



## **Memorandum of Understanding between the Forest Practices Authority (FPA) and the Environment Protection Authority (EPA) on matters of overlapping jurisdiction**

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### **1. Objectives**

The objectives of this agreement are:

- (1) to define the respective roles of each statutory authority in relation to matters of potentially overlapping jurisdiction; and
- (2) to agree on how the parties will work together collaboratively to achieve the objectives of their respective legislation and minimise the potential for duplication of regulatory effort.

### **2. Legislation and Roles**

The Parties acknowledge that:

- 2.1 The FPA administers the *Forest Practices Act* which has been established to perform the role of regulating the environmental impacts of forestry activities.
- 2.2 The EPA administers the *Environmental Management and Pollution Control Act* (EMPCA) which has been established to prevent environmental harm arising from pollution.
- 2.3 EMPCA does not exclude forestry and that, as a consequence, there may be potentially overlapping jurisdictions between the FPA and the EPA in relation to the impacts of forestry activities.
- 2.4 Both authorities have an obligation to seek compliance with their respective legislation.
- 2.5 EMPCA and the Forest Practices Act have a range of different statutory provisions to encourage/require compliance.

### **3. Agreement:**

The parties agree to work together to in relation to matters that could be within the jurisdiction of both authorities. Specifically, the parties agree that:

- 3.1 The FPA in administering its legislation and carrying out its statutory functions will be the front-line authority for regulating the environmental impacts of forestry activities.
- 3.2 The FPA and EPA will work collaboratively on the review of the Forest Practices Code with the objective that compliance with the Code will satisfy the General Environmental Duty under EMPCA.
- 3.3 The FPA will be responsible for investigating complaints or reports about adverse impacts of forestry activities on the environment.
- 3.4 The EPA will, in the first instance, forward any such complaints that it receives to the FPA.
- 3.5 When investigating complaints or carrying out its own compliance auditing of forestry activities the FPA will be mindful of the provisions of EMPCA and, if its officers detect potential non-compliance with EMPCA that will not be addressed by achieving compliance with the FPA, will refer the matter to the EPA.
- 3.6 The EPA will investigate any such referred matters in conjunction with the FPA and the parties will consult on the most appropriate form of action.
- 3.7 The Director, EPA will appoint the CFPO as an authorised officer under EMPCA such that he/she can exercise the powers available under EMPCA in relation to forestry activities. If appropriate, the parties may agree to the appointment of further FPA officers as authorised officers under EMPCA.
- 3.8 The parties agree to work together cooperatively on any specific issues or matters of mutual interest or jurisdiction. Such matters may be raised by either party through the respective Chairs.
- 3.9 The parties will hold an annual meeting to review MOU and the actions that have taken place under it.

Signed on behalf of the Forest Practices Authority

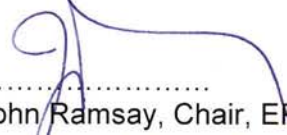
 19.11.08

Geoff Willis, Chair of the Board of the FPA

 19/11/08


Graham Wilkinson,  
Chief Forest Practices Officer

Signed on behalf of the Environment Protection Authority

  
John Ramsay, Chair, EPA Board.

Date:

1.12.08

 1/12/08

Warren Jones, Director, EPA