Protected Matter includes, but is not limited to, newly listed species, a change in conservation status, a change in species range, or new relevant behavioural, ecological, or biological information about a species.

4.4 Management instruments and planning tools will include the date which they

were made or varied.

4.5 The process for review and development of management for Threatened Species and Relevant Protected Matters will be supported by the Threatened Species Management Group (TSMG)[1] .

4.6 In the development and review of management instruments and planning tools, the TSMG will

4.6.1 Consider the distribution, conservation status and ecology of the Threatened Species or Relevant Protected Matter, including published and unpublished information and specialist opinion where relevant. This may include, but is not limited to, scientific papers, species records, and State or Commonwealth conservation planning documents.

4.6.2 Use information that is contemporary, scientifically credible, and proportionate to risk[2].

4.6.3 Consider the likelihood and potential for activities under the forest practices system to impact on the Threatened Species or Relevant Protected Matters.

4.6.4 Take account of requirements of relevant Listing Statements, Recovery Plans, Statutory Conservation Planning Documents and other published guidance relating to the conservation and management of Threatened Species.

4.7 The FPA and NRE Tas will liaise on proposed new or amended management instruments for Threatened Species and Relevant Protected Matters, to the extent of NRE Tas responsibility, expertise and capacity, and make best endeavours to reach an agreed position.

4.8 Before formally accepting any new or materially altered management instruments or planning tools the FPA and NRE Tas will consult with, and take account of, the advice of the Forest Practices Advisory Council, and the Threatened Species Scientific Advisory Committee where relevant.

4.9 Before formally accepting any new or materially altered management instruments or planning tools the FPA and NRE Tas will take account of, the advice of the Forest Practices Advisory Council, and the Threatened Species Scientific Advisory Committee where relevant.

4.10 The final decision on adoption or amendment of the management approach and any associated planning tools is made by the Board of the FPA, or it's delegate, who must take account of advice from the Secretary of NRE Tas, the Forest Practices Advisory Council, and the Threatened Species Scientific Advisory Committee where relevant.

4.11 Management approaches and advice on Threatened Species and Relevant Protected Matters will be delivered through publicly available planning tools and through the provision of specialist advice from the FPA.

Additional requirements for Relevant Protected Matters

4.12 In developing and reviewing management instruments and planning tools for Relevant Protected Matters, the FPA, with input from NRE Tas to the extent of its relevant expertise and functions, will:

4.12.1 Ensure management instruments and planning tools are not inconsistent with Conservation Planning Documents and relevant

[1] The group consists of representatives from the FPA Biodiversity Program and the Department of NRE Tas. The TSMG is responsible for reviewing any new or altered planning tools and/or management actions relating to the management of Threatened Species under the forest practices system and providing advice to the Board of the FPA and the Secretary responsible for the *Threatened Species Protection Act 1995*.

[2] The amount, quality, specificity and effort involved in collecting information should be commensurate with the likelihood, scale and consequences of potential impacts on Threatened Species and Relevant Protected Matters.

international obligations in accordance with Part D4A of the Forest Practices Code.

4.12.2 Consider the requirements of Part D4A of the Forest Practices Code, including the assessment of Significant Impacts, Unacceptable Impacts and Residual Significant Impacts.

4.12.3 Apply the mitigation hierarchy, with the objective of adopting all reasonably practicable avoidance, mitigation and, where relevant, repair measures, in accordance with Part D4A of the Code.

4.12.4 Develop management approaches, within management instruments or planning tools, that seek to prevent Unacceptable Impacts and minimise the risk of Significant Impacts on Relevant Protected Matters.

4.12.5 Ensure that management responses and prescriptions are proportionate to the level of risk posed to the Relevant Protected Matter.

4.12.6 Support the implementation of management arrangements that contribute to the conservation of Relevant Protected Matters within the forest practices system.

4.12.7 Document the basis for management approaches, prescriptions and planning tools in a format suitable for stakeholder and community engagement in accordance with Appendix 1.

4.13 Before formally adopting a new or amended management instrument or planning tool, the Board of the FPA must be satisfied that the relevant standards in Part D4A of the Code have been met.

4.14 The FPA will ensure that the date the management instrument or planning tool was developed or updated is included on the instrument and tool to support consideration of its currency and relevancy under Part D4A.4 of the Code.

4.15 The FPA will ensure that any Conservation Planning Documents not yet incorporated into management instruments or tools will be identified to support compliance with Part D4A.6 of the Code.

5 Advice and escalation procedures for the development of an FPP

General requirements

5.1 FPA will consult with NRE Tas on cases where:

5.1.1 The site-specific management for a Threatened Species exceeds the prescribed Duty of Care under the Code and the FPP applicant does not agree to voluntarily implement the management actions. Specifically, in these cases, the FPA will seek a response from NRE Tas on whether the proposed management approach for the Threatened Species in the FPP can be modified to meet the Duty of Care thresholds without substantially detracting from the conservation values, or

5.1.2 Site-specific management advice involves modifying the management actions in a manner that does not meet the same intent as the endorsed management approach.

5.2 FPA and NRE Tas officers will escalate a matter to the FPA Board and the NRE Tas Secretary in cases where an FPP application has been received, or is likely to be received, by the FPA and involves a Threatened Species where:

5.2.1 Agreement cannot be reached between the officers on site-specific management, or

5.2.2 The agreed site-specific management advice will exceed the Duty of

Care and is not voluntarily agreed by the landowner or land-manager.

5.3 Before making a decision under section 19 of the *Forest Practices Act 1985*, FPA must take account of advice from NRE Tas.

Additional requirements for Relevant Protected Matters:

5.4 A management recommendation or site-specific management recommendation must not be modified to meet Duty of Care thresholds where such modification would be likely to result in an Unacceptable Impact on a Relevant Protected Matter.

5.5 Where a proposed forestry operation may result in an Unacceptable Impact on a Relevant Protected Matter, the FPA may seek advice from NRE Tas, to the extent of its relevant expertise, regarding options to avoid the impact before a certification decision is made.

5.6 Where a Residual Significant Impact to a Relevant Protected Matter remains after application of the mitigation hierarchy, the FPA may seek advice from NRE Tas, to the extent of its relevant expertise and functions, on proposed offsets in accordance with Part D4A of the Forest Practices Code and the Forest Practices Offset Policy.

6 Monitoring, research, and review

6.1 The FPA will assess the standard of planning and impact assessments, and the degree of compliance with the implementation of the Code relating to Threatened Species and Relevant Protected Matters.

6.2 The FPA will report to NRE Tas and DCCEEW as soon as practicable any serious breaches of the *Forest Practices Act 1985* that result in harm to Threatened Species or Relevant Protected Matters.

6.3 The FPA will monitor the implementation of management instruments and planning tools. Results from monitoring and research will be taken into account through the process of review of planning tools and management actions outlined in Section 4.1 of these procedures.

6.4 The FPA will consult with stakeholders and seek advice from NRE Tas to determine their priorities for research into the ecology and management requirements of Threatened Species and Relevant Protected Matters potentially impacted by forest practices.

6.5 The FPA and NRE Tas will jointly review and report annually on the implementation and effectiveness of the Agreed Procedures as they relate to Threatened Species.

6.6 The FPA will report on the Agreed Procedures as they relate to Relevant Protected Matters, with input from NRE Tas to the extent of its capacity and relevant expertise.

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Appendix 1

Community engagement on management instruments and planning tools for Relevant Protected Matters

Purpose

This Appendix sets out how the FPA engages the community on management instruments and planning tools for Relevant Protected Matters.

When engagement is required

1. Prior to adopting a management instrument or planning tool for a Relevant Protected Matter, the FPA will undertake community engagement on:
   (a) new management instruments or planning tools, or
   (b) material amendment[3] to a management instrument or planning tool.
2. Where an interim Management instrument or Planning tool is urgently required to protect or manage a Relevant Protected Matter, such as following a new listing or the emergence of information about a significant threat, the FPA may adopt the instrument or tool before undertaking community engagement. In such circumstances, the FPA will:
   a. Include a note, title or flag on the instrument or tool that is yet to be consulted on; and
   b. conduct community engagement as soon as reasonably practicable and will review the instrument or tool having regard to any submissions received.

Engagement plan

The FPA will prepare and publish an engagement plan that identifies:

(a) the Relevant Protected Matter,

(b) the type of forestry operation and type of impact to which the management instrument applies,

(c) the form of management instrument being considered,

(d) the proposed management actions or requirements,

(e) the draft management instrument or planning tool,

(f) the decision to be made, who will make it and the expected timeframe,

(h) how and when to make a submission, including the methods available and how submissions will be considered,

(i) the affected persons and stakeholders to be engaged, including forest owners and managers, environmental and community groups, Aboriginal people and organisations, and relevant councils, and

(j) how the results of engagement will be reported.

[3] A material change is a change to a Management Instrument or Planning Tool that is reasonably likely to affect the level of protection, the risks posed by an activity, the likelihood of achieving intended conservation outcomes or is reasonably likely to have an economic or logistical impact on industry or the assessment or management of impacts on Relevant Protected Matters

Engagement process

The FPA will:

(a) publish the engagement plan and the draft management instrument or planning tool,

(b) provide a minimum of 21 days for submissions,

(d) offer two-way dialogue, such as briefings, meetings or site visits, with affected persons and stakeholders where reasonably practicable,

(e) accept submissions online and in writing, with phone or in-person options where appropriate, and take reasonable steps to help people facing barriers to participation, including culturally and linguistically diverse people, and

(f) respond to reasonable queries about the engagement within reasonable timeframe.

Considering submissions

The FPA will consider all submissions received, and may consult with experts, specialists, land managers or any other relevant person or body.

The FPA will consider whether information received through submissions warrants changes to:

(a) the proposed management instrument or planning tool,

(b) proposed management actions, or

(c) assessment requirements articulated in the management instrument or planning tool applying to the Relevant Protected Matter.

Decision making

Before a management instrument or planning tool is adopted by the Board of the FPA, the Board will consider:

(a) a summary of submissions received,

(b) key issues raised,

(c) how relevant submissions were considered, and

(d) any changes made to the management instrument or planning tool in response to submissions.

Privacy and sensitive information

The FPA must manage personal information collected through engagement in accordance with the *Personal Information Protection Act 2004* and the privacy requirements of the Community Engagement Protocol. Personal information must not be published without consent, and sensitive information, such as threatened species locations and Aboriginal cultural information, must be protected in accordance with the Data and Information Protocol.

Matters that are also threatened species

Where a Relevant Protected Matter is also a threatened species, the FPA will undertake the engagement with NRE Tas support, so far as their expertise and capacity allows.

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