



Western Australia

Sandalwood Act 1929 2

Sandalwood Regulations 1993

These regulations were repealed by the *Biodiversity Conservation Act 2016* s. 282 (No. 24 of 2016) as at 1 Jan 2019 (see s. 2(b) and *Gazette* 14 Sep 2018 p. 3305)

Sandalwood Regulations 1993

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Sandalwood Regulations 1993

1. Citation

These regulations may be cited as the *Sandalwood Regulations 1993*¹.

2. Terms used in these regulations

In these regulations, unless the contrary intention appears —
alienated land has the same meaning as in the *Sandalwood Act 1929*;

conservation and land management officer has the same meaning as in the *Conservation and Land Management Act 1984*;

Crown land has the same meaning as in the *Sandalwood Act 1929*;

forest officer has the same meaning as in the *Conservation and Land Management Act 1984*;

licence means —

(a) in relation to alienated land, a licence referred to in section 3(1)(b) of the *Sandalwood Act 1929*; or

(b) in relation to Crown land, a licence granted by the CEO under section 88(1)(a) of the *Conservation and Land Management Act 1984*,

to pull or remove sandalwood on or from that land;

pull, in relation to sandalwood, includes strip the bark from sandalwood;

sandalwood has the same meaning as in the *Sandalwood Act 1929*.

[Regulation 2 amended by Gazette 27 Feb 2007 p. 626.]

3. Application for a licence

- (1) An application for a licence to pull or remove sandalwood from alienated land or Crown land shall be made to the CEO in writing in a form approved by the CEO.
- (2) An applicant shall provide the CEO with such further information as the CEO requires in any particular case.
- (3) Without limiting the generality of subregulation (2), the CEO may require an application for a licence to pull or remove sandalwood on or from alienated land to be accompanied by written authorisation from the owner or occupier of the alienated land authorising the applicant to pull or remove sandalwood on or from that land.
- (4) Without limiting the generality of subregulation (2), the CEO may require an application for a licence to pull or remove sandalwood on or from —
 - (a) any part of an area of land described in the Table to regulation 7(1); or
 - (b) any part of land to which regulation 8(1) applies,to be accompanied by evidence of the lawful authority to clear the land.

[Regulation 3 amended by Gazette 3 May 1996 p. 1915; 27 Feb 2007 p. 627.]

4. Scope of licence

- (1) The CEO shall specify in a licence —
 - (a) the quantity of sandalwood that may be pulled or removed;

- (b) the area of land from which sandalwood may be pulled or removed; and
- (c) the period during which sandalwood may be pulled or removed,

under the licence.

- (2) The CEO shall not grant a licence for a period exceeding 5 years.
- (3) A licence shall expire at the end of the period specified in the licence notwithstanding the fact that the quantity of sandalwood authorised to be pulled or removed under the licence has not been pulled or removed.

*[Regulation 4 amended by Gazette 3 May 1996 p. 1915;
27 Feb 2007 p. 627.]*

5. Production of licence

The holder of a licence shall —

- (a) carry the licence or a copy of the licence at all times while pulling or removing sandalwood pursuant to that licence; and
- (b) when required to do so by a forest officer or a conservation and land management officer, produce for inspection the licence or copy of the licence to the officer.

Penalty: \$2 000.

6. False statements

A person shall not make any statement in an application for a licence that is false or misleading in a material particular.

Penalty: \$2 000.

7. Restriction on granting of sandalwood licences in certain areas

- (1) Subject to subregulation (2), a licence does not authorise the pulling or removal of living sandalwood on or from any of the areas of land described in the Table to this subregulation.

Table

- (a) Sandalwood Reserve No. 19211, Calooli
Sandalwood Reserve No. 19640, Coonana
Sandalwood Reserve No. 19645, Emu Rock
Sandalwood Reserve No. 19764, Wallaby Rock
Sandalwood Reserve No. 19825, Bullock Holes
Timber Reserve No. 194/25, Randell
Timber Reserve No. 198/25, Kangaroo Hills
- (b) Crown land within the area bounded by a line commencing from the General Post Office in Kalgoorlie and extending along the abandoned railway line to Coolgardie and then along the abandoned railway line from Coolgardie to Widgiemooltha, then across Lake Lefroy in a northeasterly direction to the Curtin railway siding on the Trans-Australian railway line, then along the Trans-Australian railway line to the General Post Office in Kalgoorlie
- (c) Crown land not referred to in paragraph (b) that is within a 20 kilometre radius of the General Post Office in Kalgoorlie.
- (2) A licence may authorise the pulling or removal of living sandalwood on or from any part of an area of land described in the Table to subregulation (1) if lawful authority has been given under any written law to clear that part of land.

[Regulation 7 amended by Gazette 3 May 1996 p. 1915.]

8. Restriction on sandalwood trees that may be pulled etc.

- (1) Subject to subregulation (2), a licence does not authorise the pulling or removal of living sandalwood on or from Crown land where —
- (a) the sandalwood tree is less than 400 millimetres in circumference when measured over the bark at a point approximately 150 millimetres above ground level; or
 - (b) the log of the sandalwood tree, when stripped of bark, has a circumference of less than 380 millimetres when measured at a point approximately 150 millimetres above ground level.
- (2) A licence may authorise the pulling or removal of living sandalwood on or from any part of land to which subregulation (1) applies if lawful authority has been given under any written law to clear that part of land.

[Regulation 8 amended by Gazette 3 May 1996 p. 1916.]

[9. Deleted by Gazette 3 May 1996 p. 1916.]

Notes

- ¹ This is a compilation of the *Sandalwood Regulations 1993* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Sandalwood Regulations 1993</i>	9 Feb 1993 p. 1100-2	9 Feb 1993
<i>Sandalwood Amendment Regulations 1996</i>	3 May 1996 p. 1915-16	3 May 1996
<i>Sandalwood Amendment Regulations 2007</i>	27 Feb 2007 p. 626-7	27 Feb 2007

Reprint 1: The *Sandalwood Regulations 1993* as at 1 Feb 2008 (includes amendments listed above)

These regulations were repealed by the *Biodiversity Conservation Act 2016* s. 282 as at 1 Jan 2019 (see s. 2(b) and *Gazette* 14 Sep 2018 p. 3305)

- ² These regulations have effect for the purposes of the *Sandalwood Act 1929* but the formal power to make them is now given by the *Conservation and Land Management Act 1984* Pt. X. See also the *Sandalwood Act 1929* s. 4.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
alienated land	2
conservation and land management officer.....	2
Crown land.....	2
forest officer.....	2
licence	2
pull	2
sandalwood	2