



Western Australia

Conservation and Land Management Act 1984

Forest Management Regulations 1993

Forest Management Regulations 1993

Contents

Part 1 — Preliminary		
1.	Citation	1
2.	Terms used	1
3.	Limited application of regulations to persons exercising powers under <i>Bush Fires Act 1954</i>	2
Part 3 — General requirements relating to felling of trees in State forests and timber reserves		
19.	Felling of trees outside coupes generally prohibited	3
20.	Authorisation to fell individual trees outside coupes	3
21.	Forest officer to record coupes allocated etc.	4
22.	Obstructing railways, roads etc. by felling trees	4
23.	Damaging power lines etc. by felling trees	5
Part 10 — Forest produce licences		
68.	Application of Part	6
70.	Forest produce licence does not authorise felling of trees etc.	6
71.	Forest produce licences to be carried and produced on request	6
Part 13 — Fire prevention		
89.	Forest officer may ban activity etc. where fire risk	8
91.	Fire lookout towers and trees not to be climbed etc.	8
92.	Rate of remuneration prescribed (Act s. 135(2))	9

Part 14 — Marking out of mining tenements in State forests and timber reserves

93.	Terms used	10
94.	Conditions and limitations prescribed for <i>Mining Act 1978</i> s. 26(2)(b)	10
95.	Duties of person marking out	10
96.	Person not to make camp, fuel depot etc. in State forest or timber reserve	11
97.	Part 16 not affected	11

Part 15 — Collection of firewood

98.	Public firewood areas, designation of	12
99.	Removing firewood from public firewood areas	12
100.	Fees for removing firewood from public firewood areas	12
101.	Restrictions on removing etc. firewood from public firewood areas	13
102.	Person may be directed to leave public firewood area	13

Part 16 — Control and eradication of forest diseases

104.	Term used: written authorisation	15
105.	Application of Part	15
106.	Written authorisation of activities in risk areas	15
107.	Verbal authorisation in emergency of activities in risk area	16
108.	Entry, use or movement of potential carrier in risk area without authorisation or contrary to condition	16
109.	Entry, use or movement of potential carrier in risk area or disease area contrary to instruction or direction	17
110.	Erection of signposts and barricades	17
111.	Written authorisation to be carried and produced on request	17
112.	Written authorisation to terminate on breach of condition	18
113.	Person to provide information on request	18

114.	Authorised person may stop and examine potential carrier	18
115.	Authorised person may direct carrier to quarantine station	18
116.	Authorised person may direct person to clean and disinfect carrier	18
117.	Quarantine stations, establishment etc. of	19
118.	Period of treatment or quarantine	19
119.	Cleansing and disinfecting to be carried out as directed	19
120.	Owner to identify etc. person in charge of carrier	19
121.	Authorised person may detain, control or remove carrier	20
122.	Authorised person may remove person from risk area	20
123.	Person in risk area or disease area to give name and address on request	21
124.	Driver of potential carrier to comply with request to stop, signpost etc.	21
125.	Person not to obstruct, hinder etc. authorised person	21
Part 17 — Powers of forest officers		
126.	Stopping and detaining vehicles	22
127.	Directions as to route for movement of forest produce	22
128.	Seized forest produce	22
Part 18 — Miscellaneous		
131.	Exclusion of operation of section 103A(3) of the Act	23
135.	Damage to other forest produce to be minimized	23
136.	Destroying etc. seized forest produce prohibited	23
137.	Damage to tables and other facilities	23
138.	Export karri timber to be marked	24
139.	Marks used by forest officers	24
140.	Trees etc. not to be marked etc. without authority	27
141.	Maximum penalty prescribed (Act s. 95(2)(b))	27
142.	Royalties prescribed (Act s. 96(1))	27

149.	CEO, on request, to provide general scale of royalties	28
------	--	----

Schedule 3

**Prescribed royalties for timber taken
on mining tenement for mining
purposes**

Notes

Compilation table	30
Other notes	31

Defined terms

Conservation and Land Management Act 1984

Forest Management Regulations 1993

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Forest Management Regulations 1993*.

2. Terms used

In these regulations, unless the contrary intention appears —

buyer, in relation to log timber, means the buyer of that timber under a contract of sale;

contract of sale means a contract under section 88(1)(b)(i) of the Act in which the CEO contracts with any person for the sale of forest produce on or from Crown land;

contract to harvest and deliver means a contract under section 88(1)(b)(ii) of the Act in which the CEO contracts with any person for that person to harvest log timber on Crown land and to deliver that timber to the buyer;

contractor, in relation to a contract to harvest and deliver, means the person contracting with the CEO under that contract;

coupe means an area in a State forest or timber reserve that is set aside for the purpose of logging in a logging plan;

Crown land has the same meaning as in section 87 of the Act;

district means a district designated by the CEO for the administrative purposes of the Department;

fell includes fell by machine;

forest produce licence means a licence granted by the CEO under section 88(1)(a) of the Act to take forest produce on or from Crown land;

logging plan means a plan formulated by the Department for the logging of timber in State forests and timber reserves in a district;

permit means a permit granted by the CEO under section 88(1)(a) of the Act to take forest produce on or from Crown land;

State forest includes land to which section 131 of the Act applies;

tree includes a tree that is dead provided the tree is still standing.

[Regulation 2 amended: Gazette 29 Mar 1996 p. 1505; 21 Apr 1998 p. 2113; 3 May 2002 p. 2294; 3 Sep 2010 p. 4273 and 4276; SL 2020/224 r. 4.]

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

These regulations, other than Part 16, do not apply to, or in relation to, a person exercising any power or performing any function or duty under the *Bush Fires Act 1954*.

[Part 2 (r. 4-18) deleted: SL 2020/224 r. 5.]

**Part 3 — General requirements relating to felling of
trees in State forests and timber reserves**

19. Felling of trees outside coupes generally prohibited

- (1) Except as provided in regulation 20, a person shall not fell any tree in a State forest or timber reserve unless —
- (a) the tree is in a coupe allocated in writing to the person for that purpose by the forest officer in charge of the district in which the tree is located; and
 - (b) the tree has not been designated for retention.

Penalty: \$2 000.

- (2) For the purposes of subregulation (1)(b), a tree in a coupe has been designated for retention if —
- (a) the trees in the coupe that are to be felled have been individually marked by a forest officer and the relevant tree is not so marked; or
 - (b) the trees in the coupe that are to be retained have been individually marked by a forest officer and the relevant tree is so marked.

20. Authorisation to fell individual trees outside coupes

Notwithstanding regulation 19, a person may fell a tree in a State forest or timber reserve that is not in a coupe if —

- (a) the forest officer in charge of the district in which the tree is located has specifically authorised the felling of the tree by that person; and
- (b) the tree has been marked by a forest officer with a mark referred to in regulation 139(d) to identify the tree.

21. Forest officer to record coupes allocated etc.

The forest officer in charge of a district shall ensure that a record is made in writing of —

- (a) every coupe allocated to a person for the purpose of felling in the district;
- (b) every authorisation that is given to fell a tree in a State forest or timber reserve in the district that does not form part of a coupe,

and the record shall include details of —

- (c) the location of the coupe or tree; and
- (d) the person to whom the coupe is allocated or who is authorised to fell the tree; and
- (e) the date of the allocation or authorisation.

22. Obstructing railways, roads etc. by felling trees

- (1) A person shall not cause a railway, road, track or watercourse to be obstructed by the felling of a tree in a State forest or timber reserve.

Penalty: \$2 000.

- (2) A person who contravenes subregulation (1) is, in addition to any penalty incurred under that subregulation, liable to pay to the CEO a sum equal to the cost of removing the obstruction.
- (3) A sum referred to in subregulation (2) is a debt due to the CEO and is recoverable in a court of competent jurisdiction.

[Regulation 22 amended: Gazette 3 Sep 2010 p. 4276.]

23. Damaging power lines etc. by felling trees

A person shall not cause damage to a power line, pipe line or telephone line by the felling of a tree in a State forest or timber reserve.

Penalty: \$2 000.

[Parts 4-9 (r. 24-67) deleted: SL 2020/224 r. 6.]

Part 10 — Forest produce licences

68. Application of Part

This Part does not apply to, or in relation to, a forest produce licence to pull or remove sandalwood on or from Crown land.

[69. Deleted: SL 2022/170 r. 8.]

70. Forest produce licence does not authorise felling of trees etc.

- (1) A forest produce licence —
 - (a) does not authorise the felling of any tree;
 - (b) does not authorise the taking of any forest produce until the amount payable under the licence by way of royalty, stumpage or other charges has been paid;
 - (c) does not preclude the Department from carrying out managed burning operations on the land to which the licence relates during the period of the licence and the licensee is not entitled to compensation or damages for any loss or damage arising from such operations;
 - (d) is personal to the licensee and cannot be transferred to any other person, but the licensee may take forest produce under the licence with the assistance of a person or persons working directly under his or her supervision.
- (2) Subregulation (1)(a) does not apply to, or in relation to, a forest produce licence granted before the commencement of these regulations.

71. Forest produce licences to be carried and produced on request

The holder of a forest produce licence shall —

- (a) carry the licence or a copy of the licence at all times while taking or purporting to take forest produce 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: \$500.

[Part 11 (r. 72-85) deleted: Gazette 3 Sep 2010 p. 4274.]

[Part 12 (r. 86-88) deleted: Gazette 3 May 2002 p. 2294.]

Part 13 — Fire prevention

89. Forest officer may ban activity etc. where fire risk

- (1) Where a forest officer considers that any activity being carried out or that may be carried out in a State forest or timber reserve under a forest produce licence, permit or contract to harvest and deliver constitutes or may constitute a fire risk to any part of that land, the forest officer may direct the holder of the licence or permit or the contractor —
 - (a) not to carry out the activity, or to immediately ensure that the activity is stopped and not to resume the activity (as the case may be), until further directed by the forest officer; and
 - (b) to cause a patrol to be maintained of the area where the activity was carried out for a period not exceeding 2 hours from the cessation of the activity.
- (2) A person shall comply with a direction given to that person under subregulation (1).
Penalty: \$2 000.

[90. Deleted: Gazette 3 May 2002 p. 2294.]

91. Fire lookout towers and trees not to be climbed etc.

A person shall not —

- (a) enter the fenced off area surrounding any fire lookout tower or fire lookout tree;
- (b) climb any fire lookout tower or fire lookout tree;
- (c) destroy, cut into, deface or in any way damage any fire lookout tower or fire lookout tree or any equipment contained in, or attached to, such a tower or tree,

in a State forest or timber reserve, unless authorised to do so by the CEO or a forest officer.

Penalty: \$2 000.

[Regulation 91 amended: Gazette 3 Sep 2010 p. 4276-7.]

92. Rate of remuneration prescribed (Act s. 135(2))

For the purposes of section 135(2) of the Act the prescribed rate of remuneration is the applicable rate set out in Schedule D to the Australian Workers' Union Construction Maintenance and Services (WA Government) Award 1987.

Part 14 — Marking out of mining tenements in State forests and timber reserves

93. Terms used

In this Part —

marking out has the same meaning as in the *Mining Act 1978*;

South-west Division means the South-west Division of the State as described in the *Land Administration Act 1997* Schedule 1.

[Regulation 93 amended: Gazette 3 Sep 2010 p. 4274.]

94. Conditions and limitations prescribed for *Mining Act 1978* s. 26(2)(b)

For the purposes of section 26(2)(b) of the *Mining Act 1978* the conditions and restrictions in regulations 95 and 96 are prescribed as being applicable to the marking out of mining tenements in State forests and timber reserves.

95. Duties of person marking out

A person who is within any State forest or timber reserve in the South-west Division for the purpose of, or in connection with, marking out, shall ensure that —

- (a) all reasonable precautions are taken to avoid unnecessary damage to any trees in the State forest or timber reserve;
- (b) no trees in the State forest or timber reserve are felled, cut or removed except with the approval of a forest officer and in accordance with the terms of that approval;
- (c) no excavation or other movement of earth, soil, or rock in the State forest or timber reserve is carried out, whether by hand tools or machinery except with the approval of a forest officer and in accordance with the terms of that approval;

- (d) any vehicle used in connection with the marking out does not take a route through the State forest or timber reserve other than a route approved by a forest officer.

[Regulation 95 amended: Gazette 3 Sep 2010 p. 4274.]

96. Person not to make camp, fuel depot etc. in State forest or timber reserve

A person shall not, for the purpose of, or in connection with, marking out, establish any camp, fuel depot or parking area within any State forest or timber reserve in the South-west Division.

[Regulation 96 amended: Gazette 3 Sep 2010 p. 4274.]

97. Part 16 not affected

The requirements in this Part are in addition to and do not derogate from the requirements in Part 16.

Part 15 — Collection of firewood

98. Public firewood areas, designation of

- (1) The CEO may by order published in the *Gazette*, set aside any area of State forest or timber reserve (in this Part referred to as a **public firewood area**) for the purposes of the collection of firewood by members of the public.
- (2) The CEO may, by further order published in the *Gazette*, amend or revoke an order referred to in subregulation (1).

[Regulation 98 amended: Gazette 3 Sep 2010 p. 4276-7.]

99. Removing firewood from public firewood areas

- (1) Subject to this Part, any person may enter a public firewood area and remove any firewood from that area.
- (2) Nothing in subregulation (1) shall be taken as authorising any person —
 - (a) to fell, cut, injure or destroy any tree in a public firewood area; or
 - (b) to enter contrary to the provisions of Part 16 of these regulations any area that is declared to be a risk area or disease area under Part VII of the Act.

100. Fees for removing firewood from public firewood areas

The following amounts, per tonne or part thereof, are payable in respect of the removal of firewood from a public firewood area that is designated in the order made under regulation 98 as being an area to which this regulation applies —

- (a) between 1 November and 30 April in each year — \$7.70;
- (b) between 1 May and 31 October in each year — \$15.40.

[Regulation 100 amended: Gazette 28 Apr 1995 p. 1460; 30 June 2000 p. 3401-2.]

101. Restrictions on removing etc. firewood from public firewood areas

- (1) Except as provided in subregulation (3), a person shall not —
- (a) remove more than one tonne of firewood from public firewood areas —
 - (i) in any 60 day period between 1 June and 30 September; or
 - (ii) on any one occasion between 1 October and 31 May; or
 - (b) sell firewood removed from a public firewood area.

Penalty: \$2 000.

- (2) In subregulation (1)(b), *sell* includes barter, exchange, advertise or offer or expose for sale.
- (3) This regulation does not apply to or in relation to firewood that is removed from a public firewood area pursuant to a forest produce licence, contract of sale or contract to harvest and deliver.

[Regulation 101 amended: Gazette 28 Apr 1995 p. 1460; 23 Jan 1996 p. 272; 28 May 1996 p. 2204.]

102. Person may be directed to leave public firewood area

- (1) A forest officer or a conservation and land management officer may direct a person to immediately leave a public firewood area where the forest officer or conservation and land management officer is of the opinion that —
- (a) it is necessary in the interests of public safety;
 - (b) the person has failed or refused to pay an amount payable under regulation 100 or has otherwise contravened the Act or these regulations;
 - (c) the person is blocking the access of a forest officer, conservation and land management officer or any other

r. 102

officer of the Department or any other person using the area;

- (d) for any other reason the presence of the person is adversely affecting the management of the area by the Department.

- (2) A person shall comply with a direction given to that person under subregulation (1).

Penalty: \$2 000.

[103. Deleted: Gazette 3 May 2002 p. 2294.]

Part 16 — Control and eradication of forest diseases

104. Term used: written authorisation

In this Part —

written authorisation means authorisation given in writing under regulation 106.

105. Application of Part

This Part operates and takes effect notwithstanding any other provision in these regulations.

106. Written authorisation of activities in risk areas

- (1) An authorised person may in writing authorise —
 - (a) the taking of a potential carrier or a specified class of potential carriers into a risk area; or
 - (b) the possession, use or movement of a potential carrier or a specified class of potential carriers in a risk area.
- (2) Written authorisation may be issued subject to such conditions as are specified in the authorisation.
- (3) An authorised person may at any time by written notice —
 - (a) revoke a written authorisation; or
 - (b) vary any condition specified in a written authorisation or add a further condition to the authorisation; or
 - (c) remove any condition specified in a written authorisation.
- (4) For the purposes of this Part —
 - (a) a condition that has been varied or added under subregulation (3)(b) shall be taken to have been specified accordingly in the authorisation; and
 - (b) a condition that has been removed under subregulation (3)(c) shall be taken to no longer be a condition specified in the authorisation.

107. Verbal authorisation in emergency of activities in risk area

- (1) Subject to subregulations (2) and (3), an authorised person may verbally authorise —
 - (a) the taking of a potential carrier or a specified class of potential carriers into a risk area; or
 - (b) the possession, use or movement of a potential carrier or a specified class of potential carriers in a risk area.
- (2) An authorised person —
 - (a) shall only give verbal authorisation in the event of an emergency where it is impracticable to give written authorisation; and
 - (b) may at any time revoke the verbal authorisation.
- (3) Verbal authorisation shall only have effect for such period as is necessary to deal with the emergency or until it is revoked, whichever is the sooner.

108. Entry, use or movement of potential carrier in risk area without authorisation or contrary to condition

Any person who takes a potential carrier into a risk area, or has, uses or moves a potential carrier in a risk area —

- (a) without the authorisation under regulation 106 or 107 of an authorised person; or
- (b) contrary to any condition specified in a written authorisation,

or who causes a potential carrier to be so taken, had, used or moved without such authority or contrary to such a condition, commits an offence.

Penalty: a fine of \$2 000.

[Regulation 108 amended: Gazette 7 Dec 2012 p. 5975.]

109. Entry, use or movement of potential carrier in risk area or disease area contrary to instruction or direction

Any person who takes a potential carrier into a risk area or disease area, or uses or moves a potential carrier in a risk area or disease area, contrary to any instruction or direction given by —

- (a) an authorised person in relation to that potential carrier; or
- (b) the CEO in relation to potential carriers of that class by notice published in a newspaper circulating in that risk area or disease area,

or who causes a potential carrier to be so taken, used or moved contrary to any such direction or instruction, commits an offence.

Penalty: a fine of \$2 000.

[Regulation 109 amended: Gazette 3 Sep 2010 p. 4276-7; 7 Dec 2012 p. 5975.]

110. Erection of signposts and barricades

For the purposes of prohibiting, restricting or regulating the admission of potential carriers to a risk area or disease area, an authorised person may erect signposts or barricades, or both, on roads leading into that area.

111. Written authorisation to be carried and produced on request

A person in charge of a potential carrier in a risk area shall carry any written authorisation issued in respect of that potential carrier at all times when the potential carrier is being used, operated or moved in that area and shall produce that authorisation when requested to do so by an authorised person.

Penalty: a fine of \$1 500.

[Regulation 111 amended: Gazette 7 Dec 2012 p. 5976.]

112. Written authorisation to terminate on breach of condition

Without affecting the liability of any person for an offence under regulation 108(b), written authorisation shall terminate immediately on the breach of any condition specified in that authorisation.

113. Person to provide information on request

A person shall, when requested to do so by an authorised person, provide all information within that person's power relating to any occurrence or suspected occurrence of a forest disease.

Penalty: a fine of \$1 500.

[Regulation 113 amended: Gazette 7 Dec 2012 p. 5976.]

114. Authorised person may stop and examine potential carrier

An authorised person may stop and examine any potential carrier to determine whether or not it is infected and may, for that purpose, erect signposts or barricades, or both, on roads —

- (a) in or leading to a risk area; or
- (b) in or leading out of a disease area.

115. Authorised person may direct carrier to quarantine station

An authorised person may direct a person in charge of an infected carrier or potential carrier entering a risk area or in or leaving a risk area to deliver that carrier to a quarantine station specified by the authorised person.

116. Authorised person may direct person to clean and disinfect carrier

An authorised person may direct a person in charge of an infected carrier or potential carrier entering or in a risk area or in or leaving a disease area to cleanse and disinfect that carrier.

117. Quarantine stations, establishment etc. of

The CEO may establish and maintain, or arrange for the establishment and maintenance of, quarantine stations or areas for the treatment of infected earth, soil or trees, or areas for the cleansing and disinfecting of infected carriers or potential carriers entering or in a risk area, or in or leaving a disease area.

[Regulation 117 amended: Gazette 3 Sep 2010 p. 4276-7.]

118. Period of treatment or quarantine

The period for which an infected carrier or potential carrier or infected earth, soil or trees shall be treated or kept in quarantine for the purposes of this Part shall be such period as an authorised person determines.

119. Cleansing and disinfecting to be carried out as directed

Where under this Part, a person is directed to cleanse and disinfect an infected carrier or potential carrier that person shall carry out that cleansing and disinfecting —

- (a) at a time and place and in such manner as is directed by an authorised person; and
- (b) to the satisfaction of the authorised person.

Penalty: a fine of \$2 000.

[Regulation 119 amended: Gazette 7 Dec 2012 p. 5976.]

120. Owner to identify etc. person in charge of carrier

- (1) The owner of a potential carrier shall, if required to do so by an authorised person, inform the authorised person of the identity and address of the person in charge of the potential carrier at the time when an offence relating to that potential carrier is alleged to have been committed against this Part.
- (2) Where an offence against this Part is alleged to have been committed by the person in charge of a potential carrier and the owner of that potential carrier fails, within 14 days of being

r. 121

required by an authorised person to identify the person who was in charge of the potential carrier at the time the offence was alleged to have been committed, to —

- (a) comply with that requirement; or
- (b) furnish information to an authorised person from which an authorised person is satisfied that the potential carrier was stolen or being unlawfully used at the time of the alleged offence or that the owner could not reasonably have been aware of the identity of the person in charge of the potential carrier at that time,

the owner shall be deemed to be the person who committed that offence and shall then be liable to the penalty prescribed in respect of that offence.

121. Authorised person may detain, control or remove carrier

An authorised person may detain, control the further movement of, or remove, a potential carrier that is in a risk area or disease area if —

- (a) that potential carrier has been taken into, used, operated or moved in that area in contravention of a provision of this Part or in contravention of a condition specified in a written authorisation; or
- (b) the person in charge of that potential carrier has refused or failed to comply with a direction given by an authorised person under this Part in relation to that potential carrier; or
- (c) the authorised person considers that in the circumstances there will be a greater risk of the spread of infection if that potential carrier is not so detained, controlled or removed.

122. Authorised person may remove person from risk area

An authorised person may remove from a risk area any person whom the authorised person reasonably suspects has

contravened a provision of this Part or a condition specified in a written authorisation.

123. Person in risk area or disease area to give name and address on request

Any person in a risk area or a disease area shall give his or her name and address when requested to do so by an authorised person.

Penalty: a fine of \$1 500.

[Regulation 123 amended: Gazette 7 Dec 2012 p. 5976.]

124. Driver of potential carrier to comply with request to stop, signpost etc.

A person driving or moving a potential carrier shall not —

- (a) fail to stop that potential carrier when requested to do so by an authorised person; or
- (b) ignore or fail to comply with a signpost erected under this Part; or
- (c) avoid or break through any barricade erected under this Part.

Penalty: a fine of \$1 500.

[Regulation 124 amended: Gazette 7 Dec 2012 p. 5976.]

125. Person not to obstruct, hinder etc. authorised person

A person shall not —

- (a) hinder or obstruct an authorised person exercising any power or performing any function conferred or imposed under this Part; or
- (b) fail to comply with a direction given by an authorised person under this Part.

Penalty: a fine of \$1 500.

[Regulation 125 amended: Gazette 7 Dec 2012 p. 5976.]

Part 17 — Powers of forest officers

126. Stopping and detaining vehicles

- (1) A forest officer may direct the person in charge of any vehicle that is being used to transport forest produce or that the forest officer reasonably suspects is being used to transport forest produce —
 - (a) in a State forest or timber reserve; or
 - (b) on any road,to stop the vehicle and may direct that person to move the vehicle to, and wait at, a place indicated by the forest officer.
- (2) A person shall comply with a direction given to that person by a forest officer under subregulation (1).
Penalty: \$2 000.

127. Directions as to route for movement of forest produce

- (1) A forest officer may give directions to a person as to the route to be followed for the movement of any forest produce in a State forest or timber reserve.
- (2) A person shall comply with a direction given to that person under subregulation (1).
Penalty: \$2 000.

128. Seized forest produce

- (1) Where any forest produce is seized under the Act, a forest officer may direct the person in charge of any vehicle carrying the forest produce to transport the produce to a place indicated by the forest officer where it can be unloaded and held.
- (2) A person shall comply with a direction given to that person under subregulation (1).
Penalty: \$2 000.

[Part 17A deleted: Gazette 3 May 2002 p. 2294.]

Part 18 — Miscellaneous

[129, 130. Deleted: SL 2020/224 r. 7.]

131. Exclusion of operation of section 103A(3) of the Act

The operation of section 103A(3) of the Act is excluded in relation to —

- (a) removing firewood contrary to regulation 101(1)(a); or
- (b) driving or riding a vehicle into or in a risk area contrary to regulation 108.

[Regulation 131 inserted: Gazette 7 Dec 2012 p. 5976-7.]

[132-134. Deleted: Gazette 3 May 2002 p. 2294.]

135. Damage to other forest produce to be minimized

The holder of a forest produce licence, permit or contract to harvest and deliver shall ensure that where any forest produce is taken or removed from a State forest or timber reserve under the licence, permit or contract, damage to, and destruction of, other forest produce in the State forest or timber reserve is minimized.

Penalty: \$2 000.

136. Destroying etc. seized forest produce prohibited

A person shall not destroy, cut, injure, remove or in any way interfere with any forest produce that has been seized under the Act unless authorised to do so by the CEO or a forest officer.

Penalty: \$2 000.

[Regulation 136 amended: Gazette 3 Sep 2010 p. 4276-7.]

137. Damage to tables and other facilities

A person shall not destroy or damage any table, bench or other facility in a State forest or timber reserve unless authorised to do so by the CEO or a forest officer.

Penalty: \$2 000.

r. 138

[Regulation 137 amended: Gazette 3 Sep 2010 p. 4276-7.]

[137A. Inserted: Gazette 18 Aug 1998 p. 4447. Disallowed 28 Oct 1998 (see Gazette 17 Nov 1998 p. 6248).]

138. Export karri timber to be marked

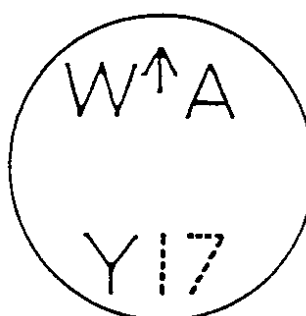
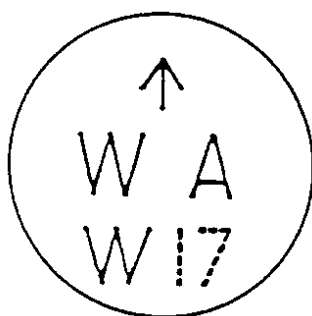
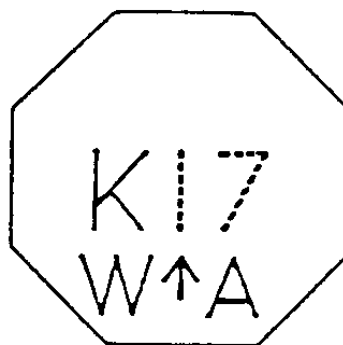
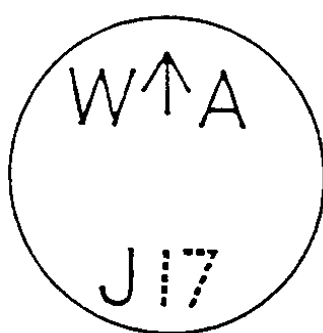
A person shall not export any karri timber (whether sawn, hewn or in log form) with an end section exceeding 0.015 m² from the State unless the end of the timber is marked with a letter “K” that is not less than 25 mm in height.

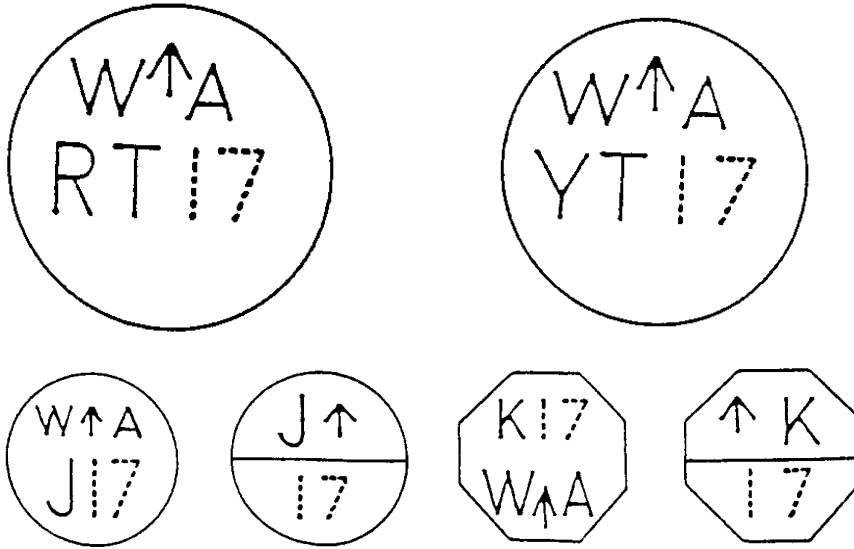
Penalty: \$2 000.

139. Marks used by forest officers

The following marks are marks used by forest officers —

- (a) to indicate that log timber inspected is in accordance with the appropriate specifications —



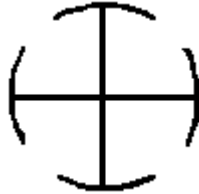


Note for this paragraph:

The figures shown by broken lines denote the registered number of the officer inspecting and will therefore vary in each instance. The letter prefacing these numbers denotes —

- | | |
|-------------|---------------------|
| J — Jarrah. | Y — Yarri. |
| K — Karri. | RT — Red Tingle. |
| W — Wandoo. | YT — Yellow Tingle. |

- (b) to indicate that the log timber inspected is not in accordance with the required specifications —



r. 139

- (c) to indicate that the forest produce has been seized by a forest officer —



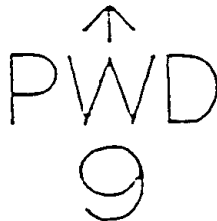
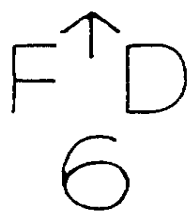
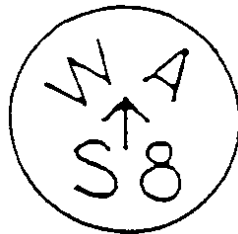
- (d) to identify a tree outside a coupe that may be felled —



Note for this paragraph:

The figures signify the number of the brand on issue to the forest officer or district and will therefore vary in each instance.

- (e) for other purposes —



Note for this paragraph:

The figures signify the number of the brand on issue to the forest officer or district and will therefore vary in each instance.

140. Trees etc. not to be marked etc. without authority

A person shall not —

- (a) mark any tree or log timber in a State forest or timber reserve with chalk, paint, crayon or any other material; or
- (b) affix tape or ribbon to any tree or log timber in a State forest or timber reserve; or
- (c) affix a brand to any tree or log timber in a State forest or timber reserve,

unless authorised to do so by the CEO.

Penalty: \$2 000.

[Regulation 140 amended: Gazette 3 Sep 2010 p. 4276-7.]

141. Maximum penalty prescribed (Act s. 95(2)(b))

For the purposes of section 95(2)(b) of the Act, the prescribed maximum penalty is —

- (a) \$2 000; or
- (b) 20% of the total royalties payable under the permit, forest produce licence or contract of sale,

whichever is the greater.

142. Royalties prescribed (Act s. 96(1))

For the purposes of section 96(1) of the Act, the royalties specified in Schedule 3 are prescribed.

[143-148. Deleted: SL 2020/224 r. 8.]

149. CEO, on request, to provide general scale of royalties

Upon application, the CEO shall provide any person free of charge with a list of the general scale of royalties payable in respect of forest produce taken from Crown land.

[Regulation 149 amended: Gazette 3 Sep 2010 p. 4276-7.]

[150. Deleted: Gazette 29 Mar 1996 p. 1508.]

[151. Deleted: SL 2020/224 r. 9.]

[152. Deleted: Gazette 7 Dec 2012 p. 5977]

[153. Omitted under the Reprints Act 1984 s. 7(4)(f).]

[154. Deleted: SL 2020/224 r. 10.]

[Schedule 1 deleted: SL 2020/224 r. 11.]

[Schedule 2: Form 1 deleted: SL 2022/170 r. 9;

Form 2 deleted: Gazette 3 Sep 2010 p. 4275;

Forms 3 and 4 deleted: Gazette 3 May 2002 p. 2295.]

[Schedules 2A and 2B deleted: Gazette 3 May 2002 p. 2294-5.]

Schedule 3

[Regulation 142]

Prescribed royalties for timber taken on mining tenement for mining purposes

Item 1.

Product: hardwood mining rounds.
Area Royalty Swan (Northern Forest), Central Forest and Southern
applies to: Forest Regions of the Department.
Royalty: \$16.43 per tonne.

Item 2.

Product: hardwood mining rounds.
Area Royalty Kimberley, Pilbara, Gascoyne, Goldfields, Greenough,
applies to: Wheatbelt and South Coast Regions of the Department.
Royalty: \$7.92 per tonne.

[Schedule 3 amended: Gazette 3 Sep 2010 p. 4276.]

[Schedule 4 deleted: Gazette 29 March 1996 p. 1511.]

[Schedules 5 and 6 deleted: SL 2020/224 r. 12.]

=====

Notes

This is a compilation of the *Forest Management Regulations 1993* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Forest Management Regulations 1993</i>	9 Feb 1993 p. 1119-201	9 Feb 1993
<i>Forest Management Amendment Regulations 1995</i>	28 Apr 1995 p. 1459-60	28 Apr 1995
<i>Forest Management Amendment Regulations (No. 2) 1995</i>	23 Jan 1996 p. 272	23 Jan 1996
<i>Forest Management Amendment Regulations 1996</i>	29 Mar 1996 p. 1504-11	29 Mar 1996
<i>Forest Management Amendment Regulations (No. 2) 1996</i>	28 May 1996 p. 2204	28 May 1996
<i>Forest Management Amendment Regulations (No. 3) 1996</i>	28 May 1996 p. 2204-5	28 May 1996
<i>Forest Management Amendment Regulations 1998</i>	21 Apr 1998 p. 2113-14	21 Apr 1998
<i>Forest Management Amendment Regulations (No. 2) 1998</i>	18 Aug 1998 p. 4447 (Disallowed 28 Oct 1998 see <i>Gazette</i> 17 Nov 1998 p. 6248)	18 Aug 1998
Reprint of the <i>Forest Management Regulations 1993</i> as at 15 Sep 1999 (includes amendments listed above)		
<i>Forest Management Amendment Regulation 2000</i>	30 Jun 2000 p. 3401-2	1 Jul 2000 (see r. 2)
<i>Conservation and Land Management Regulations 2002</i> r. 114 ¹	3 May 2002 p. 2233-308	3 May 2002
<i>Forest Management Amendment Regulations 2003</i>	12 Aug 2003 p. 3657-8	12 Aug 2003
<i>Forest Management Amendment Regulations (No. 2) 2006</i>	22 Dec 2006 p. 5804	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)

Citation	Published	Commencement
<i>Forest Management Amendment Regulations (No. 2) 2010</i>	3 Sep 2010 p. 4273-7	r. 1 and 2: 3 Sep 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Sep 2010 (see r. 2(b))
Reprint 2: Forest Management Regulations 1993 as at 25 Mar 2011 (includes amendments listed above)		
<i>Forest Management Amendment Regulations 2012</i>	7 Dec 2012 p. 5975-7	r. 1 and 2: 7 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2012 (see r. 2(b) and <i>Gazette</i> 7 Dec 2012 p. 5963)
<i>Forest Management Amendment Regulations 2020</i>	SL 2020/224 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) and SL 2020/225 r. 2(b))
<i>Environment Regulations Amendment Regulations 2022 Pt. 3</i>	SL 2022/170 21 Oct 2022	22 Oct 2022 (see r. 2(b))

Other notes

- ¹ The *Conservation and Land Management Regulations 2002* r. 114 repealed some of these regulations and s. 116 reads as follows:

116. Saving

- (1) Nothing in this regulation is to be construed so as to limit the operation of the *Interpretation Act 1984*.
- (2) The repeal of a former provision does not affect any document or appointment made or anything done under any provision so repealed so far as it is subsisting or in force at the time of the repeal and could have been made or done under these regulations.
- (3) Each such document, appointment or thing has effect as if it had been made or done under the corresponding provision of these regulations and as if the provisions had been in force when the document or appointment was made or the thing was done.
- (4) In particular, and without limiting the generality of subregulations (2) and (3), those subregulations apply to —
 - (a) any notice erected on any land; and
 - (b) any licence granted under Part 5 of the *Conservation and Land Management Regulations 1992*.

- (5) In subregulation (1) —
former provision means a provision repealed by regulation 114
or 115.

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)
buyer	2
contract of sale	2
contract to harvest and deliver	2
contractor	2
coupe.....	2
Crown land.....	2
district	2
fell.....	2
forest produce licence	2
logging plan	2
marking out	93
permit.....	2
public firewood area	98(1)
sell.....	101(2)
South-west Division.....	93
State forest	2
tree	2
written authorisation	104