Forest Practices Authority Board Policy

Functions of the Authority under Part D4A of the Forest Practices Code

Purpose of this policy

- This Policy sets out the functions the Forest Practices Authority (the Authority) will perform to support the operation of Part D4A of the Forest Practices Code (the Code).

Relevant Protected Matters and data

- The Authority will:
    - maintain and publish a list of Relevant Protected Matters, updated when listings under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) change.
    - maintain, or ensure access to, the datasets and desktop tools needed to identify Relevant Protected Matters, record known gaps, consistent with the Data and Information requirements of Part D4A.9 of the Code.

Management Instruments and Planning tools

- The Authority will:
    - develop, endorse, publish, consult on, and review the management instruments and planning tools used to assess and manage impacts on Relevant Protected Matters, in accordance with the Agreed Procedures for the Management of Threatened Species and Relevant Protected Matters under the Forest Practices System (Agreed Procedures).
    - publish the methodology for each planning tool and a list of the Conservation Planning Documents relevant to Relevant Protected Matters, showing whether and on what date each has been incorporated into the planning tools.
    - review a planning tool or management instrument when a relevant listing or Conservation Planning Document changes, and when monitoring, audit, engagement or new information shows it may not be effective.
    - engage the community on new and materially amended management instruments and planning tools for Relevant Protected Matters in accordance with Appendix 1 of the Agreed Procedures.
- The Authority will review and update existing management instruments and planning tools that pre-date the adoption of the new Agreed Procedures to align those prescriptions with the new requirements of the Agreed Procedures. Updates will occur in a staged way, with updates prioritised for those prescriptions most-frequently engaged by forestry operations. There will be public consultation on changes to prescriptions, consistent with the requirements of Appendix 1 of the Agreed Procedures.

Advice

- The Authority will maintain capacity to provide advice on proposed Forest Practices Plans (FPPs) to which Part D4A of the Code applies.
- The Authority will provide advice to forest planners and Forest Practices Officers (FPOs) in circumstances where management instruments or planning tools, or associated management prescriptions or assessment tools:
    - are not available for a Relevant Protected Matter,

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    - cannot be practically applied to the proposed forest practices
    - are otherwise insufficient to meet the requirements of Part D4A of the Code, including where the relevant instrument, prescription or tool
        - does not yet reflect a relevant Conservation Planning Document or more recent information
        - has not been updated since the adoption of the new Agreed Procedures.
- The Authority will provide advice to forest planners and FPOs in circumstance where the impact assessment report identifies an Unacceptable Impact or a Residual Significant Impact on a Relevant Protected Matter, including:
    - options to prevent an Unacceptable Impact in accordance with Part D4A.7 of the Code.
    - options to offset a Residual Significant Impact in accordance with the Forest Practices System Offset Policy and Part D4A.8 of the Code.

Offsets

- The Authority will:
    - administer the Offset Policy including through the provision of advice and guidance to applicants on the development of offset proposals in FPPs.
    - assess and approve offset proposals, including evaluation of offset proposals against the requirements of the Forest Practices Offsets Policy and the Offsets Framework.
    - maintain a register of approved offsets, and publish information relevant to registered offsets.
    - monitor and oversee compliance of approved offsets, including auditing offset implementation, evaluating compliance with approved offset requirements, and determining where corrective actions, replacement offsets or other remedial measures are required.
    - maintain and review the Offsets Framework, including the development, amendment and periodic review of policies, procedures, guidance and supporting materials relating to environmental offsets.
    - develop and maintain offset calculation methodologies, including offset calculators, assessment tools, guidance documents and associated technical methodologies used to determine offset requirements.
    - register and manage advanced offsets including assessment of applications for registration, verification of eligibility requirements, maintenance of the Advanced Offset Register, and administration of registered Advanced Offsets.
    - determine requests to draw down on Advanced Offsets including verification of available offset values or credits and consistency with the conditions applying to the registered Advanced Offset.
    - assess and approve replacement offsets, including evaluation of proposed replacement offsets where an approved offset is unavailable, has not been delivered, or is no longer capable of achieving the intended conservation outcome.

Community engagement

- Consistent with Part D4A.10 of the Code and the Community Engagement Protocol, the Authority will:

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    - operate a public engagement portal, publish draft FPPs and Impact Assessment Reports provided by applicants, and maintain a register of people who wish to be notified of new proposals.
    - receive and collate submissions and provide them to the applicant.
    - facilitate two-way dialogue between an applicant and an affected person where needed.
    - refer submissions that raise concerns about, or challenge, the implementation of Planning Tools or management prescriptions to the FPP applicant for consideration in the development or amendment of the FPP, and ensure such submissions are also considered as part of any review, evaluation or amendment of the relevant Planning Tool or management prescription.
- The Authority will manage personal information in accordance with the *Personal Information Protection Act 2004* (Tas), present information in plain language, and take reasonable steps to support people facing barriers to participation.
- The Authority will maintain and monitor the effectiveness of the Community Engagement Protocol.
- The Authority will work with Private Forests Tasmania to develop guidance, templates and support for private forest owners applying the Community Engagement Protocol.

Greenhouse gas emissions

- Consistent with Part D4A.11 of the Code, the Authority will:
    - develop, maintain and administer methodologies, calculators, tools and guidance for estimating Scope 1 and Scope 2 greenhouse gas emissions associated with forest practices.
    - maintain and administer greenhouse gas emissions calculation and disclosure tools used to support compliance with the greenhouse gas disclosure requirements of Part D4A.11 of the Code.
    - provide guidance on the methodologies, calculators and tools used to estimate Scope 1 and Scope 2 greenhouse gas emissions associated with forest practices.
    - where the estimated emissions from a forest operation are greater than 100,000 t CO_2-e for scope 1 and/or scope 2 emissions, provide to the Commonwealth the following materials, provided by the applicant:
        - a reasonable estimate of the greenhouse gas emissions information for the forest operation;
        - the strategies and measures the applicant will implement to manage those emissions;
        - how those strategies and measures are consistent with the laws and relevant government policies of the Commonwealth.

Transparency

- For each certified FPP or FPP variation to which Part D4A of the Code applies, the Authority will publish, with personal and sensitive information protected, certified

FPPs (including greenhouse gas emissions disclosures), Impact Assessment Reports, engagement records and statements of reason within 10 business days of the decision.

Compliance, assurance and reporting

- The Authority will:
    - publish and maintain a regulatory posture that delivers a robust regulatory framework for forestry operations covered by Part D4A of the Code.
    - publish and maintain a risk-based compliance and enforcement framework, to effectively deter and respond to non-compliance by forestry operations covered by Part D4A of the Code.
    - implement an expanded independent audit program, based around environmental risk, consistent with the Compliance and enforcement framework, including of decisions made under delegation.
    - provide reports and notifications to the Australian Government as required in relation to the implementation and performance of Part D4A of the Code.
- The Authority will report annually on the application of Part D4A of the Code and the implementation of the Bilateral Agreement, including:
    - the effectiveness of community engagement conducted under Part D4A.10 of the Code.
    - residual significant impacts identified in Impact Assessment Reports, information on offset measures approved by the Authority (offset type, location and scale, supporting information, tenure arrangements, intended outcomes), and the outcomes being achieved (clearly showing how residual significant impacts have been fully compensated to a net gain).
    - the number of assessments completed and the number of FPP certifications or variation approvals. Reporting will also include data on assessment timeframes, impacted MNES and forest practice location/type.
    - the outcomes of compliance, monitoring and audit activities, including any significant findings and enforcement actions. Compliance and enforcement reporting will include information to make it apparent what compliance activity has occurred, what was found, what action followed and whether performance has improved. This will include data on directed variations, issuing of section 41 notices, instances of non-compliance, and a summary of enforcement actions.
    - aggregated greenhouse gas emissions figures.
- Before 1 July 2027, the Authority will publish a program for reviewing certified FPPs with forest practices continuing after 1 July 2027 that may impact a Relevant Protected Matter.

Capability

- The Authority will maintain the specialist expertise and workforce capability needed to perform these functions, including training for decision makers on Part D4A of the Code.
- The Authority will, through a regulatory capability framework, ensure that staff and Board members of the Authority, and any other FPOs, possess the regulatory capabilities necessary for the efficient and effective exercise of functions under Part D4A of the Code.

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Definitions

- Relevant Protected Matter, Residual Significant Impact and other terms defined in Part D4A of the Code have the same meaning in this Policy.

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