

Forest Practices Officers

Status: General technical advice, except the section *Guide for the suspension, revocation or withdrawal of Forest Practices Officers warrants*, which has the status of a Forest Practices Authority Policy Instruction.

This chapter covers a number of general matters relating to Forest Practices Officers such as appointment levels, qualifications for appointment, role, powers, disciplinary procedures and training. More specific details on FPOs responsibilities can be found in other sections of this Planning Manual, e.g. responsibilities when certifying Forest Practices Plans can be found under **Forest Practices Plans - Certification, Amendment, Variation, Refusal and Revocation.**

Appointment of Forest Practices Officers

How are Forest Practices Officers appointed?

Forest Practices Officers are appointed by the Forest Practices Authority under section 38 of the *Forest Practices Act 1985*, authorised by warrant signed by the chairperson of the FPA (under s. 39 of the Act).

Appointment categories

There are two categories of FPO appointments:

- Forest Practices Officer (Planning); and,
- Forest Practices Officer (Inspecting).

FPOs are delegated certain powers under the *Forest Practices Act 1985* (see the section below on ***Powers of Forest Practices Officers***).

Additionally, the Forest Practices Authority has developed another category without any delegated powers, called the Forest Practices Manager. For details see the section titled ***Forest Practices Manager*** below.

There is also, of course, the statutory appointment of Chief Forest Practices Officer (CFPO). The CFPO is responsible for the day to day administration of the Forest Practices Authority. The current CFPO is Graham Wilkinson.

What determines the category a Forest Practices Officer will be appointed to?

The Forest Practices Authority determines whether a person is appointed at the planning or inspecting level of FPO. The FPA takes into account the recommendation of the person's employer including the role that person plays within the organisation.

A person will only be appointed to the Planning level if their work role requires them to regularly certify Forest Practices Plans and they achieve a very high standard on FPO course assignments.

Appointments and delegations

Planning and Inspecting Forest Practices Officers

The Forest Practices Authority has the power under s.38 and 39 of the Act to appoint persons who are suitably qualified to be Forest Practices Officers. Continued appointment of a Forest Practices Officer is subject to that person exercising the powers of a Forest Practices Officer in a diligent and proper manner, as evidenced by the maintenance of satisfactory

standards and relevant matters such as continuing training, maintenance of skills and active involvement in forest practices within Tasmania.

The Forest Practices Authority has determined that the continuation of delegations to FPOs (Planning) to certify FPPs is dependent on the FPO certifying at least two plans (which are of a satisfactory standard) per year. The FPA believes that Planning FPOs who are not regularly dealing with and certifying FPPs will gradually lose the appropriate skills, and will require retraining if they wish to continue to certify plans.

For FPOs who have delegations to certify quarry FPPs, the Forest Practices Authority's policy is that at least one quarry FPP should be certified over a three year period.

The FPA may suspend or revoke the authorisation of a Forest Practices Officer if that officer has been negligent or not diligent in exercising his or her responsibilities. (See *Guide for the suspension, revocation or withdrawal of Forest Practices Officer's warrants* below.)

Forest Practices Managers

This classification has been created to recognise the fact that there are forest managers and others who need an understanding and knowledge of the forest practices system, but who do not need the statutory powers associated with the inspection and certification of FPPs. These people will be given appropriate training, but will not be given a statutory appointment under the *Forest Practices Act*.

Forest Practices Managers will be appointed for a three year period subject to successfully meeting entry/renewal requirements. These are:

- successful completion of a short training course; and
- persons who have been a Forest Practices Officer with at least 5 years experience, including the supervision of other Forest Practices Officers, and who are still actively associated with the forest practices system; or persons who are in senior positions and who are required to directly supervise Forest Practices Officers.

Qualifications and skills/knowledge required for appointment

In summary, the Forest Practices Authority has determined that to be appointed as an FPO a person must:

- have appropriate qualifications/experience in forestry;
- have completed appropriate training and have satisfied the FPA that he or she is suitable for appointment;
- be actively engaged in working in the forestry sector in Tasmania.

The qualifications/experience required for appointment as an FPO are:

- a tertiary qualification in Forestry or suitable technical qualifications or demonstrated equivalent expertise;
- successful completion of the Forest Practices Officer course and refresher courses run periodically by the Forest Practices Authority.
- FPO (Planning) - at least five years of practical field forestry experience in planning and supervising the conduct of forestry operations;
- FPO (Inspecting) - at least five years of practical field forestry experience in supervision of forestry operations.

The skills and knowledge required for appointment as an FPO includes:

- ability to plan and organise work with minimal supervision;
- ability to communicate effectively, including ability to negotiate, consult and deal with potentially difficult situations with a range of stakeholders;

- knowledge of the requirements of the *Forest Practices Act* and Forest Practices Code;
- ability to maintain records including monitoring of forest practices, and to prepare and present reports, including the collation of scientific information;
- knowledge of forest operations and forest management appropriate to Tasmanian forests, specifically:
 - location, construction, maintenance and rehabilitation of:
 - roads
 - tracks
 - bridges
 - quarries
 - silvicultural systems and their application
 - forest harvesting methods including:
 - conventional logging
 - cable logging
 - mechanised harvesters
 - shovel logging
 - in native forests and plantations
 - reforestation methods in native forest and plantations, including:
 - site preparation
 - species selection
 - forest maintenance including control of:
 - weeds
 - insects
 - browsing
 - pathological agents
 - fire management including:
 - fire behaviour
 - slash burns
 - hazard reduction
 - control techniques;
- ability to understand and interpret occupational health and safety issues and their implications in relation to the Forest Practices Code;
- ability to prepare, interpret and implement Forest Practices Plans (see below *);
- knowledge of the natural and cultural values listed below and the management of forest operations under the forest practices system to provide reasonable protection to these values (see below*):
 - ecology/silviculture
 - soils
 - water quality and flow
 - flora
 - fauna
 - cultural heritage
 - geomorphology
 - landscape.

* The FPO (Planning) will be expected to have a higher level of proficiency with regards to these two categories.

Register of Forest Practices Officers

For a list of current FPOs including those offering consultancy services see this web site.

The Forest Practices Authority provides public access to a register of Forest Practices Officers as follows:

- A list of all FPOs is published on the FPA web site to provide a publicly available record of officers appointed by the FPA. The list only contains the name, date of appointment and category (e.g. FPO Planning or Inspecting) of all FPOs. No other details (such as employing organisation, address or contact details) are provided.
- A separate list has been provided for those FPOs who wish to offer consulting services to people who are intending to carry out forest practices. Please note that the FPA cannot 'recommend' FPOs for private work. However, we often advise people that they need to contact a FPO, and for this reason we need to be able to refer people to a list of potential service-providers. Inclusion of FPOs on this list is entirely voluntary. To register for this list, FPOs can enter their details into the attached table and forward to the FPA.

Role of Forest Practices Officers

The role of the Forest Practices Officer is to assist the Forest Practices Authority in the implementation of the *Forest Practices Act*. The primary objective of the Act is the achievement of sustainable management of the States forests with due care for the environment. The achievement of this objective is required to be as far as is possible self-funding and self-regulating. The appointment of FPOs from within the forest industry fulfils this objective.

FPOs are expected to undertake their FPO duties at the same time as they are undertaking their normal duties for their employer or client. The FPO has a separate responsibility under the *Forest Practices Act* to the FPA that may on occasions have the potential to conflict with the FPO's responsibilities to the employer or client. The FPO should ensure that their employer or client understands that FPOs have statutory responsibilities under the Act, and that the effective functioning of the forest practices system requires that FPOs actions are consistent with the *Forest Practices Act* and any FPA directions. Instances of FPOs not correctly exercising their responsibilities under the Act will be dealt with under the disciplinary provisions. (See ***Guide for the suspension, revocation or withdrawal of Forest Practices Officer's warrants*** below.) Ultimately, if FPOs are not diligent in exercising their responsibilities, parliament may remove the self-regulatory aspects from the Act.

Functions

The functions of FPOs are:

- ensure that forest practices are carried out in accordance with the provisions of the *Forest Practices Act*, the Forest Practices Code and any certified Forest Practices Plan;
- ensure that private timber reserves are being used for establishing forests, or growing or harvesting timber;
- perform any functions determined by the FPA and exercise any powers delegated by the FPA to individual officers, including the certification or refusal of Forest Practices Plans.

Responsibilities

In exercising their responsibilities FPOs must be fully aware of their delegated powers under the *Forest Practices Act* and the various policies and instructions issued by the FPA and contained within this Planning Manual.

The responsibilities of FPOs are:

- prepare Forest Practices Plans;
- inspect forest operations covered by Forest Practices Plans to ensure compliance;
- maintain records of monitoring work;
- provide relevant and timely information to stakeholders on requirements of the *Forest Practices Act* and Forest Practices Code;
- carry out such work as may be directed by the Chief Forest Practices Officer under the *Forest Practices Act*;
- issue notices under section 41 of the *Forest Practices Act* and provide reports to the FPA on breaches of the Act, Forest Practices Code or Forest Practices Plans;
- appear at court proceedings or hearings of the Forest Practices Tribunal when requested by the FPA;
- consult with local government, neighbours and other interest groups regarding forest practices;
- undertake audits and complete an Interim Certificate of Compliance at the completion of each operational phase under a Forest Practices Plan, and a Certificate of Compliance at the completion of operations under a FPP;
- provide forest practices instruction to contractors and staff within the FPO's own organisation;
- implement the various FPA policies and instructions included in this Planning Manual;
- Planning FPOs only – certify, amend, vary or refuse Forest Practices Plans.

Powers of Forest Practices Officers

Under section 43 of the *Forest Practices Act* the Forest Practices Authority may delegate any of its functions or powers other than its power of delegation. The FPA appoints FPOs under section 38 of the Act. Section 38(4) states:

“A person appointed under this section shall perform such functions as may be specified in the instrument of his or her appointment and such other functions as the Authority may from time to time determine.”

Below is a summary of the powers delegated to FPOs by the FPA. FPOs must have a good understanding of how to exercise these powers including a working knowledge of the relevant sections of the *Forest Practices Act*.

Certification of Forest Practices Plans

Planning FPOs are delegated the power to amend, certify, refuse or vary Forest Practices Plans. These powers may be limited to certain types of FPPs in the case of individual FPOs.

For more details on amendment, certification, refusal and variation of FPPs see the relevant sections under ***Forest Practices Plans - Certification, Amendment, Variation, Refusal and Revocation***.

Section 40 – authority to enter land

Under section 40 of the *Forest Practices Act* a Forest Practices Officer, on production of his or her warrant of authorisation, may at any reasonable time and with such assistants, as he or she considers necessary:

- Enter and remain on any land on which forest practices are being carried out, or on which he or she believes have been carried out, to ensure compliance with any FPP and the Act;
- Enter and remain on any private timber reserve to ensure it is being used for establishing forest, or growing or harvesting timber, or other forest practices.
- Ask any person associated with the forest practices to produce documents relating to the forest practices and answer any questions relating to the forest practices.

See also the section *Powers of Forest Practices Officers to enter land to inspect forest practices* for advice on how to exercise these powers.

Section 41 – issue of notices

Under section 41 of the *Forest Practices Act* Fops have the authority to issue notices to make good and report instances of non-compliance. For details see *Section 41 notices*.

Disciplinary Procedures

Guide for the suspension, revocation or withdrawal of Forest Practices Officer's warrants

It should be noted that under Section 39(3) of the *Forest Practices Act* the FPA may at any time revoke the appointment of a Forest Practices Officer (FPO). Any matter of complaint against a FPO will be considered by the FPA. However, for the specific grounds raised in Section 39(3)(a) of the Act, (i.e. the FPO has been negligent or not diligent in performing the duties and exercising the powers conferred on him), the FPA has adopted the following guide for the revocation of FPO warrants

Forest Practices Officer (Planning)

- Approval of a substantially flawed FPP (or variation to a FPP) not in accordance with Forest Practices Code.
 - 1st time - one month suspension
 - 2nd time - six month suspension
 - 3rd time - permanent revocation
- Approval of an ambiguous or poorly worded FPP (or variation to the FPP) which potentially could lead to contravention of the Forest Practices Code.
 - 1st time - warning
 - 2nd time - six month suspension
 - 3rd time - permanent revocation
- Leaving out essential details on FPP cover page, map section or signature page.
 - as next above

Forest Practices Officer (Inspecting and Planning)

- When in charge of supervising or monitoring an operation, allowing substantial breaches
 - 1st time - one month suspension

of the FPP to occur which could reasonably have been prevented.

- 2nd time - six month suspension

- 3rd time - permanent revocation

- When inspecting or monitoring operations, to allow breaches to continue by failing to take required action such as verbal requests or written notices, or failure to notify superiors.

- as next above

- When conducting an audit for the purposes of completing a certificate of compliance, failing to report instances of non-compliance that should reasonably have been detected.

- as next above

Counselling

In circumstances where a warning or one month suspension is issued the FPO concerned should be counselled in relation to his/her performance.

Retraining

Where lack of sufficient training is likely to have contributed to poor Forest Practices Officer performance, retraining or counselling is to be considered.

Procedure

The Chief Forest Practices Officer is to provide a report and recommendations to the FPA for a decision and advice to relevant Forest Practices Officers by the FPA.

Other withdrawals

- Appointed as a Forest Practices Officer but no involvement in forest practices for two years.

Automatic withdrawal unless good reasons exist for continuation

Appeal rights of Forest Practices Officers with respect to disciplinary matters

Preamble

The Forest Practices Authority will seek to maintain high standards of professionalism by its Forest Practices Officers through training, education and the fostering of a cooperative approach to forest practices matters. The FPA will monitor the performance standard of its FPOs through regular contact between FPOs and the CFPO and staff of the FPA. Formal monitoring and feedback will be provided by way of the audit of Forest Practices Plans. The FPA sets high standards for its FPOs and will take appropriate action if these standards are not achieved. The FPA has a formal disciplinary policy with respect to poor standards. In administering this policy, the FPA will apply the principles of natural justice and equity. Guidelines with respect to appeals rights on disciplinary matters are provided below.

Investigation of alleged poor performance

Instances of alleged poor performance will be initially investigated by the CFPO. The CFPO may seek a field inspection with the FPO and may request a report in writing. A report will be made to the FPA where the CFPO is of the opinion that the FPO's performance

constitutes a disciplinary matter. In such cases, the CFPO will advise the FPO that the matter will be referred to the FPA.

Hearing process

The FPA will consider the report furnished by the FPO and any other relevant reports from the CFPO, specialists etc. The FPA may seek further information from any party as required.

Where the FPA determines that there is no case to answer, the matter will be dismissed and the FPO will be advised accordingly.

Where the FPA determines that there is a *prima facie* case of poor performance, the FPA will make a provisional decision in accordance with the disciplinary policy. The FPA will ask the FPO to 'show cause' why the decision should not be imposed.

- where the FPO accepts the decision, the decision will be imposed from the date advised by the FPA;
- where the FPO does not accept the decision, the FPO will be offered a case review. The case review will involve the Chair or a FPA member appointed by the Chair, CFPO or nominee and FPO. If the matter is mutually resolved at the case review, the FPO will be advised accordingly;
- where the matter is not resolved at the case review, the FPO will be offered the option of a review of the matter by a committee of peers. The peer review committee will be nominated by the FPA and will comprise two or three experienced, senior FPOs (excluding the CFPO) and one independent person who has skills and knowledge of industrial relations and natural justice. The FPO may object to a person being appointed to the peer committee where the FPO believes that the nominee may have a conflict of interest. The Chair will consider any such objection and make a determination. The committee will only deal with the subject case of alleged poor performance and will determine whether the action taken by the FPO was consistent with the standard expected of an FPO or not. The role of the committee is not to review the previous history of performance of the FPO or to make judgement with respect to the penalty determined by the FPA. The committee will provide advice to the FPA, which will make a final decision. This decision is final.

Forest Practices Officer training

The FPA conducts the following training courses for FPOs:

- training for new FPOs;
- refresher courses for existing FPOs;
- briefings on specific topics such as issue of a new Forest Practices Code;
- training in specific natural and cultural values, e.g. fauna;
- other training is offered from time to time in specific areas as advertised in Forest Practices News, e.g. risk assessment.

It is obligatory for FPOs to attend some courses, such as refresher courses. Courses are advertised in Forest Practices News under the heading Forward Training Program. Additionally fliers are usually sent to forestry organisations that employ FPOs flagging individual courses.

Training course for new Forest Practices Officers

The prerequisite qualifications, skills and knowledge for appointment as a Forest Practices Officer are detailed above see *Qualifications and skills/knowledge required for appointment*.) Generally, acceptance into the FPO course is dependent on the person already having at least 4 years of appropriate experience. However, a person may be accepted into the course with less than 4 years relevant experience if supported by their employer. Where a person with less than 5 years of relevant experience satisfactorily completes the course, they will be issued by the FPA with a certificate, and will not be appointed as an FPO until they have gained five years relevant experience.

The FPA conducts a training course for new Forest Practices Officers approximately once per year. The training course for new FPOs is currently run over 12 days in four blocks of three days. A copy of the course outline is available. There are assignments for all the main components of the course.

There is no separation in training between the Planning and Inspecting streams of FPOs. However, for appointment to the Planning level a higher standard must be achieved in coursework than for appointment to the Inspecting level. The appointment level is also determined by other factors (see *What determines the category a Forest Practices Officer will be appointed to?*)

Following is a resume of the course content.

Forest Practices Act

- background - philosophy, development and aims of the forest practices legislation
- an overview of the various parts of the Act, and their relevance to FPO's (private timber reserves, Forest Practices Plans, three year plans, Forest Practices Code, Forest Practices Tribunal, Forest Practices Officers, Forest Practices Regulations, powers and responsibilities of Forest Practices Officers)

Assessment: Questionnaire

Forest Practices Plans

- legal requirements
- preparation
- consultation and notifications
- parties responsible
- certification, variations, amendments
- certificate of compliance

Assessment: Submission of a Forest Practices Plan of satisfactory standard prepared by the course participant

Private timber reserves

- purpose
- *Forest Practices Act* requirements

Assessment: Brief questionnaire

Workplace Health and Safety

- issues as they relate to the Forest Practices Code

No assessment

Auditing

- FPA audits, Certificate of Compliance audits, and company audits

No assessment

Demonstrating sustainable management

- Australian Forestry Standard, environmental managements systems

No assessment

Forest Practices Code

- Principles and interpretation
- 'will' and 'should' statements
- implementation of the Forest Practices Code sections are covered under the following subjects:
 - roading
 - fire planning
 - conventional harvesting
 - cable harvesting
 - native silviculture
 - site preparation
 - chemical use
 - pests and diseases
 - conservation of natural and cultural values (see below)

Assessment: Closed book test of Code knowledge

Conservation of natural and cultural values

All of the subjects below include, in addition to the listed topics, coverage of the Forest Practices Code requirements, how to source information, and how to complete the evaluation sheets for Forest Practices Plans.

Flora

- Tasmanian forest flora;
- policy and legislation;
- strategies for flora conservation – formal and informal reserves, management by prescription;
- threatened species;
- pests and diseases;
- use planning tools such as technical notes, plant identification kit, and the Botany Manuals.

Assessment: Assignment

Fauna

- Tasmanian forest fauna – invertebrates, amphibians, reptiles, mammals, birds, cave fauna, hollow dependent fauna;
- effects of forest operations;
- policy and legislation;
- strategies for fauna conservation – formal and informal reserves, management by prescription;
- wildlife habitat strips and clumps, wildlife priority areas;
- priority species including threatened species;

- planning tools – threatened fauna manual, threatened fauna adviser, technical notes;
- monitoring and research;
- freshwater ecology.

Assessment: Assignment

Geomorphology

- principles of geomorphology management;
- forestry impacts;
- landforms – karst, moraines, sand dunes etc.
- geoconservation and geodiversity – sites of significance;
- use of the Sinkhole Manual.

Assessment: assignment

Cultural Heritage

- Aboriginal and non-Aboriginal cultural heritage management;
- policy and legislation;
- high sensitivity zone indicators;
- reporting of sites.

Assessment: Assignment

Landscape

- context of visual management for forestry in Tasmania;
- visual management system;
- design principles – proportion and scale, lines of force;
- specific issues – plantations, skylines, partial harvests.

Assessment: Assignment

Soils

- soil types and erodibility;
- talus guidelines;
- subsurface drainage;
- specific issues relating to roading and cultivation.

Assessment: Assignment and Forest Practices Code test as above

Water

- streamflow changes associated with forestry;
- Class 4 guidelines;
- domestic water intakes.

Assessment: Assignment and Forest Practices Code test as above

Refresher courses

The FPA conducts refresher courses for FPOs approximately once every three years. These courses are generally of 1 to 2 days duration, and are designed to bring FPOs up to date with changes to the forest practices system, and to allow discussion on those changes and other issues of importance to FPOs. Attendance at refresher courses is compulsory for all FPOs.

Briefings

Briefings are also conducted when necessary e.g. when a new Forest Practices Code is issued. These are of one day's duration, or less, and are usually not compulsory.

Other courses

The FPA conducts a number of other courses on a needs basis. Most of these are relevant to particular groups of FPOs, e.g. FPOs undertaking fauna planning for FPPs are trained in the use of the Threatened Fauna Advisor. Courses are advertised in Forest Practices News. Recent courses are summarised below.

Flora

Training courses are conducted periodically for FPOs and others on use of the Botany Manuals, plant identification, pests and diseases, sites of significance and other subjects of interest. For more details see *Ecology program training modules*.

Fauna

Courses are conducted on priority fauna including planning tools, and habitat identification and management for various threatened species. For more details see *Ecology program training modules*. Accreditation at various levels is given for implementation of agreed procedures for threatened fauna management.

Geomorphology

Courses are conducted periodically on specific issues such as field interpretation of karst issues

Cultural heritage

A course is conducted periodically to train FPOs and others in identification and management of Aboriginal and historic cultural heritage sites.

Landscape

A course is conducted periodically to provide intensive training for Landscape Planning Officers. This course is aimed at FPOs whose role is to undertake detailed landscape planning at the coupe level for their organisation.

Risk assessment

A course is conducted periodically to train FPOs and others involved in FPP preparation in evaluating the risk to the public safety where trees are retained under the forest practices system. See also *Risk assessment procedure*.

Private timber reserve applications

Private timber reserve applications must be accompanied by a form (part B of the application) completed by an authorised FPO which details an assessment of natural and cultural values present on the land. Courses for FPOs who wish to be able to undertake these assessments are conducted periodically.

Quarries

A course is conducted periodically for FPOs who wish to be able to certify quarry FPPs.

Forest practices managers

Briefings will be conducted periodically for forest industry managers and others not appointed as FPOs to update them on changes to the forest practices system.

Training for non Forest Practices Officers

The Forest Practices Authority is aware that people other than FPOs require training in various aspects of the forest practices system.

The FPA does not generally undertake training of people not appointed as FPOs. However, non-FPO forest industry staff involved in forest management often attend briefings and other courses conducted by the FPA. The FPA believes forest practices training for contractors and operators is very important in achieving good forest practices outcomes, and its policy is to facilitate appropriate training courses being available through training bodies.

Formal training in forest practices currently available in Tasmania for people not appointed as Forest Practices Officers includes:

- Training for new industry entrants:
 - a 1 day course “Introduction to the Forest Practices Code” is run by Hollybank TAFE (ph. 63 951511);
 - forestry organisations also include forest practices training in their induction programs for new employees.
- Supervisor training:
 - a nationally accredited 4 day course on forest practices is run jointly by Forestry Tasmania and the Forest Practices Authority, as advertised in Forest Practices News;
 - forest industry supervisors are generally able to attend briefings of FPOs undertaken by the FPA, and other specific courses where relevant.
- Contractor and operator training:
 - 2 day courses for harvesting, site preparation and roading contractors and operators are run by Hollybank TAFE (ph. 63 951511);
 - training for harvesting, site preparation and roading contractors and operators is also available from Timber Training Tasmania (contact Greg Howard ph. 0409 546247 or email timbertrain@bigpond.com).
- Manager training:
 - Forest practices training for Forest Practices Managers will be conducted periodically by the Forest Practices Authority.

The FPA recognises that a lot of training for supervisors, contractors and operators is conducted informally on the job.