DRAFT FOREST PRACTICES SYSTEM COMMUNITY ENGAGEMENT PROTOCOL

1. CONTEXT

- Engagement on Tasmania's forest practices system occurs at three levels:
    - Management instruments – engagement on the development and review of management instruments and planning tools under the Agreed Procedures for the Management of Threatened Species and Relevant Protected Matters under the Forest Practices System, where the community can contribute to how Relevant Protected Matters are identified, assessed and managed across forestry operations.
    - General operational notification – the notification of neighbours and councils under section A3.2 of the Forest Practices Code (the Code), which continues to apply.
    - Forest Practices Plan (FPP) level – engagement under this Protocol, which gives the community an opportunity to comment on the impacts of a specific proposal on Relevant Protect Matters, informed by site-specific circumstances, the design of the operation and any new information that was not available when the management instruments and planning tools were developed.

2. PURPOSE

- The Protocol sets out how community engagement is undertaken on FPPs to which Part D4A of the Code applies.

3. APPLICATION

- This Protocol applies to every application for certification of a FPP, or for approval of a relevant variation to a certified FPP, to which Part D4A of the Code applies.
- For a relevant variation, engagement is on the changes proposed. This Protocol does not apply to variations that do not alter or involve significant impacts on Relevant Protected Matters.

4. OUTCOMES

- Engagement under this Protocol is intended to achieve the following outcomes:
    - the community has an opportunity to comment on each proposal and its impacts on Relevant Protected Matters before a certification decision is made, and where appropriate submissions can influence the final FPP proposal and certification decision;
    - information provided through engagement, including new information about Relevant Protected Matters, is considered and, where appropriate, reflected in the FPP (including any required offset proposals) and Impact Assessment Report;
    - engagement is planned, transparent, accessible and documented;
    - a record of how submissions were considered is made publicly available in an engagement record; and

- engagement contributes to increased confidence, trust and accountability in certification decisions made on proposals to which Part D4A of the Code applies.

5. DEFINITIONS

- The terms certification decision, management measures, Relevant Protected Matter, relevant variation, Residual Significant Impact, forestry operation, Impact Assessment Report, Unacceptable Impact and other terms defined in Part D4A of the Code have the same meaning in this Protocol.
- **Affected persons –** persons whose activities, functions or usage rights are located within or adjacent to the proposed site, or who are, or are likely to be, directly affected by the proposed forestry operation.
- **Applicant –** the person applying for certification of a FPP, or for approval of a relevant variation.
- **Application –** an application for certification of a FPP, or for approval of a relevant variation to a certified FPP, to which this Protocol applies.
- **Certifier –** the Forest Practices Authority (FPA) or a Forest Practices Officer or other person acting under a delegation from the FPA to certify or vary an FPP.
- **Engagement –** planned consultation in which an applicant seeks input or feedback from the public to inform a proposed forestry operation.
- **Engagement record –** a record prepared by the applicant that summarises the submissions received, explains how submissions were considered and whether and how the FPP (including any required offset proposals) and Impact Assessment Report was changed in response, and records any additional engagement determined to be required under this Protocol.
- **Personal information –** includes any information that identifies an individual, such as name, residential or postal address, email address, date of birth, and gender.
- **Proposal –** the draft FPP and associated maps (including any required offset proposals) or, for a relevant variation, the proposed variation (including the changed provisions and associated maps), together with the draft Impact Assessment Report.

6. PROCESS FOR ENGAGEMENT

The proposal

- Before making an Application, the applicant must make the proposal publicly available through the FPA engagement portal, including:
    - the draft FPP proposal, including any required offset proposals; and

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  - the draft Impact Assessment Report, including a plain English summary of the potential impacts on Relevant Protected Matters and the proposed management measures.

- The FPA will ensure the FPP proposal is published together with general information that applies to all proposals, including:
  - the purpose of engagement under this Protocol;
  - how data and research are used in planning, including the management instruments and planning tools applied;
  - the level of influence the community can have;
  - how and when to make a submission;
  - how engagement is made inclusive and accessible; and
  - how the results of engagement will be reported.
- The proposal must be available for submissions for a reasonable period of no less than 10 business days.
- The FPA will not publish information where publication is prohibited by Tasmanian law, including personal information, confidential information, Aboriginal cultural information, or information that would reveal the precise location of sensitive species, cultural sites or other sensitive environmental values. Where necessary, information may be redacted or summarised before publication.

Notification and affected persons

- Persons and organisations may register with the FPA to be notified when proposals are published. Registered persons and organisations will be notified directly, in addition to publication on the FPA engagement portal.
- The applicant must take reasonable steps to notify affected persons directly that the proposal has been published and invite them to comment. Notification may be undertaken directly by the applicant or through mechanisms provided by the FPA.

Submissions and changes to the proposal

- Submissions must be made to the FPA, which will collate them and provide all submissions to the applicant. A person making a submission may ask for their identifying information to be removed before it is provided to the applicant.
- The applicant must consider all submissions and, where appropriate, amend the proposal in response.
- The FPA may provide guidance materials to assist applicants in considering submissions and preparing a response to issues raised during the community engagement process.

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- Engagement may show that the Impact Assessment Report, as well as the FPP (including any required offset proposals), needs to change – for example, where a submission identifies a Relevant Protected Matter not previously considered, or provides new information relevant to the nature, extent or scale of an impact. Where this occurs, the applicant must make appropriate updates to the proposal before making the application.
- Where necessary to properly consider a submission from an affected person, the applicant should offer two-way dialogue with that person, as far as reasonably practicable. Where two-way dialogue is necessary, it should occur before a certification decision is made and may be undertaken directly by the applicant or facilitated by the FPA where appropriate.
- Where changes made in response to engagement identify a Relevant Protected Matter not previously considered, or a new or increased significant impact, the certifier may require the revised proposal to be published for further engagement.

Engagement record and application

- The applicant must prepare an engagement record and provide it with the Application. The engagement record must set out:
    - the engagement period and how affected persons were notified;
    - a summary of submissions received;
    - how the submissions were considered;
    - whether and how the proposal was changed in response;
    - a summary of any two-way dialogue; and
    - any additional engagement undertaken.
- An Application must not be made until the engagement requirements of this Protocol have been met and the engagement record is complete. The Application must include the final Impact Assessment Report.

Additional engagement and decision

- The certifier may require the applicant to undertake additional engagement where the engagement was not undertaken in accordance with this Protocol, where submissions raise matters that need further engagement with affected persons, or in the circumstances where changes made in response to engagement identify a Relevant Protected Matter not previously considered. Additional engagement must be recorded in the engagement record.
- Before making a certification decision, the certifier must consider whether engagement was undertaken in accordance with this Protocol and whether submissions have been considered, as required by the Chief Forest Practices Officer Direction and the FPA Board Certification Policy. Where the engagement record is incomplete, the certifier may require further particulars under section 18(5) of the *Forest Practices Act 1985* (Tas).

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Publication after the decision

- As soon as reasonably practicable following a certification decision, the FPA will ensure the certified FPP or approved variation (including any required offset proposal), the final Impact Assessment Report and the engagement record are published.

7. ADMINISTRATION, ACCESSIBILITY AND REVIEW

Privacy

- The applicant may use personal information obtained through engagement only for the purposes of considering submissions, responding to issues raised during engagement, and preparing the engagement record.
- The applicant must not disclose personal information collected through engagement except with the consent of the individual concerned or where required or authorised by law.
- The applicant must not include personal information in the engagement record, or in any material published under this Protocol, unless the individual has consented to its publication or the information has been de-identified.
- In implementing this Protocol, the applicant and the FPA must have regard to applicable Tasmanian laws relating to privacy, confidentiality and information management, including when publishing information that may identify a private landowner, occupier or their property. The applicant must take reasonable steps to protect personal information from unauthorised access, use, disclosure, alteration or loss, including by ensuring access is limited to persons who require the information for the purposes of this Protocol.
- Personal information collected through engagement must be stored securely and retained only for so long as necessary for the purposes of this Protocol or as otherwise required by law.

Accessibility

- The applicant must present the proposal in clear, accessible formats, including the plain-English summary in the draft Impact Assessment Report.
- When notifying affected persons, the applicant must take reasonable steps to support participation by people facing barriers, including culturally and linguistically diverse people.

Forest Practices Authority responsibilities

- The FPA's responsibilities for engagement under this Protocol are set out in the FPA Board Functions Policy under Part D4A of the Code. These cover the engagement portal, notification, publication, collating submissions, additional engagement, privacy, accessibility, developing guidance material and the monitoring and reporting of this Protocol.

Certifier responsibilities

- The certifier's responsibilities for engagement under this Protocol are set out in the Chief Forest Practices Officer Direction and the FPA Board Certification Policy. These

responsibilities include ensuring community engagement has been undertaken in accordance with Part D4A.10 of the Code and this Protocol and that the applicant has considered all submissions. The certifier must provide the engagement record to the FPA and the FPA must publish it.

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