



Western Australia

Forest Products Act 2000

Forest Products Regulations 2020

Forest Products Regulations 2020

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Defined terms

Forest Products Regulations 2020

Part 1 — Preliminary

1. Citation

These regulations are the *Forest Products Regulations 2020*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Terms used

In these regulations —

Commission land means any of the following —

- (a) public land;
- (b) sharefarmed land;
- (c) land that the Commission has an interest in;

Commission produce includes —

- (a) forest products, as defined in section 4 of the Act; and
- (b) log timber;

delivery note means a note relating to the removal of Commission produce produced under Part 2;

fell includes fell by machine;

log timber means timber that has been lawfully felled on and removed from Commission land;

manager, of a sawmill, means a person having the immediate charge and direction of operations at the sawmill;

nominated officer means an employee of or a contractor to the Commission who is nominated by the General Manager to exercise powers under these regulations;

receival record means a record referred to in regulation 25(1);

responsible person, for a sawmill, means the sawmill owner or the manager of the sawmill;

sawmill has the meaning given in section 62 of the Act;

sawmill owner, in relation to a sawmill, means any person who is the proprietor, lessee or occupier of the sawmill and includes a person in occupation under contract with the owner or under a subcontract;

sign, in relation to a delivery note or receipt, means —

- (a) in the case of a hard copy note or a receipt referred to in regulation 9(2)(b), to sign the note or receipt physically; or
- (b) in the case of an electronic note, to enter the electronic identifying information provided by the Commission;

working day means a day other than a Saturday, Sunday or public holiday.

4. Limited application of regulations to persons exercising powers under *Bush Fires Act 1954*

These regulations do not apply to, or in relation to, a person exercising a power or performing a function or duty under the *Bush Fires Act 1954*.

Part 2 — Delivery notes

5. Form of delivery note

- (1) A delivery note must be produced —
 - (a) in hard copy form; or
 - (b) in electronic form; or
 - (c) in any other form approved by the General Manager.
- (2) A delivery note under subregulation (1) must be produced —
 - (a) in a form approved by the General Manager; and
 - (b) in a manner approved by the General Manager.
- (3) Approval of procedures to produce a delivery note may be given for —
 - (a) a class of notes specified in the approval; or
 - (b) notes created or used by a person or class of persons specified in the approval.

6. Information required in delivery note

- (1) A delivery note for Commission produce must contain the following information —
 - (a) the date of removal of the Commission produce;
 - (b) the name of the person to whom the Commission produce is to be delivered;
 - (c) the address to which the Commission produce is to be delivered;
 - (d) the species, description, classification and grade of the Commission produce;
 - (e) details of the location from which the Commission produce was removed;
 - (f) if the Commission produce is being removed under a production contract — the name of the person

contracting with the Commission under the contract and details of the contract;

- (g) the registration number of the vehicle on which the Commission produce is to be transported;
- (h) the signature of the driver of the vehicle on which the Commission produce is to be transported.

- (2) The General Manager may in writing exempt a person or a class of persons from complying with some or all of the requirements in subregulation (1).

7. Use of delivery notes for Commission produce

- (1) Except as provided in subregulation (2), a separate delivery note must be created for each type of Commission produce.
- (2) One delivery note may be created for 2 or more types of Commission produce in a load if all the produce —
 - (a) is of the same description, classification and grade as specified on the note; and
 - (b) has the same destination; and
 - (c) in the case of produce that is to be quantified by weighing — is to be weighed simultaneously.

8. Copies to be made of hard copy delivery note

A person who produces a hard copy delivery note must keep a copy of the note.

Penalty: a fine of \$1 000.

9. Issue and form of hard copy delivery notes

- (1) A person who produces a hard copy delivery note must use a form of note issued by the General Manager.

Penalty for this subregulation: a fine of \$50.

- (2) The General Manager may —
- (a) issue books of hard copy delivery notes; and
 - (b) require a person to sign a receipt for a book of hard copy delivery notes issued to the person.

10. Return of unused hard copy delivery note

If the General Manager issues a book of hard copy delivery notes to a person, the person must return the book to the General Manager, together with any unused notes, as soon as practicable after the first of the following occurs —

- (a) the person has completed all the entries for the book;
- (b) the General Manager requests the person to return the book.

Penalty: a fine of \$1 000.

11. Destruction of delivery notes prohibited

- (1) In this regulation —
- destroy*, in relation to a delivery note, means to deal with it so that —
- (a) all or any of the information recorded or stored on it is obliterated or rendered illegible or irrecoverable; or
 - (b) it cannot convey a meaning in a visible, audible or recoverable form.
- (2) Unless authorised in writing to do so by the General Manager, a person must not destroy —
- (a) a delivery note; or
 - (b) an unused hard copy delivery note.

Penalty for this subregulation: a fine of \$1 000.

12. Accounting for hard copy delivery notes

- (1) The General Manager may, by written notice given to a person who has been issued a book of hard copy delivery notes, require the person to —
 - (a) return the book or any note in the book to the General Manager within a period specified in the notice; or
 - (b) account for the location of the book or any note in the book within a period specified in the notice.
- (2) A person who is given a notice under subregulation (1) must comply with the notice within the period specified in the notice.
Penalty for this subregulation: a fine of \$1 000.
- (3) A person must not knowingly give a false account of the location of a hard copy delivery note or a book of hard copy delivery notes.
Penalty for this subregulation: a fine of \$1 000.

13. Offence to alter delivery note

- (1) A person must not alter a statement or information entered in a hard copy delivery note unless —
 - (a) the alteration is made for the purpose of correcting a mistake as soon as practicable after the mistake is discovered; and
 - (b) the alteration is made in a manner that leaves the entry that is altered legible or recoverable; and
 - (c) the identity of the person making the alteration is recorded on the note.
Penalty for this subregulation: a fine of \$2 000.
- (2) A person must not alter a statement or information entered in an electronic delivery note.
Penalty for this subregulation: a fine of \$2 000.

- (3) If the General Manager becomes aware of a mistake in an electronic delivery note, the General Manager —
- (a) must endeavour to ensure that the mistake is corrected as soon as practicable after it is discovered; and
 - (b) may direct the person who created the note to produce a correct replacement note.

14. Delivery notes to be carried in vehicle

The driver of a vehicle carrying Commission produce must ensure that at all times during the transportation of the produce —

- (a) in the case of a hard copy delivery note — the original and all copies of the note are carried in the vehicle; or
- (b) in the case of an electronic delivery note — the note is accessible by electronic means by the driver from the vehicle.

Penalty: a fine of \$2 000.

15. Driver of loaded vehicle to produce delivery note

- (1) In this regulation —
- applicable vehicle*** means a vehicle carrying Commission produce, unless the General Manager has exempted the vehicle or the class of vehicle in writing from complying with this regulation;
- conservation and land management officer*** has the meaning given in the CALM Act section 3.
- (2) A nominated officer or a conservation and land management officer may require the driver of an applicable vehicle to produce for inspection any delivery notes created for the Commission produce carried by the vehicle that are in the possession of the driver.

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- (3) The driver of a vehicle must comply with a requirement under subregulation (2).

Penalty for this subregulation: a fine of \$2 000.

- (4) If a delivery note is produced for inspection, the officer who inspected the note must sign the note and endorse on the note the date and place of inspection.

16. Commission produce to be delivered to person and place specified in delivery note

A person must not deliver Commission produce unless it is delivered to —

- (a) the person specified on the delivery note as the person to whom the produce is to be delivered; and
- (b) the place specified on the delivery note as the place to which the produce is to be delivered.

Penalty: a fine of \$2 000.

17. Delivery note to be delivered with Commission produce

The driver of a vehicle carrying Commission produce must ensure that —

- (a) in the case of a hard copy delivery note — a copy of the note is delivered with the produce; or
- (b) in the case of an electronic delivery note — a copy of the note is delivered electronically when the produce is delivered.

Penalty: a fine of \$2 000.

18. Delivery notes to be checked

- (1) In this regulation —

buyer, in relation to Commission produce, means the buyer of the timber under a production contract.

- (2) The General Manager must endeavour to ensure that, in any month, not less than 5% of delivery notes completed in respect of Commission produce removed from Commission land during that month are checked for accuracy by nominated officers.
- (3) The nominated officers are to check the delivery notes against the Commission produce —
 - (a) before the produce is removed from Commission land;
or
 - (b) while the produce is being delivered to a buyer; or
 - (c) at the sawmill where the produce is to be processed; or
 - (d) in a manner approved by the General Manager.

Part 3 — Specific requirements relating to sawmills

19. Log timber from Commission land not to be received at sawmill without delivery note

Each responsible person for a sawmill must ensure that when log timber that has been felled on Commission land is received at the sawmill, the delivery note created for the timber is received with the timber.

Penalty: a fine of \$2 000.

20. Delivery note to be signed at sawmill

Each responsible person for a sawmill must ensure that when log timber that has been felled on Commission land is received at the sawmill, the delivery note created for the timber is immediately signed by a person employed at the sawmill.

Penalty: a fine of \$2 000.

21. Delivery of delivery note to General Manager

Each responsible person for a sawmill must ensure that a delivery note received at the sawmill is sent to the General Manager —

- (a) in the case of a hard copy delivery note — within 3 working days from the day the note is received; or
- (b) in the case of an electronic delivery note — in accordance with the manner of production approved by the General Manager under regulation 5(2)(b).

Penalty: a fine of \$2 000.

Part 4 — Determination of quantity of Commission produce

22. Quantity to be immediately entered in delivery note

- (1) A person who determines the quantity of Commission produce that has been removed from Commission land must immediately record the quantity on the delivery note created for the produce.

Penalty for this subregulation: a fine of \$2 000.

- (2) If the determination of the quantity of Commission produce is printed on a weighbridge ticket or some other form, the person making the determination must attach the ticket or form to the delivery note completed for the produce.

Penalty for this subregulation: a fine of \$2 000.

23. Incorrect quantity not to be entered in delivery note

A person must not knowingly record in a delivery note for Commission produce an incorrect statement of the quantity determined for the produce.

Penalty: a fine of \$2 000.

24. Unquantified Commission produce not to be stored or processed at sawmill

A responsible person for a sawmill must not, without the authorisation of the General Manager, permit Commission produce to be stored or processed at the sawmill unless the quantity of the produce has been determined.

Penalty: a fine of \$2 000.

Part 5 — Log timber receival records

25. Record of log timber receivals to be made

- (1) Each responsible person for a sawmill must, subject to any exemption under subregulation (5), ensure that a record is made in accordance with subregulations (2) to (4) of any log timber felled on Commission land that is received at the sawmill.
Penalty for this subregulation: a fine of \$2 000.
- (2) A receival record must be produced —
 - (a) in hard copy form; or
 - (b) in electronic form; or
 - (c) in any other form approved by the General Manager.
- (3) A receival record produced under subregulation (2) must be produced —
 - (a) in a form approved by the General Manager; and
 - (b) in a manner approved by the General Manager.
- (4) A receival record must be made on the day the log timber is received and include the following information —
 - (a) the date of receival of the log timber;
 - (b) the species of the log timber and the description, classification and grade assigned to the log timber on the delivery note for the log timber;
 - (c) the quantity of log timber received;
 - (d) in the case of an electronic delivery note — the delivery reference number created for the log timber.
- (5) The General Manager may exempt a person or a class of persons from complying with some or all of the requirements in subregulations (2) to (4).

26. Copy of receival records to be kept for 2 years

A sawmill owner must cause a copy of the receival record for log timber received at the sawmill to be kept at the sawmill or at another place approved by the General Manager for a period of 2 years after the day the timber is received.

Penalty: a fine of \$2 000.

27. Offence to alter receival record

- (1) A person must not alter a statement or information entered in a hard copy receival record unless the alteration is —
- (a) made for the purpose of correcting a mistake as soon as practicable after the mistake is discovered; and
 - (b) made in a manner that leaves the statement or information that is altered legible; and
 - (c) initialled by the person making the alteration at the time the alteration is made.

Penalty for this subregulation: a fine of \$2 000.

- (2) A person must not alter a statement or information entered in an electronic receival record.

Penalty for this subregulation: a fine of \$2 000.

- (3) If the General Manager becomes aware of a mistake in an electronic receival record, the General Manager —
- (a) must endeavour to ensure that the mistake is corrected as soon as practicable after it is discovered; and
 - (b) may direct the person who created the record to produce a correct replacement record.

28. Receival records to be given to General Manager

The manager of a sawmill must, within the first 3 working days of each month, provide to the General Manager the receival records that relate to log timber received at the sawmill during the previous month.

Penalty: a fine of \$2 000.

29. Authorised person to record sawmill inspection or inquiry (Act s. 64)

If an authorised person enters a sawmill to make an inspection or inquiry under section 64 of the Act, the authorised person must make an entry in the receival record kept for the sawmill of the following —

- (a) the date of the inspection or inquiry;
- (b) the nature of the inspection or inquiry conducted;
- (c) the results of the inspection or inquiry.

Part 6 — Miscellaneous

30. Provision of contractual information

- (1) In this regulation —
contractual information —
- (a) means information relating to a production contract or a road contract as defined in section 55 of the Act; and
 - (b) includes information about the type and quantity of Commission produce taken from Commission land and the destination of the produce.
- (2) The General Manager may, by written notice, direct any of the following persons to provide contractual information for the period specified in the notice —
- (a) a person who manages Commission produce or engages in harvesting (as that term is defined in section 3 of the Act);
 - (b) the owner of a sawmill;
 - (c) the owner of a sharefarming agreement.
- (3) A person must comply with a notice given to the person under subregulation (2) —
- (a) within 14 days of receipt of the notice; and
 - (b) in the form directed by the General Manager.

Penalty for this subregulation: a fine of \$2 000.

**31. Mark used by authorised person seizing forest product
(Act s. 65)**

For the purposes of section 65 of the Act, the following is prescribed as a mark used by an authorised person to indicate that commission produce has been seized by the person —



32. Trees not to be marked without authority

- (1) In this regulation —
forest officer has the meaning given in the CALM Act section 3.
- (2) A person must not do any of the following on sharefarmed land or land that the Commission has an interest in unless the person is a nominated officer or a forest officer —
 - (a) mark a tree or other Commission produce with chalk, paint, crayon or any other material;
 - (b) attach tape or ribbon to a tree or other Commission produce;
 - (c) attach a brand to a tree or other Commission produce.

Penalty for this subregulation: a fine of \$2 000.

33. Misrepresentation

A person must not, in relation to any of the following, knowingly make a statement or provide information that is false or misleading in a material particular —

- (a) a delivery note;
- (b) a receipt record;

- (c) the provision of contractual information under regulation 30.

Penalty: a fine of \$2 000.

Notes

This is a compilation of the *Forest Products Regulations 2020*. For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Forest Products Regulations 2020</i>	SL 2020/225 20 Nov 2020	r. 1 and 2: 20 Nov 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Nov 2020 (see r. 2(b))

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)
applicable vehicle	15(1)
buyer	18(1)
Commission land	3
Commission produce	3
conservation and land management officer.....	15(1)
contractual information	30(1)
delivery note	3
destroy.....	11(1)
fell.....	3
forest officer.....	32(1)
log timber.....	3
manager.....	3
nominated officer	3
receival record.....	3
responsible person.....	3
sawmill.....	3
sawmill owner	3
sign.....	3
working day	3