

INQUIRY / COMPLAINT MANAGEMENT PROCESS

Introduction:

The Private Managed Forest Land Council (council) has the authority under Division 2 of the *Private Managed Forest Land Act* (the Act) to make a determination where an owner has contravened a section of the Act. Penalties may be in the form of a consent agreement, fines or remediation order. A determination may be the outcome of an investigation conducted in response to a complaint from the public or as follow-up to an audit or inspection finding.

The inquiry/complaint process outlines how council investigates complaints. It provides details on the steps of an investigation and identifies at what point the complainant, the owner and other affected parties are kept informed.

Steps of the Inquiry/Complaint Process:

1. Is the inquiry/complaint a regulatory issue?

The council receives the complaint from an interested party or the public verbally or in writing.

The executive director determines:

- Whether the complaint is applicable to private managed forest land; and
- Whether the complaint is a regulatory issue with respect to the *Private Managed Forest Land Act* or associated regulations (legislation).

NO	The executive director informs the complainant of the regulations and advises the owner if applicable. The complainant is encouraged to resolve the issue directly with the owner.
YES	The complainant is asked to fill out an Inquiry/Complaint form if not already done. The executive director determines if the Inquiry/Complaint form includes complete information, and contacts the complainant to understand the nature of issue if required. The complaint is entered into the Inquiry Log. An acknowledgement letter is sent to the complainant.

2. Is site inspection required?

The executive director determines whether an on-site inspection is required.

NO	The executive director refers the issue to the owner and requests follow-up action. The owner is requested to provide details of action to be taken in writing and projected completion date within specified time frame. The executive director confirms action completed is satisfactory and notifies the owner and the complainant.
YES	The executive director notifies the owner that a site inspection will take place. The executive director determines who should attend the site inspection. It may include resource specialists, interested third parties, and staff from government resource ministries. The site inspection is conducted and a report is prepared.

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3. Are there reasonable grounds to believe that there may have been a contravention?

The executive director decides whether a potential contravention with the legislation may have occurred, based on the results of the site inspection. The decision may be made during the inspection, in which case the owner's representative would be informed.

NO	Council informs the complainant and the owner, and may provide a recommendation for follow-up action by owner. If so, the owner is requested to provide details of action to be taken in writing and a completion date within specified time frame.
YES	<p>Council may issue a Stop Work Order as a result of the site inspection.</p> <p>The executive directors functions are to:</p> <ul style="list-style-type: none"> • Work with the individual leading the investigation • Keep council insulated from specifics of the investigation until the report is presented to council • Provide quality control of the investigation • Ensure notifications are made, and in a timely fashion • Act as primary contact for an owner who is subject to an investigation other than dealing directly with the investigator

4. Is the potential contravention significant?

The executive director determines if the potential contravention is significant considering effects on key environmental values in the legislation (fish habitat, water quality, critical wildlife habitat, soil conservation, reforestation)

NO	Executive director informs the owner of remediation requirements including a completion time frame expected. The owner is requested to confirm when the proposed remediation action is completed. Executive director notifies owner and complainant when satisfied that corrective action is complete.
YES	<p>Executive director decides who will undertake the investigation. This may include engaging a technical specialist.</p> <p>Executive director informs the owner and complainant that an investigation will take place and advises them of:</p> <ul style="list-style-type: none"> • Nature of the complaint • Investigation process

5. Investigation is conducted:

The technical specialist begins the investigation by reviewing the facts documented and information already assembled.

The technical specialist undertakes an inspection and prepares a technical report.

The executive director ensures that the investigation covers all potential issues.

The investigator and /or the executive director prepare an investigation report.

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6. As a result of the investigation is a contravention alleged?

NO	The executive director informs the owner and complainant.
YES	Executive director reviews the investigation report to ensure that all potential aspects of the case have been considered. The investigation report is presented to council.

7. Does the alleged contravention warrant a determination by council?

Council considers options for deciding on an administrative a remedy under Division 2 of the Act.

NO	Council instructs the owner to work towards resolution of the issue, and requests notification of satisfactory resolution within a determined time frame. or Council enters into Consent Agreement with the owner. The owner is requested to advise when corrective action is complete. The executive director notifies owner and complainant when satisfied with the action taken.
YES	Council sends an "Opportunity to be Heard" letter to the owner. Council issues a Notice of Hearing to the complainant and advises of the opportunity to make a statement.

8. Does the council determine that there has been a contravention?

Council holds a determination hearing.

The executive director presents the investigation report to council and the owner presents its case to council. The complainant is given opportunity to make a statement. (This process is described in the Compliance Determinations Procedures Manual)

NO	Council determines that there has not been a contravention in a written determination. The owner and complainant are notified. The determination is made public.
YES	Council determines an appropriate penalty and or remediation order in a written determination. The determination and the investigation report are made public.

9. Review and appeal process

The owner may request within 30 days that council review a determination or decision as described in the Compliance Determinations Procedures Manual.

Upon receipt of a final determination from council, an appeal of a decision or determination may be made to the Forest Appeals Commission.