

# Procedures for the Use of Work Improvement Notices and Management Letters



**Sustainable Forest Management Series**

**Department of Environment and Conservation**

**SFM Advisory Note 4  
2006**

Some or all of this document will form part of the proposed  
*Forest Monitoring Guidelines*



**Department of  
Environment and Conservation**

## Framework for Guidance Documents from Sustainable Forest Management Division

The Forest Management Plan 2004-2013 (FMP) requires that there be developed *Forest Monitoring Guidelines*. The Guidelines, when developed, will cover the following topics:

- Aspects to monitoring;
- Intensity of monitoring;
- Methods of monitoring;
- Recording information;
- Relationship with other monitoring requirements; and
- Procedures for response to issues identified through monitoring.

Guidance for operations staff on the above topics is not currently available in existing documents. This Advisory Note, and others that are being developed, is to provide guidance on issues not already covered in existing documents but needed before the Department of Environment and Conservation has synthesised existing guidance information and developed all the new material required to produce the *Forest Monitoring Guidelines*.

This Advisory Note relates to existing guidance documents, and proposed and existing Advisory Notes related to forest monitoring as outlined in the table below.

<b>Existing guidance documents related to forest monitoring</b>	<b>Proposed and existing Advisory Notes related to forest monitoring</b>
<ul style="list-style-type: none"> <li>• Forest Management Plan 2004-2013, Appendix 3</li> <li>• Manual of Management Guidelines for Timber Harvesting in Western Australia</li> <li>• Contractors' Timber Harvesting Manual – South West Native Forests (FPC)</li> <li>• Sustainable Forest Management Harvesting Compliance Monitoring Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Procedures for the Use of Work Improvement Notices and Management Letters</li> <li>• Pre-operation Checklist for Disturbance Operations on State Forest and Timber Reserves. Proposed SFM Advisory Note</li> <li>• Approvals Matrix for Operations on State Forest and Timber Reserves. Proposed SFM Advisory Note</li> <li>• Monitoring of Disturbance Operations in State Forest and Timber Reserves</li> </ul>

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*Cover photograph: Thinned regrowth karri forest in Nairn block  
(taken by Bob Hagan)*

## TABLE OF CONTENTS

<b>1</b>	<b>Background and context</b> .....	<b>5</b>
1.1	Purpose.....	5
1.2	Scope.....	5
1.3	Custodianship and management of this document .....	5
<b>2</b>	<b>Definition of key terms</b> .....	<b>6</b>
<b>3</b>	<b>What is a Work Improvement Notice and a Management Letter</b> .....	<b>7</b>
3.1	Work Improvement Notice.....	7
3.2	Management Letter.....	7
<b>4</b>	<b>Observing and reporting non-compliance and unsatisfactory environmental outcomes</b> .....	<b>8</b>
4.1	SFM District officers.....	8
4.2	Other DEC staff.....	8
4.3	General public .....	8
<b>5</b>	<b>When to issue a Work Improvement Notice or a Management Letter</b> .....	<b>9</b>
5.1	When not to issue a Work Improvement Notice or Management Letter .....	9
5.2	When to issue a Work Improvement Notice or Management Letter .....	9
<b>6</b>	<b>Procedure for management of a Work Improvement Notice</b> .....	<b>12</b>
6.1	Drafting and issuing a Work Improvement Notice.....	12
6.2	Assessing remedial actions of a Work Improvement Notice.....	12
6.3	Closing a Work Improvement Notice.....	13
<b>7</b>	<b>Procedure for management of a Management Letter</b> .....	<b>14</b>
7.1	Drafting and issuing a Management Letter .....	14
7.2	Assessing remedial actions and closing a Management Letter.....	14
<b>8</b>	<b>Procedure for addressing an inadequate response to a Work Improvement Notice or Management Letter</b> .....	<b>16</b>
8.1	Work Improvement Notice or Management Letter is not acknowledged.....	16
8.2	Remedial actions not addressed on time.....	16
8.3	Corrective actions are not carried out to a satisfactory / adequate level.....	16
8.4	Contested or unresolved Work Improvement Notice or Management Letter.....	17
8.5	Conflict resolution at a higher level .....	17
<b>9</b>	<b>Advice about preparing a Work Improvement Notice and a Management Letter</b> .....	<b>18</b>
<b>10</b>	<b>Reporting</b> .....	<b>23</b>
10.1	Reporting on unresolved Work Improvement Notices or Management Letters.....	23
10.2	Summary reporting.....	23
<b>11</b>	<b>Further Reading</b> .....	<b>24</b>
	<b>Appendix 1: SFM Incident Recording Form</b> .....	<b>25</b>
	<b>Appendix 2: Quick guide to issuing a Work Improvement Notice</b> .....	<b>26</b>
	<b>Appendix 3: Quick guide to issuing a Management Letter</b> .....	<b>27</b>
	<b>Appendix 4: Work Improvement Notice Form</b> .....	<b>28</b>
	<b>Appendix 5: Management Letter Form</b> .....	<b>31</b>

# 1 Background and context

## 1.1 Purpose

Work Improvement Notices (WINs) and Management Letters (MLs) are part of the monitoring and compliance system used by the Department of Environment and Conservation (DEC) Sustainable Forest Management Division (SFM) to alert external agencies operating on land managed by DEC to breaches in compliance with environmental and approved management requirements or to an unsatisfactory environmental outcome. The issuing of WIN / ML provides DEC with:

- A process to alert external agencies to non-compliance;
- A means to document non-compliance;
- A means to monitor the frequency with which non-compliance occurs; and
- A means to monitor the conditions of approval or guidelines for which non-compliance is most often observed.

To ensure the use of WINs and MLs is effective, there needs to be a systematic and consistent approach to issuing WINs and MLs, including a timely and appropriate response to the observed non-compliance.

The purpose of this document is to outline the acceptable procedures to be used to facilitate the process of issuing WINs and MLs.

## 1.2 Scope

This document applies to activities on State forest and timber reserves managed by the Department of Environment and Conservation and freehold land held in the name of the CALM Act Chief Executive Officer (CEO).

This document applies to all activities, unless the activity is covered by an authority that overrides the *Conservation and Land Management Act 1984* or the *Forest Management Plan 2004-2013*.

## 1.3 Custodianship and management of this document

The custodian of this document is the Manager of the Forest Policy and Practices Branch of the Sustainable Forest Management Division of DEC. The document will be reviewed in 2008.

## 2 Definition of key terms

<b>Compliance</b>	The implementation of a requirement to an acceptable standard.
<b>Enforcement</b>	The set of actions that are undertaken to achieve compliance and to correct or halt situations that endanger the environment or public health.
<b>Enforcement response</b>	The set of actions taken in response to non-compliance to bring the regulated body into compliance and /or to deter both the violator and others from future incidents of non-compliance.
<b>Environmental auditing</b>	A periodic, systematic, comprehensive, documented, and objective evaluation to determine compliance status with environmental requirements and /or of management systems and practices that affect compliance.
<b>External Agency</b>	Any public or private body, other than DEC, accessing State forest, timber reserves and freehold land held by the CALM Act CEO with the intention of undertaking works.
<b>Non-compliance</b>	Failure to comply with a requirement to an acceptable standard.

## **3 What is a Work Improvement Notice and a Management Letter**

### **3.1 Work Improvement Notice**

A WIN is the document that is used to advise External Agencies accessing State forest, timber reserves and freehold land held by the CALM Act CEO when there has been a failure to comply with an environmental standard, management requirement or condition of approval, or an unsatisfactory environmental outcome, and where remedial action in the field by the body responsible is possible and required. Improvement in compliance may also require changes to the external agency's planning or management systems.

### **3.2 Management Letter**

A ML is the document that is used to advise External Agencies accessing State forest, timber reserves and freehold land held by the CALM Act CEO when there has been failure to comply with an environmental standard, management requirement or condition of approval, or an unsatisfactory environmental outcome, but where remedial action in the field by the body responsible is not possible, and / or not required. Improvement in future performance requires changes to the external agency's planning or management systems.

## **4 Observing and reporting non-compliance and unsatisfactory environmental outcomes**

### **4.1 SFM District officers**

Incidents of non-compliance or unsatisfactory environmental outcomes should be investigated thoroughly before consideration is given to issuing a WIN or ML to ensure all details of the suspected non-compliance or an unsatisfactory environmental outcomes are correct and all relevant information has been collected.

SFM District officers should record details of all suspected non-compliance and unsatisfactory environmental outcomes they observe (this may include written and photographic evidence).

The information recorded should include details of where and when the suspected non-compliance or unsatisfactory environmental outcome was observed (if the issue is restricted to a certain area within a harvest cell include a simple sketch map of the location and GPS coordinates), when the incident occurred (if possible), the contractor or other people involved, details of any discussions with on-site supervisors or contractor staff, and any other relevant information which may be useful in preparing a report of non-compliance or unsatisfactory environmental outcomes (e.g. the types of machinery used, weather conditions) (refer Appendix 1 'SFM Incident Recording Form').

If an investigation of the suspected non-compliance or unsatisfactory environmental outcome determines that further action is required (i.e. there are no legitimate extenuating circumstances which resulted in the non-compliance or unsatisfactory environmental outcome such as health and safety requirements or authorisation from DEC personnel) then information and a recommendation should be passed on to the District Manager who will consider the drafting of a WIN or ML (see Section 5).

### **4.2 Other DEC staff**

Other DEC staff who observe non-compliance or unsatisfactory environmental outcomes should report their concerns to a SFM District Officer, District Manager, or the Principle Forest Practices Officer as soon as possible. In most cases the reporting should be to an SFM District Officer or District Manager. However, where staff observe non-compliance in procedures or issues relating to management processes that apply at a scale greater than a single Region, they can report this to the Principle Forest Practices Officer for follow-up to the Manager Forest Policy and Practices Branch (FPPB). DEC staff should fill out a SFM Incident Recording Form Appendix 1. DEC staff should record as much information as possible about the incident and where requested provide a detailed written report outlining the circumstances to assist in any follow-up investigation by District staff. If an investigation confirms that there has been a breach of environmental or management requirements, or an unsatisfactory environmental outcome, the District Manager will consider the drafting of a WIN or ML (see Section 5).

### **4.3 General public**

The general public can report suspected non-compliance to DEC staff at District or Regional offices. DEC administrative and field staff are required to record the information on an SFM Incident Recording Form.

SFM District Officers should follow up and investigate the suspected non-compliance. If an investigation confirms that there has been a breach of environmental or management requirements, the District Manager will consider the drafting of a WIN or ML (see Section 5).



## **5 When to issue a Work Improvement Notice or a Management Letter**

### **5.1 When not to issue a Work Improvement Notice or Management Letter**

#### **5.1.1 Breach of Act or Regulation**

Where a breach of an Act or Regulation is identified, then this should be treated as a potential forest offence, and the collection of information, and interview of persons involved dealt with in accordance with Policy Statement 57 - Prosecution Policy and Guidelines (November 2001) available at <http://calmweb/drb/edo/mab/Policies/ps57.pdf>.

In these instances, the use of a WIN or ML as the initial method to deal with the issues is not appropriate. However once the information is collected and assessed, the Director of SFM or the Director General may decide not to proceed towards prosecution and the issuing of a WIN or ML may then become the appropriate course of action.

#### **5.1.2 Minor incidents**

A WIN or ML should not be issued for single, non-recurring minor incidents which have a very low impact on the environment or are a minor breach of a management requirement and that pose no risk to personal or public health and safety. The decision not to issue a WIN or ML should be based on the outcome of an investigation into the incident. In these situations a telephone call to the project or coupe supervisor to discuss the issue and determine a suitable remedial action, or an email outlining the situation, will be more appropriate.

The decision not to issue a WIN or ML for a minor incident should be recorded in a diary or on a SFM Incident Recording form. If minor incidents become repetitive, however, and there is continued disregard for compliance then stronger action should be taken and a WIN or ML should be issued.

### **5.2 When to issue a Work Improvement Notice or Management Letter**

A WIN or ML should be issued when:

- SFM officers have confirmed that there has been a breach of environmental or management requirement or an unsatisfactory environmental outcome;
- The issue is not a breach of an Act or Regulation, or the breach is of an Act or Regulation but the Director of SFM or the Director General have decided not to proceed towards prosecution; and
- The issue is not a minor incident (see Section 5.1.2 above).

Where there are multiple occurrences of a particular breach within a single coupe e.g. tops disposal, a single WIN or ML should be considered for the coupe that lists each harvest cell where the non-compliance has occurred. Do not issue a separate WIN or ML for each harvest cell.

It is important that WINs and MLs are investigated and issued in a timely manner so that remedial works and improvements to management systems are undertaken before further breaches or unsatisfactory environmental outcomes occur.

### 5.2.1 Issues to be dealt with through a Work Improvement Notice

A WIN should be issued when non-compliance with environmental or management requirements occurs and remedial action in the field is possible to address the non-compliance and to repair any environmental disturbance. Changes to procedures or management systems of the external agency may be required but should not be the primary focus of the WIN.

Examples of issues that are suitable for addressing through a WIN are where observed non-compliance or an unsatisfactory environmental outcome is associated with any of the following:

- *Phytophthora cinnamomi* hygiene management where it is unlikely that disease has already been spread (e.g. vehicle permits; wash down facilities not of a required standard, not effective or in an unsuitable location; no written records of inspections and /or clean downs);
- tops disposal;
- soil disturbance that is able to be repaired;
- erosion control barriers;
- rehabilitation of landings;
- silvicultural standards such as treemarking (e.g. inappropriate selection of crop trees, inappropriate selection of shelterwood overstorey or inappropriate marking for a selective cut in dieback);
- boundary demarcation prior to the area being accessed;
- gravel pit (BRM) management and rehabilitation; or
- pollution and litter (e.g. small oil/lubricant spills that can be cleaned up and leave minimum environmental damage, rubbish accumulation or repeated minor instances of littering).

### 5.2.2 Issues to be dealt with through a Management Letter

A ML should be used when there is non-compliance with environmental or management requirements or an unsatisfactory environmental outcome and remedial action in the field is not possible or not required. To assist improved future performance, changes to the external agency's planning and management processes are required. A ML should also be issued where there is a continued lack of compliance in a disturbance operation that has resulted in a number of WINS being issued.

Examples of issues that are suitable for addressing through a ML are where observed non-compliance or an unsatisfactory environmental outcome is associated with:

- *Phytophthora cinnamomi* hygiene management incidents that have resulted in the potential introduction or spread of this disease (e.g. ineffective wash down, failure to observe Clean On Entry points, dirty vehicles which may have caused *P. cinnamomi* introduction or spread, operations commencing before the disease status of the area has been determined, road maintenance operations commencing without approval of *P. cinnamomi* management plan, use of roads inconsistent with *P. cinnamomi* hygiene practises and approvals, using gravel of unknown *P. cinnamomi* status on DEC estate);
- crop tree damage;
- habitat tree damage;
- incursion into a demarcated informal reserve or other protected reserve (including machine movement, timber harvesting, or selection of access routes and where rehabilitation work is inappropriate);

- inappropriate removal or use of BRM;
- duplication of extraction tracks;
- inefficient utilisation of timber products;
- repeat offences resulting in the issuing of multiple WINs for a single coupe or single contractor;
- commencing harvesting without approval i.e. Pre-harvest Checklist not signed by DEC or approval not gained for access in the Medium to high or High risk period;
- removal of trees from outside the demarcated coupe area (for areas other than informal reserves). This is a breach of Regulation, however depending on the circumstances the issuing of a ML will usually be most appropriate;
- where a WIN has not been addressed and has been judged to unsatisfactorily affect DEC's ability to complete subsequent works (silvicultural or other).

## **6 Procedure for management of a Work Improvement Notice**

### **6.1 Drafting and issuing a Work Improvement Notice**

Information about the non-compliance should be collated by a SFM District officer and submitted to the District Manager. Alternatively, when audits or inspections by the Senior Environmental Auditor reveal breaches then the Senior Environmental Auditor should collate the information about the non-compliance or an unsatisfactory environmental outcome.

During the investigation the relevant representative of the external agency should be contacted and the DEC officer should seek an explanation or justification for the actions. This information should be considered as part of the decision process before proceeding to draft the WIN. Where possible, and before the WIN is issued, it is advisable that the SFM District officer and the External Agency's on-ground supervisor and the nominated contact for the External Agency, meet on site to discuss the non-compliance or unsatisfactory environmental outcome, ways to remediate it and ways to avoid future non-compliance or unsatisfactory environmental outcomes. Any discussions or agreed actions from this meeting must be recorded and kept with the original WIN documentation.

Once the information has been collated by a SFM District officer or the Senior Environmental Auditor, the District Manager is to confirm the breach has occurred, check the details and draft a WIN (see Appendix 4 for WIN proforma). The District Manager will then submit the WIN (electronic copy and hard copy) to the Regional Manager.

The Regional Manager will consider the documentation and if appropriate endorse and issue the WIN to the nominated contact person for the External Agency, with copies to other relevant personnel. It is recommended that the Regional Manager use an electronic signature on any email copies that are distributed. The Regional Manager must keep a hard copy of the original signed document.

The WIN should be emailed to the appropriate contact for the External Agency using the following criteria:

- In the email toolbar under 'Options', the message settings should be set to HIGH importance; and
- Select both the 'Request a delivery receipt for this message' and 'Request a read receipt for this message'.

This will indicate that the WIN has been successfully sent to the email address (automatic notification) and can potentially identify that the recipient has read the email (the recipient may choose not to send the 'Read Receipt' so acknowledgment of notification will not always be possible).

The type and urgency of remedial action should determine the allowable timeframe for the External Agency to carry out the required remedial work. Where the work required to resolve the WIN has the potential to affect subsequent DEC works, critical dates should be identified and sufficient time given to meet the planning or implementation requirements of subsequent operations.

### **6.2 Assessing remedial actions of a Work Improvement Notice**

It is important that once a WIN has been issued, the requested actions are followed up within an appropriate timeframe. WINs should be followed up on the date given for actions to be completed.

If the External Agency has not addressed the WIN in the given timeframe, the District or Regional Manager should contact the Agency (refer Section 8).

Once the remedial work is completed, the External Agency should send a hard copy of the completed WIN to the DEC District Manager (Note: there are two sections identified on the WIN pro-forma that the External Agency must fill out and sign off before handing the WIN back to DEC).

An SFM District officer must complete an on-site inspection to assess whether the remedial action has been carried out to the required standard. The SFM District Officer should sign the WIN and indicate if the remedial action has been completed to the required standard. Where the Environmental Auditor has recommended the issuing of the WIN, then he/she may attend the on-site inspection, but should be advised of the outcome and the sign off on the remedial action. The District Manager is to countersign regarding the standard of remedial actions.

### **6.3 Closing a Work Improvement Notice**

Once the District Manager has agreed that the standard of remedial action is adequate and signed off the WIN, a hardcopy is submitted to the Regional Manager who either approves the closure of the WIN, or if the Regional Manager determines that the remedial action has not been completed to the required standard, contacts the nominated contact of the External Agency to discuss the outstanding issue. If the issue remains unresolved, further action involving the Director of SFM and / or the Director General may be required (refer Section 8 for dealing with unresolved WINs/MLs).

Upon closure of the WIN, the Regional Manager must keep a hardcopy on file and email or send a letter of closure of the WIN to the nominated contact of the External Agency, DEC District Manager, Forest Policy and Practices Branch (Bunbury) and the Director of the Conservation Commission.

Appendix 2 provides a quick guide to the management of WINs.

## **7 Procedure for management of a Management Letter**

### **7.1 Drafting and issuing a Management Letter**

Information about the non-compliance or an unsatisfactory environmental outcome should be collated by a SFM District officer and submitted to the District Manager. Alternatively, when audits or inspections by the Senior Environmental Auditor reveal breaches then the Senior Environmental Auditor should collate the information about the non-compliance or unsatisfactory environmental outcome and submit the information to the District Manager.

During the investigation the relevant representative of the external agency should be contacted and the DEC officer should seek an explanation or justification for the actions. This information should be considered as part of the decision process before proceeding to draft the ML. Where possible, and before the ML is issued, it is advisable that the SFM District officer and the External Agency's on-ground supervisor and the nominated contact for the External Agency, meet on site to discuss the non-compliance or unsatisfactory environmental outcome, and ways to avoid future non-compliance or unsatisfactory environmental outcomes. Any discussions or agreed actions from this meeting must be recorded and kept with the original ML documentation.

The District Manager is to confirm the non-compliance or unsatisfactory environmental outcome, check the details and write up ML (see Appendix 5 for ML proforma). The District Manager will then submit the ML (electronic copy and hard copy) to the Regional Manager.

FPPB staff may also bring non-compliance issues to the attention of their relevant Branch Manager. Manager FPPB can issue a ML for systematic breaches or requirements that may occur at a broader level than an individual DEC Region.

The Regional Manager / Manager FPPB will consider the ML and if appropriate issue the ML to the nominated contact person for the External Agency, with copies to other relevant personnel. It is recommended that the Manager issuing the ML use electronic signature on any email copies that are distributed. The Manager issuing the ML must keep a hard copy of the original signed document

The ML should be mailed or emailed to the appropriate contact of the External Agency. Where email is used the following options should be employed:

- In the email toolbar under 'Options', the message settings should be set to HIGH importance; and
- Select both the 'Request a delivery receipt for this message' and 'Request a read receipt for this message'.

This will indicate that the ML has been successfully sent to the email address (automatic notification) and can potentially identify that the recipient has read the email (the recipient may choose not to send the 'Read Receipt' so acknowledgment of notification will not always be possible).

### **7.2 Assessing remedial actions and closing a Management Letter**

It is important that once a ML has been issued, the requested actions are followed up within an appropriate timeframe. MLs should be followed up on the date given for actions to be completed. Once the remedial action is completed, the nominated contact for the External Agency should send a hard copy of the completed ML to the DEC Manager that issued the ML.

The External Agency should provide evidence of improvements to the management system(s) to ensure future compliance, and if necessary, an explanation of training provided for staff. The Regional Manager / Manager FPPB will assess whether the actions are satisfactory or unsatisfactory and sign off on closure of the ML. Where the ML was drafted by the Senior Environmental Auditor, then the relevant Manager needs to seek the views of the Auditor with respect to the adequacy of the remedial actions taken by the External Agency.

If the remedial action has not been completed to a satisfactory standard, the Regional Manager / Manager FPPB should contact the nominated person of the External Agency to discuss the outstanding issue. If the issue remains unresolved, further action involving the Director of SFM and / or the Director General may be required (refer Section 8 for dealing with unresolved WINS / MLs).

Upon closure of the ML, the Regional Manager / Manager FPPB must keep a hardcopy of the ML on file and email closure of the ML to the nominated contact for the External Agency, DEC District Manager, Forest Policy and Practices Branch (Bunbury) and the Director of the Conservation Commission.

Appendix 3 provides a quick guide to the management of MLs.

## **8 Procedure for addressing an inadequate response to a Work Improvement Notice or Management Letter**

### **8.1 Work Improvement Notice or Management Letter is not acknowledged**

If there is no response to indicate the External Agency has received and read the WIN or ML, the District Manager, Regional Manager or Manager FPPB (in the case of a ML) should follow-up with a phone call or email.

### **8.2 Remedial actions not addressed on time**

If the External Agency feels that the amount of time allocated for corrective action is not adequate, this should be communicated to the District or Regional Manager (in the case of a WIN) and the relevant DEC Manager (in the case of a ML) as soon as possible on receipt of the WIN or ML and an extension or revision of time may be discussed and approved in writing.

If the External Agency does not address the remedial action in the time frame given, the procedure outlined below should be followed:

**WIN:** District Manager should contact the nominated contact person of the External Agency by telephone, email or letter to question why the remedial action has not been carried out. If the response is inadequate then:

The District Manager should inform the Regional Manager who should then contact the External Agency to discuss the issue. If the matter remains unresolved it should be referred to the Director of SFM for consideration. The Director is to liaise with a high level counterpart in the External Agency to attempt to resolve the outstanding issues.

Where the work required for a WIN is not completed in a timely manner and is considered to affect the timing or effectiveness of subsequent DEC work, then the Regional Manager may recommend that the WIN be closed in a report to the Director of SFM. The Director of SFM may then request the Regional Manager to issue a ML to the External Agency and allow DEC works to proceed. In this case, the remedial action of the WIN will be signed off as 'Unsatisfactory'.

**ML:** The Manager that issued the ML should contact the nominated contact person of the External Agency by telephone, email or letter to question why the recommended action has not been undertaken. If the matter remains unresolved it should be referred to the Director of SFM for consideration. The Director is to liaise with a high level counterpart in the External Agency to attempt to resolve the outstanding issues.

### **8.3 Corrective actions are not carried out to a satisfactory / adequate level**

When the External Agency has undertaken corrective action, but this is considered to be inadequate then the SFM officer evaluating the corrective action should record all actions taken, give a written explanation as to why the actions are unsatisfactory (and photographic evidence if it would help justify why the remedial actions are unsatisfactory) and provide a report to the Regional Manager via the District Manager, or to the Branch Manager in the case of a ML issued by the Manager FPPB.



The District Manager, and where necessary the Regional Manager, or to the Branch Manager in the case of a ML issued by the Manager FPPB, will address the issues with the External Agency and if the issues cannot be resolved then the situation will be treated as unresolved and referred to the Director of SFM for consideration. The Director is to liaise with a high level counterpart in the External Agency to attempt to resolve the outstanding issues. As identified in Section 8.2 above, where the remedial actions of the WIN are incomplete and have consequences for subsequent DEC operations, the option exists for the Director of SFM to close the WIN and record the remedial action as “Unsatisfactory”.

#### **8.4 Contested or unresolved Work Improvement Notice or Management Letter**

A contested WIN needs to be addressed in the first instance by the Regional Manager to try to come to agreement with the External Agency. A contested ML needs to be addressed in the first instance by the Manager that issued the ML to try to come to agreement with the External Agency.

If agreement is not reached then the issue is to be referred to the Director of SFM, through the Manager, Forest Policy and Practices Branch, by preparing a detailed report including the original WIN or ML and any supporting documentation, responses from the External Agency, reasons for the External Agency view that the response is adequate (where these have been provided in writing to DEC) and the reasons for the DEC view that the response is inadequate. This report should be sent to the Director of SFM for consideration. The Director is to liaise with a high level counterpart in the External Agency to attempt to resolve the outstanding issues. Where agreement cannot be reached between the Director of SFM and the External Agency, the matter may be closed and recorded as “Unsatisfactory”.

#### **8.5 Conflict resolution at a higher level**

Where agreement cannot be reached between the Director of SFM and the External Agency, the matter may be referred to the Conservation Commission for consideration.

## 9 Advice about preparing a Work Improvement Notice and a Management Letter

The following advice is aimed at assisting staff in preparing a WIN or a ML. The proforma for a WIN is at Appendix 4 and the proforma for a ML is at Appendix 5.

Component	Action required / Explanation
<b>Details to be filled in by DEC</b>	
Nominated Contact for the External Agency	The proponent may nominate a contact person to whom all correspondence about particular contracts or work areas is to be directed. If such a person is not nominated, then all correspondence should be sent to the CEO of the agency or company.
Postal Address	It is recommended that all correspondence be sent to the agency or company P.O. Box rather than to the street address.
Date of Issue	Date that the WIN/ML is SENT to the External Agency.
Work Improvement Notice / Management Letter Identifier	Use a standardised code to identify a WIN and a ML. The code consists of the "District" _ "year" _ "Incident number" e.g. Donnelly_2005_01. This format allows the incidents to appear in chronological order when entered into an electronic database. This will assist both the Regional Services personnel and FPPB Monitoring & Compliance Officer to track the incidents and avoid omission or duplication of numbers.  Where an ML is issued by a SFM Branch Manager the identifier should consist of "Branch" _ "Incident number" _ "year" e.g. FPPB_2005_01.
External Agency	Name of the organisation carrying out works.
Supervisor	This should be the on-ground supervisor or coupe OIC.
Contractor	Provide the Company name or the name of the person doing the work.

Component	Action required / Explanation
DEC Region	Where an extensive activity such as road construction / maintenance results in an incident occurring across DEC administrative boundaries, then both Regions should be indicated. A single WIN or ML should be prepared, remedial actions and recommendations must be agreed by DEC personnel before the notice is issued. A copy of the document should be distributed to each Regional Manager.
DEC District	Where an extensive activity such as road construction / maintenance results in an incident occurring across DEC administrative boundaries, then both Districts should be indicated. A single WIN or ML should be issued. A copy of the document should be distributed to each District Manager.
Forest Block	<p>Use the following:</p> <p>Native forest harvesting - Forest block name;  Plantation operations - Plantation name or the forest block name used to identify the plot;  Roading – list all forest blocks or plantations affected.</p> <p>Where an incident occurs on a Crown Reserve or freehold land held in the name of the CALM Act CEO it is important to provide the Reserve No. or Location No. to identify where the incident took place.</p>
Location / Coupe	<p>Use the following:</p> <p>Native forest harvesting - Forest block compartment identified in Harvest Plan;  Plantation operations – identify the compartment, or the Plot Number (e.g. Plot 6);  Roading – Describe the section of road affected (e.g. Austin Road from Gold Gully Road to Graphite Road).</p>
Operational Control Breached or Unsatisfactory Environmental Outcome	State the Management Plan, DEC guideline, Letter of Authority, Approval notice or condition of approval that has been breached.

Component	Action required / Explanation
<p>Details of Breach or Unsatisfactory Environmental Outcome</p>	<p>Include the date that the non-compliance or unsatisfactory environmental outcome was first observed, and where possible include the date that the non-compliance or unsatisfactory environmental outcome occurred.</p> <p>Describe the non-compliance or unsatisfactory environmental outcome. This section should contain enough detail that persons from the External Agency can follow-up on the non-compliance or unsatisfactory environmental outcome. This may need to include a sketch map and GPS coordinates of where the incident occurred within the harvest cell. This section should also indicate factors that may have contributed to the non-compliance or unsatisfactory environmental outcome.</p> <p>Describe the impact of the non-compliance or unsatisfactory environmental outcome.</p>
<p>Corrective and Preventative Action Required (Identify Immediate / Short term / Medium-Long term)</p> <p>NOTE: In the case of a WIN, actions required may be both corrective and preventative. In the case of a ML, actions required will be preventative.</p>	<p>The officer preparing the WIN or ML should consider what corrective and preventative action is necessary to address the issues that have been identified as part of the breach and that may be necessary to reduce the likelihood of a re-occurrence. In many cases there will be a number of remedial and preventative actions that are required to address the environmental consequences, work processes, or administration procedures. The following actions should be considered.</p> <p><b>Immediate:</b></p> <p><i>Corrective Actions</i></p> <p>Immediate cessation of field operations. Urgent field work to address ongoing environmental damage. Field work that is required before operations can commence or continue.</p> <p><i>Preventative Actions</i></p> <p>Review of demarcation standards / marking to prevent continued damage or breaches; and / or attention to damaging work processes. Administrative work that is required before operations can commence or continue Review or alteration of field procedures to prevent a re-occurrence.</p> <p><b>Short term:</b></p> <p><i>Corrective Actions</i></p> <p>Field work that can be integrated into ongoing operations to address environmental damage.</p> <p><i>Preventative Actions</i></p> <p>Administrative changes that are required to prevent a re-occurrence.</p>

Component	Action required / Explanation
	<p>Investigations and / or provision of information. Review of operational plans or schedules. Review of organisation standards or instructions to prevent a re-occurrence.</p> <p><b>Medium to Long term:</b> <i>Corrective Actions</i> Rehabilitation of damaged areas. <i>Preventative Actions</i> Staff training or accreditation. Development of new organization standards or instructions to prevent a re-occurrence.</p> <p>Use headings and numbers in this style to identify and list action requirements.</p> <p>Immediate: 1.</p> <p>Short term: 2.</p> <p>Medium to Long term: 3.</p>
Date by Which Work is to be Remediated	<p>For each remedial action state the allocated time for the remedial action to be completed e.g. 24 hours, prior to operations commencing, or the specific date by which the action needs to be completed.</p> <p>Use only numbers of action requirements in previous section when assigning dates.</p> <p>1.</p>
Variations to DEC Operational Approvals	<p>Where there is a consequential flow-on effect from a breach, list any variation to DEC operational approvals that need to be implemented e.g. changes to the approved tactics in the Hygiene Management Plan resulting from a failure to wash-down.</p>
Issuing Officer	<p>Name Regional Manager Department of Environment and Conservation</p> <p>In the case of a ML the issuing officer can be either the DEC Regional Manager or a DEC Branch Manager. The issuing officer and statement about where to direct queries should be consistent.</p>
<b>External Agency response</b>	
Describe the Work Undertaken to Meet Required Standard	Description of the remedial works that have been undertaken.

<b>Component</b>	<b>Action required / Explanation</b>
Action Taken to Prevent Recurrence	Describe any follow-up training or amendments to work procedures to ensure compliance.
<b>DEC follow-up</b>	
Has the Required Work Been Completed to a Satisfactory Standard?	Insert any relevant information or reasons for any judgement that the remedial action is unsatisfactory.
<b>Closure of WIN</b>	
Satisfactory Unsatisfactory	Does the closure represent a satisfactory outcome?
Reason for Unsatisfactory Closure	Provide reasons why it was necessary to close the WIN without having satisfactory completion of works.
Further Action	For “Unsatisfactory” closures the DEC Manager should identify if further action is required. In some instances it may be necessary to close a WIN and issue a ML where the failure to comply in holding up a subsequent operation. This option should only be used, where there is no impact on a third party, and the impact of any damage is considered to be outweighed by the consequences of not proceeding with the follow-up operation.
Date WIN Closed	The DEC manager should sign, date and distribute the completed form as soon as possible after the remedial action is completed / notified.
<b>Closure of ML</b>	
	The DEC manager should sign, date and distribute the completed form as soon as possible after the remedial action is completed / notified.
<b>Distribution</b>	
	The DEC Manager should ensure that the distribution list accurately reflects the personnel who need to receive advice of the issuing or closure of the WIN.

## **10 Reporting**

### **10.1 Reporting on unresolved Work Improvement Notices or Management Letters**

Reports required under Section 8 of this Advisory Note should be forwarded to the Director of SFM, through the Manager Forest Policy and Practices Branch, by the Regional Manager and contain the following information;

- Background to the WIN or ML (what the WIN or ML was for, when it was issued);
- Work that was required (including the area and scale of work required);
- Actions taken by the External Agency;
- Actions taken by DEC (follow-up contact with External Agency etc);
- What is the area and scale of the work being affected;
- Options considered; and
- Recommendation and reasons.

### **10.2 Summary reporting**

A summary on all WIN's and ML's issued will be provided in the DEC's Annual Report each year. To facilitate this reporting it is important that an accurate and up-to-date register of all WIN's and ML's is maintained. The Regional SFM officer must provide the information about the WIN or ML as they are issued to Forest Policy and Practices Branch who will maintain the register of WIN's and ML's. Similarly prompt advice about subsequent action or closure of the WIN or ML will assist in keeping up-to-date records.

All WIN's and ML's will be sent to the Conservation Commission at the time of issue and an annual report on the status of all WIN's and ML's will also be made available to the Conservation Commission.

## 11 Further Reading

CALM (1987). Gathering and Presentation of Evidence for Law Enforcement Field Officers. Department of Conservation and Land Management.

CALM (1997). Administrative Instruction 64 – Electronic Recording of Interviews. Department of Conservation and Land Management.  
(<http://calmweb/drb/edo/mab/AdminInstructions/admin64.pdf>)

CALM (2001). Policy Statement 57 - Prosecution Policy and Guidelines. Department of Conservation and Land Management. (<http://calmweb/drb/edo/mab/Policies/ps57.pdf>)



## Appendix 1: SFM Incident Recording Form



### Department of Environment and Conservation

Region: \_\_\_\_\_

District: \_\_\_\_\_

Location: \_\_\_\_\_

Location of incident: (attach appropriate scale map and/or GPS coordinates):

\_\_\_\_\_

Date incident occurred (if known): \_\_\_\_\_

Date incident was observed: \_\_\_\_\_

Description of incident: \_\_\_\_\_

\_\_\_\_\_

Identified causes (if known): \_\_\_\_\_

\_\_\_\_\_

Impact / Seriousness of incident: \_\_\_\_\_

\_\_\_\_\_

Who is undertaking the activity that resulted in the incident: (Name/Company)

\_\_\_\_\_

Other persons observed: \_\_\_\_\_

Vehicle registration: \_\_\_\_\_

Description of machinery: \_\_\_\_\_

Other comments: \_\_\_\_\_

#### Persons Other Than SFM Officer Reporting the Incident:

Title: Mr/Mrs/Ms/Miss/Dr \_\_\_\_\_ Name: \_\_\_\_\_

Organisation/Job Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: H/W/Mob \_\_\_\_\_

#### Action Taken:

Name of DEC Person receiving report: \_\_\_\_\_

Position: \_\_\_\_\_

Date/Time: \_\_\_\_\_

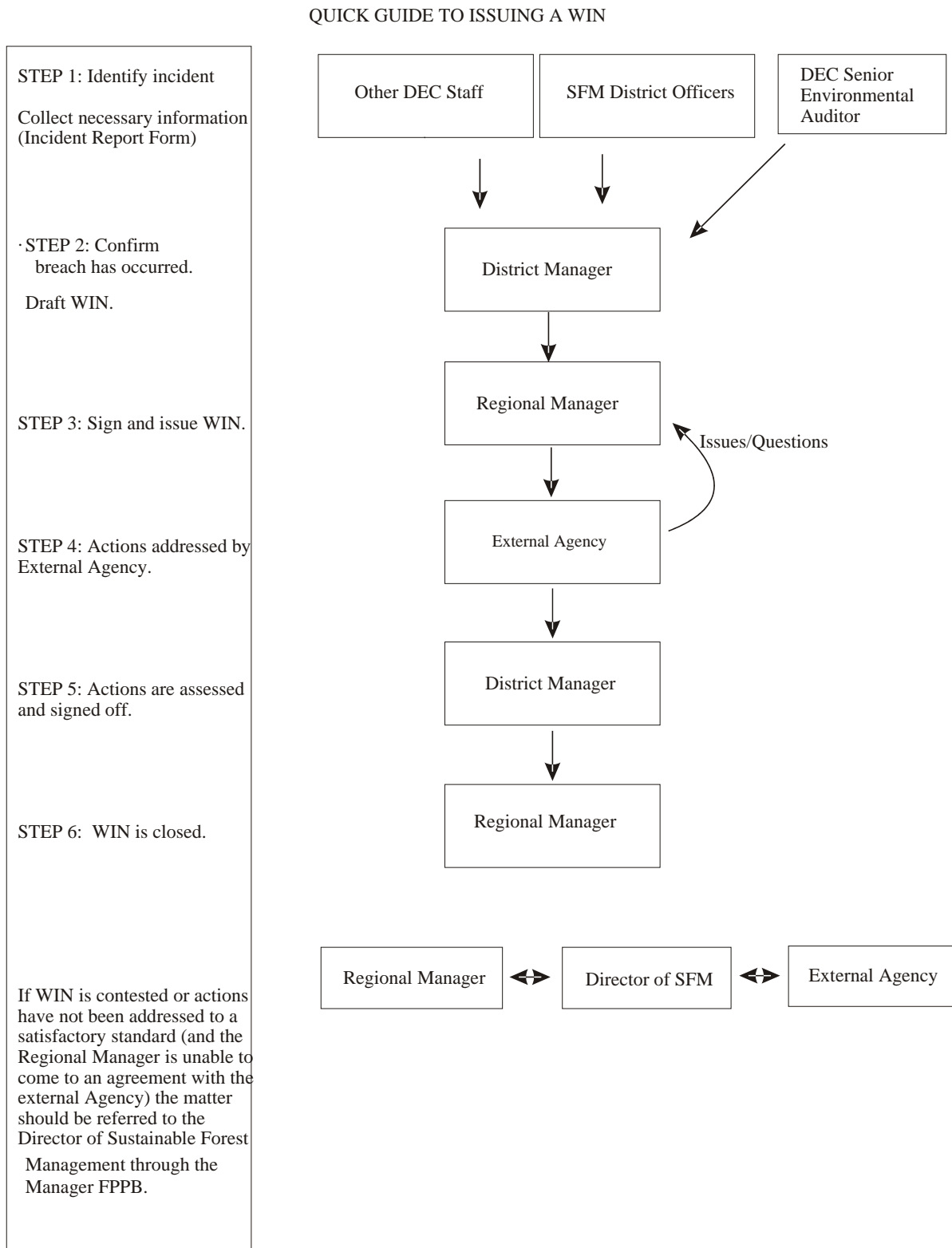
No further action required

Action taken; briefly state actions taken: (e.g. District Manager notified/WIN/ML issued). \_\_\_\_\_

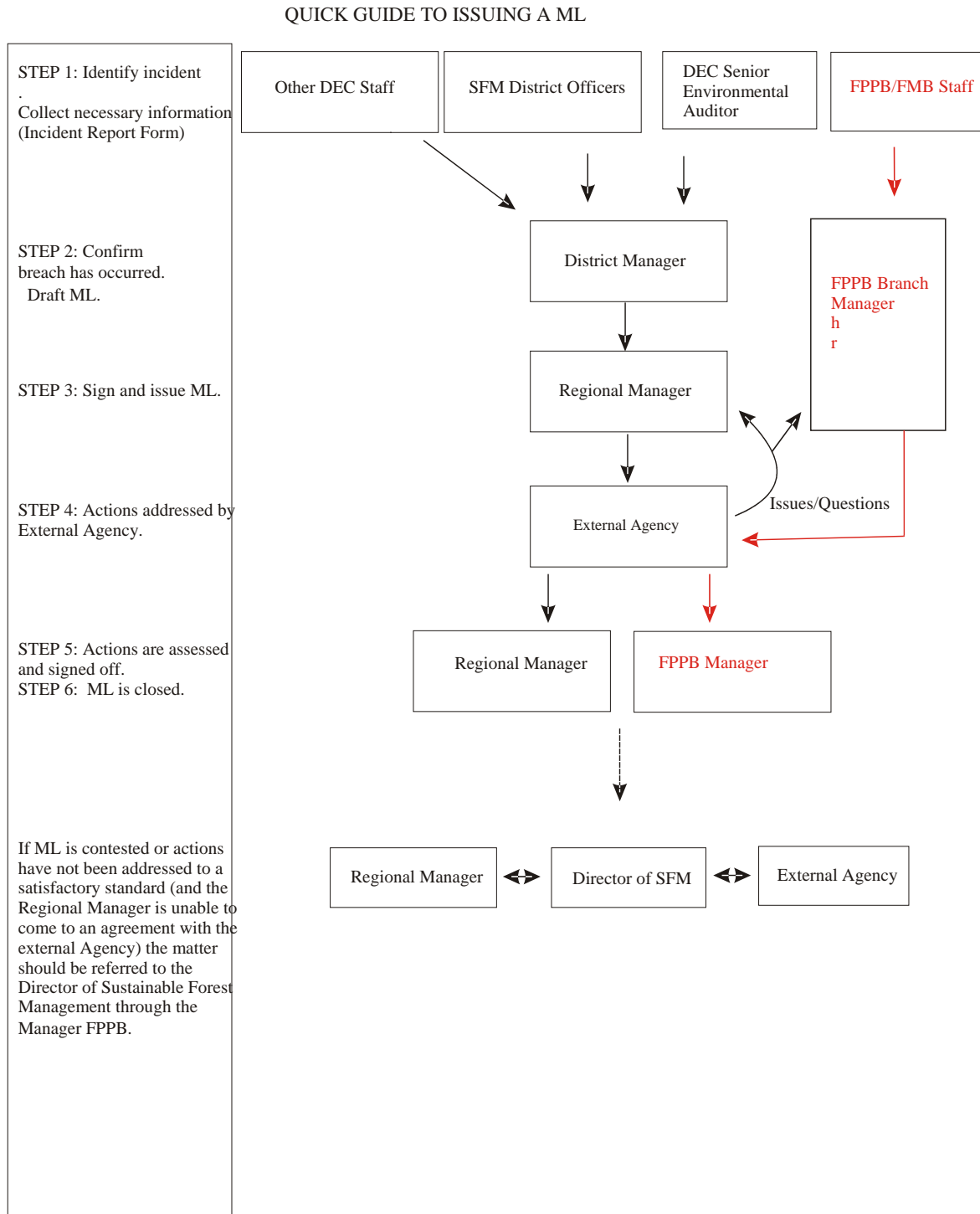
\_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2: Quick guide to issuing a Work Improvement Notice



### Appendix 3: Quick guide to issuing a Management Letter



## Appendix 4: Work Improvement Notice Form



### Department of Environment and Conservation

Nominated Contact for the External Agency  
INSERT POSTAL ADDRESS

**Date of issue**

### **WORK IMPROVEMENT NOTICE –**

The Department of Environment and Conservation has identified the following contravention of forest management requirements:

**External Agency -**

**Supervisor –**

**Contractor -**

**DEC Region –**

**DEC District –**

**Forest Block –**

**Location / Coupe -**

**Operational Control Breached or Unsatisfactory Environmental Outcome:**

**Details of Breach or Unsatisfactory Environmental Outcome:**

**Corrective and Preventative Action Required (Identify Immediate / Short term / Medium-Long term):**

**Date by Which Work is to be Remediated:**

<b>Variations to DEC Operational Approvals:</b>
---

**This Work Improvement Notice is issued by:**

Name  
Regional Manager  
Department of Environment and Conservation

**Any concerns or queries should be directed to the DEC Regional Manager.**

**External Agency response (complete the following two boxes):**

<b>Describe the Work Undertaken to Meet Required Standard:</b>	
Signed.....	Date.....
Name (print).....	Position.....

<b>Action Taken to Prevent Recurrence:</b>	
Signed.....	Date.....
Name (print).....	Position.....

**On completion of the above two boxes, please return to DEC District Manager.**

**DEC follow-up**

<b>Has the required work been completed to a satisfactory standard?</b>	<b>Y / N</b>
DEC Officer Inspecting Coupe.....	Date.....
DEC District Manager.....	Date.....
Name (print).....	Position.....

<b>Closure of WIN:</b>	
<input type="checkbox"/> Satisfactory	
<input type="checkbox"/> Unsatisfactory	
<b>Reason for Unsatisfactory Closure:</b> .....	
<b>Further Action:</b> .....	
<b>Date WIN Closed:</b> .....	
DEC Regional Manager.....	Date.....
Name (print).....	Position.....

Copies to -

**Initial Letter to External Agency, with copies to**

Nominated Contact for the External Agency  
External Agency Supervisor  
SFM- FPPB Bunbury (Monitoring & Compliance Officer)  
DEC District Manager (name)  
DEC Regional Manager (name)  
Director Conservation Commission

**On Closure of WIN**

Nominated Contact for the External Agency SFM-FPPB Bunbury (Monitoring & Compliance Officer)  
DEC District Manager (name)  
DEC Regional Manager (name)  
Director Conservation Commission

## Appendix 5: Management Letter Form



### Department of Environment and Conservation

Nominated Contact for the External Agency  
INSERT POSTAL ADDRESS

**Date of issue**

#### **MANAGEMENT LETTER –**

The Department of Environment and Conservation has identified the following contravention of forest management requirements:

**External Agency -**

**Supervisor –**

**Contractor -**

**DEC Region –**

**DEC District –**

**Forest Block –**

**Location / Coupe –**

**Operational Control Breached or Unsatisfactory Environmental Outcome:**

**Details of Breach or Unsatisfactory Environmental Outcome:**

**Preventative Action Required (Identify Immediate / Short term / Medium-Long term):**

**Date by Which Remedial Action Required to be Completed:**

**Variations to DEC Operational Approvals:**

This Management Letter is issued by:  
 Name  
 Regional Manager  
 Department of Environment and Conservation

**Any queries or concerns should be directed to the DEC Regional Manager.**

**External Agency response (complete the following two boxes):**

**Describe the Actions Undertaken to Meet Required Standard:**

Signed..... Date.....  
 Name (print)..... Position.....

**Action Taken to Prevent Recurrence:**

Signed..... Date.....  
 Name (print)..... Position.....

**On completion of the above two boxes, please return to the relevant DEC Manager.**

**DEC Follow-up:**

**Closure of ML**

Date ML Closed.....  
 DEC Manager/..... Date.....  
 Name (print)..... Position.....

Copies to -  
**Initial Letter to External Agency, with copies to;**  
 Nominated Contact for the External Agency  
 External Agency Supervisor  
 SFM-FPPB Bunbury (Monitoring & Compliance Officer)  
 DEC District Manager (name)  
 DEC Regional Manager (name)  
 Director Conservation Commission

**On Closure of ML**  
 Nominated Contact for the External Agency SFM-FPPB Bunbury (Monitoring & Compliance Officer)  
 DEC District Manager (name)  
 DEC Regional Manager (name)  
 Director Conservation Commission