

# Standard Operating Procedure



## Integrated Forestry Operations Approval (IFOA) Non-Compliance Recording

### Introduction

This SOP describes the process for recording, reporting, and managing non-compliances (NCs) with the following IFOAs:

1. Coastal IFOA,
2. Brigalow Nandewar IFOA,
3. South-Western IFOA, and
4. River Red Gum IFOA

This procedure provides for the recording of NCs and addresses the following requirements of the IFOAs:

Condition 306 (Brigalow-Nandewar/South Western Cypress IFOAs) and Condition 235 (River Red Gum IFOA):

*“Forests NSW must keep a register relating to breaches of the terms of the EPL (in carrying out logging operations and ancillary road construction)”.*

Condition 29.1 of the Coastal IFOA:

*“FCNSW must keep and maintain a register of every incident of non-compliance with the conditions of the approval in accordance with condition 1.3 of Protocol 1: Registers”.*

Both Forestry Corporation of NSW (FCNSW) and its contractors have responsibilities for compliance with this procedure.

All NC's that can't be made compliant must be recorded through both of the following channels:

- **The compliance layer using the FCMapApp** (see Appendix 1). This populates the IFOA Compliance Register that satisfies the IFOA obligations; and
- **Riskware using desktop or app on apple device**. This facilitates internal incident management workflow for continuous improvement and internal incident reporting.

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## What is a Non-compliance?

For the purposes of this procedure a NC is defined as any instance where there is a failure to conform, or non-fulfilment of, a condition or protocol of an IFOA. This includes non-compliances with western IFOAs that aren't breaches of EPL terms. Examples of NCs are contained in Appendix 2. NCs are not restricted to field activities, they may take the form of a data transfer, GIS, planning or administration failure.

If you are unsure whether an incident is a NC, discuss with your supervisor or the CAT in the first instance.

## Sources of non-compliances

IFOA NCs are generally identified through four mechanisms:

1. The contractor self-reports a NC whilst undertaking IFOA forestry operations
2. The FCNSW supervisor observes a NC whilst undertaking IFOA Quality Assurance Assessments (QAA)
3. The Compliance Assurance Team (CAT) observes a NC whilst undertaking Compliance Assurance Assessments (CAA)
4. FCNSW receive advice from a third party regarding a NC associated with an IFOA forestry operation (for example, complaint by public or community group, or communication from the regulator).

## Procedure

Refer to the NC Workflow flowchart and table of responsibilities for more information.

### 1. *Correct if possible*

Upon identifying a NC, every effort must be made to correct the issue. If the issue is rectified such that the situation becomes compliant, it does not need to be recorded or work flowed for corrective action.

NCs found during QAAs and CAAs, should still be documented as compliance failures, with a note describing what rectification took place, even after the issue has been resolved (for example, a damaged retained tree was replaced). This allows compliance performance to be tracked over time for the purpose of contractor review.

### 2. *Record in the compliance layer*

Within 48 hours of FCNSW becoming aware of a NC, the following information must be recorded in the compliance layer using the FCMapApp, usually by the contractor, operator or supervisor who discovers the NC:

- The approval / licence condition not complied with
- Date, time and duration of the NC
- Date FCNSW became aware of the NC
- If a location is applicable, the exact location of the NC (this can be captured spatially through FCMapApp)
- Name of the person who caused the NC
- Nature of the NC
- Cause of the NC
- If the NC resulted in actual or potential harm to the environment or reportable harm (including water pollution)

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- What action was taken, is being taken, or will be taken to mitigate any adverse impacts of the NC, and the date of that action
- What action was taken, is being taken, or will be taken to prevent recurrence of the NC
- What action was taken, is being taken, or will be taken against members of staff, licensees or contractors or agents, and the date of that action (Western IFOAs only)

Refer to Appendix 2 for step-by-step instructions on how to enter a NC into FCMaPApp.

Where the NC is not spatially located (for example, planning or data transfer) the points can be entered in FCMaPApp as a point either at West Pennant Hills, or the local office.

### 3. Record in Riskware

The supervisor or manager must record the NC in Riskware within 48 hours of becoming aware of the incident, to facilitate reporting and corrective action. The supervisor or manager may choose to record the incident even if they don't believe a breach of an IFOA has occurred if corrective actions to prevent future NCs are warranted.

All NCs should be attributed with event category 'legal non-compliance' even if there are environmental or reputational implications. The potential consequence rating for a breach of an IFOA should be no less than moderate (potential penalty notice).

Riskware and FCMaPApp are not linked systems. Managers must ensure the Riskware ID is captured in the FCMaPApp record (*RiskwareID* field) to provide a connection between the Riskware record and NC entered in FCMaPApp.

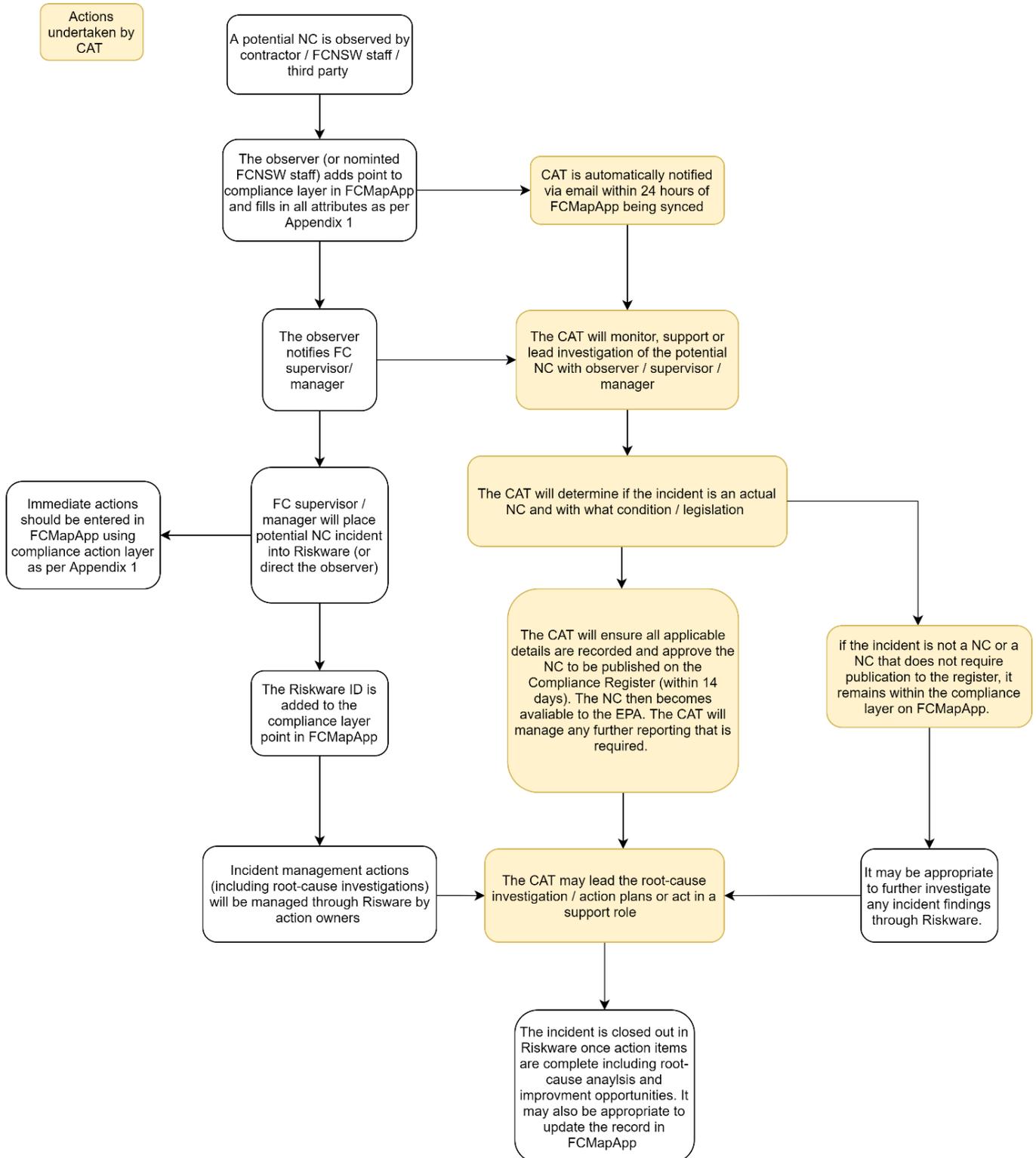
### Responsibilities

| Responsible Party                      | Responsibilities  |
|--|---|
| Contractors                            | Notify FCNSW Supervisor immediately once becoming aware.<br>Enter all incidents and instances of NC with an IFOA into FCMaPApp within 48hrs of becoming aware of a NC.  |
| FCNSW Supervisors                      | Enter all incidents and instances of NC into FCMaPApp within 48hrs of becoming aware of a NC (where they are not already entered by the contractor).<br>Notify line manager.<br>Enter incident into Riskware.   |
| FCNSW Line Managers                    | Ensure entries in FCMaPApp and Riskware are complete and have the correct information.<br>Develop action plan in conjunction with CAT if required.<br>Ensure actions are closed out prior to due dates.   |
| FCNSW Compliance Assurance Team (CAT)  | Review entries for correctness and completeness of data.<br>Check that it meets the definition of a NC under this procedure.<br>Publish NC to the IFOA Compliance Register within 14 days of FCNSW being aware <sup>1</sup> .<br>Undertake further reporting to EPA or investigation as required.<br>Report to the DLT on compliance performance. |
| FCNSW Divisional Leadership Team (DLT) | Review the information collected and provide recommendations where required.  |

<sup>1</sup> The 14-day timeframe begins when FCNSW confirms that a non-compliance with the Coastal IFOA, or relevant part of a western IFOA has actually occurred. Up until then it is considered a potential non-compliance.

## NC workflow

The below flow chart shows the workflow for when a potential NC is observed.



## Reporting

The IFOA Compliance Register can be viewed via PowerBI. The report can be found [here](#).

Updates and edits to NC records are to occur in FCMapApp. Immediate actions taken to mitigate adverse impacts of the NC should be recorded in FCMapApp. Refer to Appendix 2 for how to record action plans.

Root-cause analysis and other broader management actions (for example, actions to reduce reoccurrence) are to be managed through Riskware. Reporting to senior management is by the CAT, from Riskware.

## Escalation

NCs with the IFOAs are treated seriously as they can result in poor environmental, reputational, or business outcomes. Therefore, they are automatically escalated to key staff.

- Chief Executive Officer (CEO) – receives all Moderate and above entries from Riskware.
- Hardwoods General Manager (GM) – receives all Moderate and above entries from Riskware.
- CAT - receives all Moderate and above entries from Riskware and all NC's from FCMapApp.
- Action owners, direct supervisors, and CAT – receive all overdue action items from Riskware

All open tasks from incidents and management actions in Riskware are reported [here](#). The Compliance team monitor open tasks and management actions on a regular basis.

**These emails do not replace communication between contractors, supervisors, and managers.**

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## Appendix 1: How to enter a Coastal IFOA NC into FCMapApp and create an Action Plan

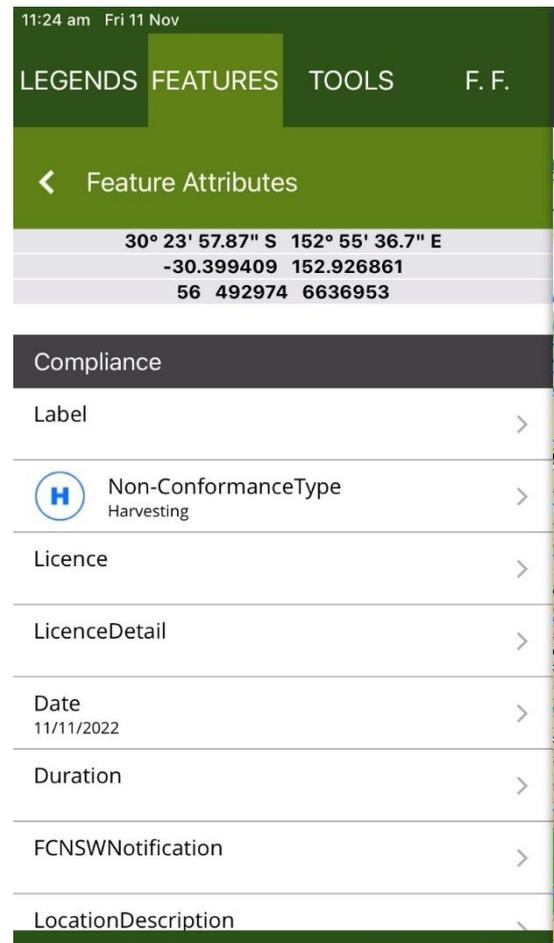
The Compliance Layer is present within the following IFOA Modules:

- CIFOA Harvest Supervision Module
- CIFOA Biodata
- CIFOA MarkUp
- CIFOA Planning
- HFD Roding
- HFD Harvest Supervision West

**The Compliance Management Module displays NCs from all modules.**

### How to enter a non-compliance

- Create a NC point by selecting **Compliance layer** (refer to the FCMapApp User Guide for how to create a point).
- Select the non conformance type (for example, Harvesting).
- Tap the map to add a point.



- If you selected the wrong non-conformance type, this can be changed by selecting **Non-ConformanceType**, and selecting the correct one.

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- Select the **Licence** and **LicenceDetail** from the drop down

- Tap the **Date**. Enter the date the NC occurred not the date FCNSW became aware of it (this is entered below). *The date will automatically select todays date. You will need to change it if the NC occurred previously.* Select **Done**.

- Tap **DurationDays**. Select from drop down. Tap **Done** when finished.

DurationDays  
 1 >

- *Where a NC can be fixed – it is the time the NC occurred to the time it was fixed. For example, sediment was deposited into a riparian zone. There was a recent rainfall event, 5 days prior, that was the likely cause. Remediation was undertaken immediately and took 4 days to complete. The NC duration is therefore, 9 days.*
- *Where a NC can't be fixed – it is the duration of the actual incident occurrence. For example, harvesting of a tree in an ESA 1. This is the time the harvester started cutting down the tree, to the time he finished cutting it down. The NC duration is therefore 5 mins (which will equate to <1 day in the register).*

- Tap **FCNSWNotification** and enter the date FCNSW became aware of the NC. Tap **Done** when finished.

FCNSWNotification  
 28/09/2021 >

- Tap **LocationDescription**. Enter the SF, Compartment number and any other details that are relevant. *If the NC is spatially located, this data will be automatically recorded. SF and Compartment number still need to be entered manually here though.* Enter the SF name in full. Tap **Done** when finished.

LocationDescription  
 Wild Cattle Creek, Cpt 6. >

- Tap **PersonCausingNonCompliance** to manually enter the name of the person who caused the NC. Full names, not nicknames must be used. Tap **Done** when finished.

PersonCausingNonCompliance  
 Jodie Millsom >

- Tap **NonComplianceCause** and select from drop down.

NonComplianceCause >

NoteCauseOfNonCompliance >

- Tap **NonComplianceHarm**. Select Yes if the NC resulted in either actual or potential harm to the environment.

NonComplianceHarm  
 No >

- Tap **ActionTakenToMitigateImpact**. Free text. *This is action taken to reduce the impact of the NC (e.g. installed temporary drainage, retain additional trees).* Tap **Done** when finished.



- Tap **ActionTakenToPreventRecurrenceText**. Free text. Add notes applicable to the action taken, including any dates. Tap **Done** when finished.

RemedialWorkDateCompleted >

- Tap **RemedialWorkDate**. Select the date the remedial work is to be completed by. Tap **Done** when finished.

GlobalID

- Tap **ActionTakenToMitigateImpact**. Select appropriate
- Tap **ActionTakenToPreventRecurrence**. Select the appropriate action.



- Tap **RiskConsequenceEnvironmental / CommunityReputation / LegalNonCompliance / HealthAndSafety**. Select the correct consequence level for each. Refer to the Risk Management Guidelines for the consequence descriptions.



**Once the NC is entered, an Action Plan needs to be developed for all NC's that are not rectified immediately or require follow-up action.**

## How to create an Action Plan

- Add a compliance action
- Link to a parent feature
- Tap the down arrow to create an action plan (child relationship).



- Tap **ActionLabel**. Free text. Enter the action label as you want to appear on the map. Tap **Done** when finished.
- Tap **ActionStatus**. Select the appropriate statement. This needs to be updated as action status changes (e.g. in progress to completed & ready for EPA to view).
- **ActionCategory** is brought from the parent NC. Change if it doesn't fit the action being entered.
- Tap **ActionText**. Free text. Enter a detailed description of the action. Tap **Done** when finished.
- Tap **ActionPerson**. Enter the name of the person responsible for the action.
- Tap **ActionPersonEmail**. Enter the email of the person responsible for the action. *If no email is entered, the automatic emails will not be sent.*

| ComplianceAction             |   |
|------------------------------|---|
| ActionLabel                  | > |
| ActionStatus                 | > |
| ActionCategory               | > |
| Remediation required at site |   |
| ActionText                   | > |
| ActionPerson                 | > |
| ActionPersonEmail            | > |
| ProposedActionDate           | > |
| CompletedActionDate          | > |

- Tap **ProposedActionDate**. Add a realistic date for completion of the action. *Auto-generated emails will be sent to the action owner for all overdue action items.*

Tap **CompletedActionDate**. Complete this section once the action has been closed out.

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## Appendix 2

### 2.1 Coastal IFOA Non-compliance examples

| Event / Incident  | Non-compliance       | Reasoning, incl when it may be escalated to a NC  |
|---|----------------------|---|
| <b>Ecology / Planning</b>   |                      |   |
| A threatened species record was missed and the associated exclusion buffer (ESA) was not applied to the harvest plan. | Yes                  | Species-specific conditions exist for threatened flora and fauna.   |
| A new/changed species listing is missed (notification / spatial level).   | Yes                  | Species-specific conditions exist for threatened flora and fauna.   |
| Pre-operational survey requirement quantities were not met prior to harvesting commencing.                            | Yes                  | There are specific requirements (distance, rate/hr etc) for broad area habitat searches and targeted flora and fauna surveys.<br><b>NB:</b> <i>If the potential NC is picked up and the issue rectified prior to harvesting, this is not considered a NC.</i> |
| Use of incorrect BNA (tree clumps) or NHA (individual tree retention).  | Yes                  |   |
| <5% Base Net Area in Wildlife Habitat Clumps prior to LLA approval.   | Yes                  | 5% of the BNA is required within wildlife clumps in a LLA prior to commencing harvesting or roading operations.   |
| <b>Roading</b>  |                      |   |
| Sediment deposited and left in a drainage feature during crossing construction.                                       | Yes<br><b>NB:</b> No | Spoil must not be left in a drainage feature.<br><b>NB:</b> <i>If spoil derived from road crossing construction is removed from the drainage feature and disturbed areas are reshaped and stabilised it is not a NC.</i>                                      |
| Inappropriate road and track drainage   | Yes                  | Road drainage structures must divert water onto a stable surface that is capable of handling concentrated water flow and provides for sediment trapping and energy dissipation.   |
| Fill batter contains road debris from clearing.   | Yes                  | Clearing debris is not to be incorporated into fill batters during construction as it can cause unstable batters.   |
| Unstable road batters, surfaces and table drains.   | Yes                  | All road batters, surfaces and table drains must be stable during active operations.  |
| <b>Mark-up</b>  |                      |   |
| Potential Subterranean bat roost (e.g. in an old mine) was not assessed during mark-up (i.e. not marked on FCMaPApp). | Yes                  | Potential subterranean bat roosts must be subject to a bat inspection survey. Survey records must be recorded.  |
| Failing to mark/record giant trees.   | Yes                  | Condition 64 states that all giant trees must be retained.  |
| An ESA (e.g. rocky outcrop, rainforest etc) is not marked and recorded during mark-up.                                | Yes                  | All ESA 1 and ESA 2's require protection and marking either in FCMaPApp or in the field.  |
| Failure to mark/record impenetrable understory where BAHS cannot be completed due to impenetrable understory.         | Yes                  | The presence of impenetrable understory must be recorded and mapped in FCMaPApp in accordance with Conditions 39 & 117.   |

| Harvesting   |                      |   |
|--|----------------------|---|
| Accidentally felled tree where:<br><ul style="list-style-type: none"> <li>- A reasonable attempt was made to fell away from the ESA.</li> <li>- The feller did not, and could not have reasonably been expected to know, the tree would fall into the ESA.</li> <li>- Recorded/documentated in accordance with Protocol 33.</li> </ul> | No                   | The CIFOA allows for an accidentally felled tree where it meets the prescriptions of Condition 93.  |
| Felled a tree into an ESA 1  | No                   | As above, record as an accidentally felled tree.  |
| Felled a tree into an ESA 2  | No                   | The CIFOA allows for 6 in 200m.   |
| Machine entry into outer 5m of an ESA 2 to fall a tree.  | No                   | Harvesters are allowed to enter the outer 5m of an ESA 2 to fall a tree which is in the harvesting area.  |
| Harvesting of a retained tree (e.g. giant tree, dead standing tree).   | Yes<br><b>NB: No</b> | Condition 64 states that all dead standing trees & giant trees must be retained.<br><b>NB: If a tree, including a dead standing tree is removed and recorded/documentated as a WHS tree in accordance with Protocol 33 &amp; is replaced by a comparable tree within the patch, it is not a NC.</b> |
| Machine entry into a tree retention clump (ESA1)   | Yes                  | Machine entry into an ESA 1 is not allowed.   |
| Damage to retained tree  | Yes<br><b>NB: No</b> | Retained trees must not be damaged (where the trees longevity or suitability to fulfill its purpose is compromised).<br><b>NB: where the damaged retained tree is replaced with a comparable tree and marked on FCMapApp it is not a NC.</b>  |
| Sediment deposited within a riparian zone due to ineffective snig track drainage.  | Yes                  | Waterflow must not discharge directly into drainage features. The snig track must be stable and capable of withstanding use.  |
| General  |                      |   |
| Any non-compliance with a voluntary measure (voluntary measure, not CIFOA protocol).   | No                   | The voluntary measures were set by FCNSW and are over and above that of the CIFOA.  |

## 2.2 Western IFOA Non-compliance examples

| Event / Incident  | Non-compliance | Reasoning, incl when it may be escalated to a NC  |
|---|----------------|---|
| <b>General</b>  |                |   |
| Machine entry into a drainage protection area that causes a large amount of sediment to deposit into the Murray River.  | Yes            | This is a reportable NC as it is a contravention of a condition of the EPL and thus is required to be published to the IFOA Compliance Register. This is also a notifiable incident as it results in water pollution that threatens material harm to aquatic ecology and thus is required to be reported to the EPA immediately.  |
| Machine entry into a drainage protection area that does not cause sediment to deposit into any drainage feature. The site is rehabilitated immediately by re-establishing groundcover.  | Yes            | This is a reportable NC as it is a contravention of a condition of the EPL and thus is required to be published to the IFOA Compliance Register. Although the act of machine entry into a drainage protection area is a NC against the EPL, it does not result in water pollution that threatens or causes material harm and as such is not considered a notifiable incident. |
| A tree containing a raptor nest was felled during River Red Gum IFOA harvesting operations.   | Yes            | This is a NC with Chapter 3 of the IFOA, and not the EPL. This is not considered a reportable non-compliance and is managed for the purpose of improvement opportunities.   |
| A tree that is required to be retained under the Brigalow Nandewar IFOA is not physically marked for retention due to impenetrable understorey.   | No             | This is permitted under the IFOA if impenetrable understorey is present.  |
| During road construction operations, it was found that the operation was conducted as per the River Red Gum IFOA, however flooding has resulted in sediment being deposited into a dam used for drinking water by the community. Several people have indicated that drinking the water has caused them to feel ill. | No             | This operation has caused material harm to humans and is considered a notifiable incident. If the operation is conducted in compliance with the EPL this is a defence against any pollution event that may occur as a result of the operation.  |