

Western Australia

# **Forest Management Regulations 1993**

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Western Australia

## Forest Management Regulations 1993

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Western Australia

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*<sup>1</sup>.

#### 2. Interpretation

In these regulations, unless the contrary intention appears —

“**apiary site permit**” means a permit referred to in regulation 73(1);

“**bush landing**”, in relation to log timber, means the place in a State forest or timber reserve where the timber is first loaded onto a vehicle for transport or removal after the timber has been felled;

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

“**camp**” means to stay or lodge (whether in a camping unit or otherwise) during any period of the night between 9.00 p.m. and 6.00 a.m.;

“**camping area**” means an area marked under regulation 128D(1) as an area where persons may camp;

**“camping unit”** means a caravan or a tent, bivouac or temporary shelter of any kind;

**“caravan”** means any vehicle adapted or designed for camping or capable of being used for a dwelling or for sleeping purposes whether wheels are attached to the vehicle or not;

**“contract of sale”** means a contract under section 88(1)(b)(i) of the Act in which the Executive Director 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 Executive Director 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 Executive Director 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 Executive Director for the administrative purposes of the Department;

**“fell”** includes fell by machine;

**“feller’s identification code”** means an identification code registered in respect of a feller under regulation 26;

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

**“log delivery note”** means a log delivery note referred to in Part 5;

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

**“manager”**, in relation to a sawmill, means a person having the immediate charge and direction of operations at a sawmill;

**“non-tour motor vehicle”** means a motor vehicle that is not a tour motor vehicle;

**“owner”**, in relation to private land, means any person who is registered as the proprietor of an estate in fee simple in that land;

**“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;

**“owner’s identification code”** means an identification code registered in respect of the owner or owners of private land under regulation 29;

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

**“private land”** means land other than public land;

**“product type”**, in relation to log timber, means the description, classification and grade (being a description, classification and grade specified in a log delivery note) assigned to that log timber in the log delivery note for the timber;

**“public land”** has the same meaning as in section 81 of the Act;

**“receival record”** means a record referred to in Part 8;

**“repealed Act”** means the *Forests Act 1918* repealed by section 147 of the *Conservation and Land Management Act 1984*;

**“repealed regulations”** means —

- (a) the *Forest Regulations 1957* repealed by regulation 153(1); or
- (b) the *Forest Diseases Regulations 1975* repealed by regulation 153(2);

**“sawmill”** means a sawmill registered under the *Timber Industry Regulation Act 1926* and includes any land or buildings in the vicinity of the sawmill that are used for the storage of log timber or for other purposes ancillary to the use of the sawmill;

**“softwood”** means timber of the class *Coniferae* (Conifers);

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

**“timber harvesting”** means the felling, trimming, docking, splitting, debarking, extracting, sorting or loading of timber and includes the supervision of any of those activities;

**“tour motor vehicle”**, means an omnibus as defined by section 4(1) of the *Transport Co-ordination Act 1966*, or a vehicle carrying a plate which indicates that the vehicle is licensed as an omnibus under regulation 8 of the *Transport Co-ordination Regulations 1985*;

**“tree”** includes a tree that is dead provided the tree is still standing;

**“Tree Top Walk”** means the walkway known as the “Tree Top Walk” situated in State Forest No. 42 within the area known as the “Valley of the Giants” between Nornalup and the Irwin Inlet;

**“working day”** means a day other than a Saturday, Sunday, public service holiday or a bank holiday or public holiday (either throughout the State or in the part of the State relevant to the event, act or thing concerned).

*[Regulation 2 amended in Gazette 29 March 1996 p.1505; 21 April 1998 p.2113.]*



**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 — Registration of timber workers**

### **4. Interpretation**

In this Part —

**“certificate of registration”** means a certificate of registration issued under regulation 13;

**“registration”** means registration under this Part as a timber worker.

### **5. Unregistered person not to engage in timber harvesting etc.**

Except as provided in regulation 7, a person shall not engage —

- (a) in timber harvesting in a State forest or timber reserve;  
or
- (b) in the transport of log timber harvested in a State forest or timber reserve,

unless that person is registered under this Part as a timber worker.

Penalty: \$2 000.

### **6. Person not to employ unregistered person to engage in timber harvesting etc.**

Except as provided in regulation 7, a person shall not employ or remunerate a person to engage —

- (a) in timber harvesting in a State forest or timber reserve;  
or
- (b) in the transport of log timber harvested in a State forest or timber reserve,

unless the second-mentioned person is registered under this Part as a timber worker.

Penalty: \$2 000.

**7. Exceptions**

A person who —

- (a) takes forest produce from a State forest or timber reserve pursuant to a forest produce licence;
- (b) removes firewood from a State forest or timber reserve in accordance with Part 15; or
- (c) transports forest produce referred to in paragraph (a) or firewood referred to in paragraph (b),

is not, by reason only of that activity, required to be registered under this Part as a timber worker.

**8. Application for registration**

- (1) An application for registration shall —
  - (a) be made to the Executive Director in a form approved by the Executive Director; and
  - (b) be accompanied by documentary evidence of any qualification held by the applicant that relates to timber harvesting or the transport of timber.
- (2) The applicant shall provide the Executive Director with such further information as the Executive Director requires in any particular case.
- (3) An application for registration may be delivered to —
  - (a) the Executive Director; or
  - (b) the forest officer in charge of a district in which the applicant intends to work.

**9. Registration**

- (1) Subject to subregulations (2) and (3), the Executive Director shall, on payment of the fee specified in item 1 of Schedule 5, register the applicant under this Part as a timber worker.

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- (2) The Executive Director may refuse an application for registration on the grounds that —
  - (a) the applicant has been convicted of an offence against the Act, the repealed Act, these regulations or the repealed regulations;
  - (b) the applicant's registration is suspended or, the applicant has previously been registered as a timber worker under these regulations and the Executive Director cancelled or refused to renew that registration under regulation 17;
  - (c) the applicant has been convicted of an offence, other than an offence referred to in paragraph (a), that relates to timber harvesting or the transport of timber;
  - (d) the application contains or is accompanied by information that is false or misleading in a material particular.
- (3) The Executive Director shall not register a person other than a natural person as a timber worker under this Part.

**10. Duration of registration**

Subject to these regulations, registration is valid for a period of 3 years from the day on which registration is effected.

*[Regulation 10 amended in Gazette 28 April 1995 p.1459.]*

**11. Renewal of registration**

Subject to regulation 17, the Executive Director may, on payment of the fee specified in item 2 of Schedule 5, renew the registration of any person for a further period of 3 years.

*[Regulation 11 amended in Gazette 28 April 1995 p.1460.]*

**12. Conditions**

- (1) The Executive Director may impose such conditions or restrictions upon the grant or renewal of registration as the

Executive Director thinks fit, and may at any time by notice in writing vary or add to any such conditions or restrictions.

- (2) Without limiting subregulation (1), a condition or restriction imposed under that subregulation may limit the type of work that a person may perform in a State forest or timber reserve.
- (3) A person who is registered under this Part as a timber worker shall not contravene a condition or restriction imposed in relation to that registration under subregulation (1).

Penalty: \$2 000.

### **13. Certificates of registration**

- (1) The Executive Director shall on the grant or renewal of registration issue a certificate of registration to the applicant.
- (2) The Executive Director shall endorse on the certificate of registration —
  - (a) the name and address of the person being registered;
  - (b) the name and address of the person's employer (if any);
  - (c) any relevant qualifications held by the person;
  - (d) any conditions or restrictions imposed in relation to the registration;
  - (e) such other information as the Executive Director thinks fit.

### **14. Register**

The Executive Director shall cause to be compiled and maintained a register of all persons who are registered under this Part showing in respect of each person —

- (a) the name and address of the person;
- (b) the date of birth of the person;
- (c) particulars of any relevant qualifications held by the person;

- (d) the name and address of the person's employer;
- (e) any conditions or restrictions imposed by the Executive Director in relation to the person's registration;
- (f) the date on which the person was registered and the date on which the person's registration was last renewed;
- (g) such other information as the Executive Director determines to be relevant.

**15. Production of certificate of registration**

A person registered under this Part as a timber worker shall —

- (a) carry his or her certificate of registration or a copy of that certificate of registration at all times while engaged in timber harvesting in a State forest or timber reserve or in the transport of log timber harvested in a State forest or timber reserve; and
- (b) when required to do so by a forest officer or a conservation and land management officer, produce for inspection his or her certificate of registration or a copy of that certificate of registration to the officer.

Penalty: \$100.

**16. Notification of change in particulars**

- (1) A person registered under this Part as a timber worker shall notify the Executive Director in writing of any change —
  - (a) in the qualifications held by the person;
  - (b) of employer of that person,

relevant to the person engaging in timber harvesting or the transport of timber, as soon as practicable after that change takes place.

Penalty: \$100.

- (2) The Executive Director shall cause —
  - (a) to be entered in the register; and

(b) to be endorsed on the relevant certificate of registration, details of any change notified to the Executive Director under subregulation (1).

**17. Executive Director may cancel, suspend, refuse to renew, etc. registration**

- (1) Subject to this regulation, the Executive Director may cancel, suspend for any period, or refuse to renew, the registration of any person on the grounds that —
  - (a) the person has been convicted of an offence against the Act, these regulations or the repealed regulations;
  - (b) the person has contravened a condition or restriction imposed in relation to that registration; or
  - (c) the registration was obtained by fraud or misrepresentation.
- (2) If the Executive Director proposes to cancel, suspend, or refuse to renew the registration of a person, the Executive Director shall give to the person notice in writing of the proposal and the Executive Director's reasons for the proposal.
- (3) A notice given under subregulation (2) shall state that within 21 days after the notice being given, the person to whom it is given may make representations in writing to the Executive Director concerning the matter, and the Executive Director shall not determine the matter without considering any representations received within that period of 21 days.
- (3a) If the Executive Director proposes to cancel, suspend, or refuse to renew the registration of a person, the Executive Director shall give to the person's employer notice in writing of the proposal.
- (4) If the Executive Director cancels, suspends, or refuses to renew, the registration of a person under this regulation, the Executive Director shall give to the person and to the person's employer

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notice in writing of the cancellation, suspension or refusal to renew.

- (5) Nothing in this regulation affects any contractual right that the Executive Director or a forest officer may exercise under a contract to harvest and deliver.

*[Regulation 17 amended in Gazette 28 April 1995 p.1460.]*

**18. Return of certificate of registration**

- (1) The Executive Director may require the holder of a certificate of registration to return the certificate to the Executive Director where —
- (a) the person's registration has been cancelled, suspended or has not been renewed;
  - (b) the Executive Director is required by these regulations to endorse any matter on the certificate.
- (2) A person shall, as soon as practicable after being required to do so under subregulation (1), return his or her certificate to the Executive Director.

Penalty: \$100.



**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. Authorization 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 authorized 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.

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**21. Record to be made by forest officer of coupes etc. allocated**

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 authorization 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;
- (d) the person to whom the coupe is allocated or who is authorized to fell the tree; and
- (e) the date of the allocation or authorization.

**22. Obstruction**

- (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 Executive Director a sum equal to the cost of removing the obstruction.

- (3) A sum referred to in subregulation (2) is a debt due to the Executive Director and is recoverable in a court of competent jurisdiction.

**23. Damage to power lines etc.**

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.

## **Part 4 — Identification codes**

### **Division 1 — Identification of fellers**

**24. Person not to fell tree in State forest or timber reserve without identification code**

A person shall not fell a tree in a State forest or timber reserve unless a feller's identification code has been registered in respect of that person under regulation 26.

Penalty: \$2 000.

**25. Application for feller's identification code**

- (1) An application for a feller's identification code shall —
  - (a) be made to the Executive Director in a form approved by the Executive Director; and
  - (b) be accompanied by documentary evidence of any matter that the Executive Director considers necessary in relation to such an application.
- (2) The applicant shall provide the Executive Director with such further information as the Executive Director requires in any particular case.

**26. Registration of feller's identification code**

- (1) The Executive Director shall on being satisfied that an applicant —
  - (a) intends to fell trees in a State forest or timber reserve; and
  - (b) is qualified to fell trees,register an identification code in respect of the applicant.
- (2) The Executive Director shall —
  - (a) determine the identification code that is to be registered in respect of the applicant; and

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**Part 4** Identification codes

**Division 2** Identification of log timber removed from private land

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- (b) allocate a different identification code to each applicant.
- (3) The Executive Director shall not register an identification code in respect of a person other than a natural person.

**Division 2 — Identification of log timber removed from private land**

**27. Log timber removed from private land to be identified**

A person shall not cause or permit log timber that has been felled on private land to be removed from that land for the purpose of processing at a sawmill unless the log timber is distinctly marked, branded or otherwise identified with an identification code registered under regulation 29 in respect of the owner or owners of that land.

Penalty: \$2 000.

**28. Application for owner's identification code**

- (1) An application for an owner's identification code may be made by an owner or occupier of private land or by any other person who intends to remove log timber from that land for the purpose of processing at a sawmill.
- (2) An application for an owner's identification code shall —
  - (a) be made to the Executive Director in a form approved by the Executive Director; and
  - (b) be accompanied by documentary evidence of any matter that the Executive Director considers necessary in relation to such an application.
- (3) An applicant shall provide the Executive Director with such further information as the Executive Director requires in any particular case.

**29. Registration of owner's identification code**

- (1) The Executive Director shall on being satisfied —
- (a) as to the identity of the owner or owners of any private land; and
  - (b) that the applicant is the owner or occupier of that land or some other person who intends to remove log timber from that land for the purpose of processing at a sawmill,

and upon payment of the fee specified in item 3 of Schedule 5, register an identification code in respect of the owner or owners of the land.

- (2) The Executive Director shall —
- (a) determine the identification code that is to be registered in respect of the owner or owners of private land; and
  - (b) allocate a different identification code in respect of each different owner or each different combination of owners (as the case may be) of private land.

**30. Alteration, etc. of owner's identification code prohibited**

A person shall not alter, obliterate, erase or deface an owner's identification code that is marked or branded on any log timber unless authorized in writing to do so by the Executive Director or a forest officer.

Penalty: \$2 000.

**31. Use of incorrect owner's identification code prohibited**

A person shall not mark or brand any timber felled on private land with an owner's identification code registered in respect of a person or persons other than the owner or owners of that land.

Penalty: \$2 000.

**32. Marking of owner's identification code on State forest timber prohibited**

A person shall not mark or brand an owner's identification code on timber felled in a State forest or timber reserve.

Penalty: \$2 000.

**Division 3 — General**

**33. Identification codes not transferable**

An identification code registered under this Part is not transferable.

**34. Register of identification codes**

The Executive Director shall cause to be compiled and maintained a register showing in respect of each identification code registered under this Part —

- (a) the name and address of the person or persons to whom the identification code is allocated;
- (b) such other information as the Executive Director determines to be relevant.

## **Part 5 — Log delivery notes**

### **35. Log timber not to be removed from State forest or timber reserve unless log delivery note completed**

- (1) Except as provided in subregulation (2), a person shall not remove log timber that has been felled in a State forest or timber reserve from —

- (a) a bush landing; or
- (b) any other place in a State forest or timber reserve,

unless a log delivery note has been completed in accordance with this Part in respect of that timber.

Penalty: \$2 000.

- (2) Subregulation (1) does not apply to or in relation to —

- (a) the removal of log timber from the place where the timber has been felled to a bush landing; or
- (b) the removal of log timber that has been taken pursuant to a forest produce licence or in accordance with Part 15.

### **36. Information required in log delivery note**

A log delivery note shall contain the following information written in indelible pencil or indelible ink —

- (a) the date of removal of the log timber;
- (b) the name of the person to whom the log timber is to be delivered;
- (c) the address of the place to which the log timber is to be delivered;
- (d) the species, description, classification and grade of the log timber (being a species, description, classification and grade specified in the log delivery note);
- (e) details of the location where the log timber was felled;

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- (f) if each log of timber is to be measured individually, the number of logs on the load;
- (g) if the log timber is being removed under a contract to harvest and deliver, the name of the contractor and details of the contract;
- (h) the feller's identification code of the feller of the timber;
- (i) the registration number of the vehicle on which the log timber is to be transported; and
- (j) the signature of the driver of the vehicle transporting the log timber and, where that person did not load the timber onto the vehicle, the signature of the person or of each of the persons who loaded the timber onto the vehicle.

**37. One log delivery note may be used for multiple logs**

One log delivery note may be completed in respect of 2 or more logs of timber in a load if the timber —

- (a) is of the same description, classification and grade (being a description, classification and grade specified in a log delivery note);
- (b) has the same destination; and
- (c) in the case of timber that is to be quantified by weighing, is to be weighed simultaneously,

but in any other case a log delivery note shall be completed in respect of each log of timber in the load.

**38. Copies to be made of log delivery note**

A person completing a log delivery note shall ensure that 3 carbon copies are made of the log delivery note.

Penalty: \$1 000.

**39. Issue and form of log delivery notes**

- (1) The Executive Director is responsible for the issue and supply of books of log delivery notes.



- (2) Upon the issue of a book of log delivery notes the Executive Director may require the recipient to sign a receipt for the book.
- (3) A person shall not use a form of log delivery note other than a form supplied by the Executive Director.  
Penalty: \$50.

**40. Return of unused log delivery notes**

A person to whom a book of log delivery notes has been issued by the Executive Director shall, as soon as practicable after the expiration of 12 months from the day on which the book was issued, return to the Executive Director any log delivery note in the book that has not been used.

Penalty: \$1 000.

**41. Destruction of log delivery notes prohibited**

A person shall not destroy a log delivery note, whether completed, partially completed or unused, unless authorized in writing to do so by the Executive Director.

Penalty: \$1 000.

**42. Requirement to return, or account for, log delivery notes**

Notwithstanding regulation 40, a person to whom a book of log delivery notes has been issued by the Executive Director, when required by the Executive Director by notice in writing —

- (a) to return the book or any log delivery note in the book to the Executive Director, shall not refuse or fail to do so within a period specified in the notice; or
- (b) to account for the whereabouts of the book or any log delivery note in the book, shall not refuse or fail to do so within a period specified in the notice or give a false account of the whereabouts of the book or log delivery note.

Penalty: \$2 000.

**43. False statements**

A person shall not make any statement or provide any information in a log delivery note that is false or misleading in a material particular.

Penalty: \$2 000.

**44. Alteration, etc. of log delivery notes prohibited**

A person shall not alter or obliterate any statement or information entered in a log delivery note unless, in the case of an alteration, the alteration is —

- (a) made for the purpose of correcting a *bona fide* mistake as soon as practicable after the mistake is discovered;
- (b) made in such a manner as to leave the statement or information that is altered legible; and
- (c) initialled by the person making the alteration immediately after the alteration is made.

Penalty: \$2 000.

**45. Log delivery notes to be carried in vehicle**

The driver of any vehicle carrying log timber for which a log delivery note is required under this Part shall ensure that at all times during the transportation of the timber, the original and 3 copies of the log delivery note duly completed in respect of that timber are carried in the vehicle.

Penalty: \$2 000.

**46. Driver of loaded vehicle to produce log delivery note**

- (1) A forest officer or a conservation and land management officer may require the driver of any vehicle carrying log timber —
  - (a) in a State forest or timber reserve; or

(b) on any road,

to produce for inspection any log delivery notes completed in respect of the timber that are in the possession of the driver.

- (2) The driver of a vehicle shall comply with a requirement made under subregulation (1).

Penalty: \$2 000.

- (3) A forest officer or a conservation and land management officer (as the case may be) shall sign any log delivery note produced to the forest officer or conservation and land management officer under this regulation and shall endorse on the log delivery note the date and place at which the inspection took place.

**47. Timber to be delivered to person and place specified in log delivery note**

A person shall not deliver any log timber for which a log delivery note is required under this Part to —

- (a) a person other than the person specified in the log delivery note for that timber as being the person to whom the log timber is to be delivered; or
- (b) a place other than the place specified in the log delivery note for that timber as being the place to which the log timber is to be delivered.

Penalty: \$2 000.

**48. Log delivery note to be delivered with timber**

Where log timber is delivered to any person, the driver of the vehicle carrying the timber shall ensure that the original of any log delivery note completed in respect of that timber is delivered to that person with the timber.

Penalty: \$2 000.

**49. Minimum objective for checking of log delivery notes in the field**

The Executive Director shall endeavour to ensure that, in any calendar month, not less than 5% of log delivery notes completed in respect of log timber removed from State forests and timber reserves during that month are checked by forest officers against the timber either —

- (a) before the timber is removed from the State forest or timber reserve;
- (b) *en route* to the buyer of that timber; or
- (c) at the sawmill where the timber is to be processed,

to ensure that the log delivery notes have been accurately completed.

## **Part 6 — Specific requirements relating to sawmills**

**50. Log timber from State forest or timber reserve not to be received at sawmill without log delivery note**

The owner and the manager of a sawmill shall ensure that log timber that has been felled in a State forest or timber reserve is not received at the sawmill unless the log timber is accompanied by a log delivery note duly completed in respect of that timber.

Penalty: \$2 000.

**51. Log delivery note to be signed at sawmill**

The owner and the manager of a sawmill shall ensure that when any log timber that has been felled in a State forest or timber reserve is received at the sawmill —

- (a) the log delivery note completed in respect of, and accompanying, that timber is immediately signed by a person employed at the sawmill; and
- (b) the date and time of receipt is immediately written by the person on the log delivery note.

Penalty: \$2 000.

*[Regulation 51 amended in Gazette 28 April 1995 p.1460.]*

**52. Original of log delivery note to be delivered to Executive Director within 3 days**

The owner and the manager of a sawmill shall ensure that where the original of any completed log delivery note is received at the sawmill, the log delivery note is delivered to the Executive Director or a forest officer within 3 working days from the day on which the delivery note is received at the sawmill.

Penalty: \$2 000.

## **Part 7 — Determination of log timber quantity**

### **53. Quantity to be immediately entered in log delivery note**

A person who determines the quantity of any log timber that has been felled in a State forest or timber reserve shall immediately —

- (a) record that quantity in; or
- (b) where it is printed on a weighbridge ticket or some other form, attach that ticket or form to,

the log delivery note completed in respect of that timber.

Penalty: \$2 000.

### **54. Incorrect quantity not to be entered in log delivery note**

A person shall not enter in, or attach to, a log delivery note for any log timber that has been felled in a State forest or timber reserve, an incorrect statement of the quantity determined in respect of that timber.

Penalty: \$2 000.

### **55. Unquantified timber not to be stored or processed at sawmill**

The owner or manager of a sawmill shall not, without the authorization of the Executive Director, permit log timber that has been felled in a State forest or timber reserve to be stored or processed at the sawmill unless the quantity of the timber has been determined and —

- (a) recorded in; or
- (b) where the quantity is printed on a weighbridge ticket or some other form, the ticket or form attached to,

the log delivery note completed in respect of that timber.

Penalty: \$2 000.

**56. Method of determining quantity**

- (1) In this regulation, “**contract**” has the same meaning as in section 87 of the Act.
- (2) Where for the purposes of a provision of a contract it is necessary for a quantity of log timber that has been felled in a State forest or timber reserve to be determined, the contract may provide that the determination is to be made, for the purposes of that provision, in accordance with the provisions of Part A, B, C, D or E of Schedule 1.
- (3) A person who fails to comply with any provision of Part A, B, C, D or E of Schedule 1 that the person is required by a contract to comply with commits an offence.

Penalty: \$2 000.

## **Part 8 — Log timber receipt records**

### **57. Record of log timber receipts to be made**

The owner and the manager of a sawmill shall ensure that where any log timber felled in a State forest or timber reserve is received at the sawmill, a record is made, on the day on which the timber is received, of —

- (a) the day on which the log timber was received;
- (b) the species and product type of the log timber;
- (c) the quantity of log timber received; and
- (d) the number of the log delivery note completed in respect of that log timber.

Penalty: \$2 000.

### **58. Executive Director to supply forms**

The Executive Director shall, upon request, provide the owner or manager of a sawmill with a book of forms in which to make a record referred to in regulation 57.

### **59. Copy of records to be kept for 2 years**

The owner of a sawmill shall cause a copy of every receipt record made in respect of log timber received at the sawmill within the preceding 2 years to be kept at the sawmill or, where it is not practicable to keep copies at the sawmill, at some other place approved in writing by the Executive Director.

Penalty: \$2 000.

### **60. Alteration, etc. of receipt records prohibited**

A person shall not alter or obliterate any statement or information entered in a receipt record unless, in the case of an alteration, the alteration is —

- (a) made for the purpose of correcting a *bona fide* mistake as soon as practicable after the mistake is discovered;



- (b) made in such a manner as to leave the statement or information that is altered legible; and
- (c) initialled by the person making the alteration as soon as practicable after the alteration is made.

Penalty: \$2 000.

**61. Removal of records prohibited**

Except for the purpose of complying with regulation 62, a person shall not remove any page or excise any portion of a page from a book of receival records.

Penalty: \$2 000.

**62. Receival records to be delivered at the end of the month**

The manager of a sawmill shall, within 3 working days from the end of each calendar month, cause to be delivered to the Executive Director or a forest officer the originals of all receival records that relate to log timber received during that month.

Penalty: \$2 000.

**63. False entries**

A person shall not make any entry in a receival record that is false or misleading in a material particular.

Penalty: \$2 000.

**64. Forest officer to make record of sawmill inspection or enquiry**

Where under section 119A of the Act, a forest officer enters any sawmill and conducts an inspection or enquiry, the forest officer shall make an entry in the receival record kept by the sawmill of —

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

## **Part 9 — Sale of forest produce by auction or tender**

### **65. Sale of forest produce by auction or tender**

- (1) Where the royalties payable under a contract of sale, permit or forest produce licence are to be established by public auction or by tender, the public auction or sale by tender may be conducted in such manner as the Executive Director thinks fit.
- (2) Without limiting the generality of subregulation (1), the Executive Director may —
  - (a) invite persons to register with the Executive Director as prospective bidders or tenderers;
  - (b) require tenders submitted to be accompanied by such information as the Executive Director thinks fit;
  - (c) require a deposit to be lodged with any tender;
  - (d) fix a reserve royalty for the forest produce;
  - (e) fix a minimum sale quantity for the forest produce;
  - (f) fix a date by which supply under the conditions of a contract of sale must commence;
  - (g) decline to accept the highest bid or tender; or
  - (h) accept any bid or tender subject to the provision of further information.

### **66. Advertisement of sale by auction or tender**

Where the royalties payable under a contract of sale, permit or forest produce licence are to be established by public auction or by tender, the Executive Director shall advertise the proposed auction or sale by tender —

- (a) in at least 2 issues of a newspaper circulating generally in the State; and
- (b) where practicable, in a newspaper circulating locally in the area from which the forest produce is to be taken,

not later than 30 days before the day of the auction or the closing day for acceptance of tenders.

**67. Notification of results of public auction or sale by tender**

Where the royalties payable under a contract of sale, permit or forest produce licence have been established by public auction or tender, the Executive Director shall notify every bidder or tenderer (as the case may be) of the results of the public auction or sale by tender, including the accepted schedule of prices.

## **Part 10 — Forest produce licences**

### **68. Application**

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. Form of forest produce licence**

A forest produce licence shall be in the form of Form 1 in Schedule 2.

### **70. Forest produce licence does not authorize felling of trees etc.**

- (1) A forest produce licence —
  - (a) does not authorize the felling of any tree;
  - (b) does not authorize 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. Production of forest produce licence**

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 — Permits for apiary sites**

### **72. Interpretation**

In this Part —

“**permit**” means a permit referred to in regulation 73(1);

“**south-west zone**” means those parts of the South West Division and Eucla Division of the State as defined under the *Land Act 1933*<sup>2</sup> that are within the area bordered blue in Department of Conservation and Land Management Plan No. 1730.

### **73. Executive Director may grant apiary site permit**

- (1) Subject to subregulations (2) and (3) and regulation 83 the Executive Director may, upon an application in writing by a person, grant to the person a permit to occupy an area of Crown land not exceeding 1.25 hectares for the purpose of keeping an apiary.
- (2) The Executive Director shall not grant a permit to a person unless the person is registered as a beekeeper under the *Beekeepers Act 1963* and keeps not less than 25 bee hives in the State.
- (3) The Executive Director shall not grant to any person —
  - (a) more than 5 permits in the south-west zone; and
  - (b) more than 4 permits in any area outside the south-west zone,for every 50 bee hives kept by that person.
- (4) A permit shall be in the form of Form 2 in Schedule 2.

*[Regulation 73 amended in Gazette 21 April 1998 p.2113.]*

**74. Duration of permits**

- (1) A permit shall, subject to these regulations, authorize occupation for —
  - (a) a period of not less than 12 months and not more than 5 years (an “**extended permit**”);
  - (b) a period of less than 6 months (a “**limited permit**”); or
  - (c) a period of 12 months or less ending on a specified day or on the 14th day after the permit-holder is notified in writing by the Executive Director that an extended permit has been granted in respect of the site, whichever is the sooner (a “**temporary permit**”).
- (2) An extended permit or a temporary permit may be renewed.
- (3) A limited permit is not to be renewed.

**75. No building**

No building shall be erected on an apiary site without the approval in writing of the Executive Director.

Penalty: \$2 000.

**76. Exercise of rights conferred by a permit**

A permit-holder shall not exercise the rights conferred by the permit otherwise than in good faith for his or her own benefit.

*[Regulation 76 inserted in Gazette 21 April 1998 p.2113.]*

**76A. Transfer of a permit**

The Executive Director may, upon an application in writing by a permit-holder, transfer a permit to another person.

*[Regulation 76A inserted in Gazette 21 April 1998 p.2113.]*

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**76B. Variation of a permit to change an apiary site**

The Executive Director may, upon an application in writing by a permit-holder, vary a permit so as to change the location of the area to which the permit applies.

*[Regulation 76B inserted in Gazette 21 April 1998 p.2113.]*

**77. Damage to forest etc.**

A permit does not authorize the permit-holder without the approval of the Executive Director —

- (a) to fell, cut, or injure any tree or cut or remove any timber; or
- (b) to damage or interfere with any fencing or other improvement on the site.

**78. Forestry operations not affected**

- (1) The fact that a permit is in force in respect of a site does not preclude —
  - (a) the felling, cutting and removal of timber and other forest produce from the site;
  - (b) the construction or maintenance of firebreaks by clearing, burning or any other method;
  - (c) the carrying out of managed burning operations by the Department on the site or elsewhere.
- (2) The permit-holder is not entitled to compensation, for any loss or damage arising from the carrying out of any such operations.

**79. Particular conditions**

It is a condition of every permit that the permit-holder must —

- (a) immediately report any outbreak of fire on the site to the nearest forest officer;



- (b) during the term of the permit co-operate with officers of the Department in preventing and suppressing bush fires, and require his or her employees to do likewise;
- (c) provide and maintain adequate water supplies for all apiary requirements on the site; and
- (d) where the apiary site is within the South West Division, give prior notice to the forest officer in charge of the district before placing hives on the apiary site.

**80. Cancellation in particular cases**

- (1) The Executive Director may upon giving a permit-holder one month's notice in writing cancel the permit wholly or in part if the site is required for forestry purposes or any purpose of public utility or convenience or if in the opinion of the Executive Director the site is not being used to its best advantage.
- (2) If a site is disposed of by the Department of Land Administration for settlement purposes the permit may be immediately cancelled by the Executive Director by notice in writing to the permit-holder.
- (3) No compensation is payable to the permit-holder on the cancellation of a permit under this regulation but the permit-holder is entitled to a refund of the rent paid that is attributable to the unexpired period of the permit.

**81. Forfeiture**

If a permit for a site is cancelled for breach or non-observance of a condition, any improvements made by the permit-holder to the site are forfeited to the Crown.

**82. Rent payable for permit**

The rent payable for a permit is —

- (a) for a site in the south-west zone, \$60.00 per annum per 1.25 hectares or part of that area;

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- (b) for a site outside the south-west zone, \$12.00 per annum per 1.25 hectares or part of that area,

and is payable in advance.

*[Regulation 82 amended in Gazette 21 April 1998 p.2113.]*

**83. Permit not to be granted within 3 kilometres of other apiary site**

The Executive Director shall not grant a permit to a person for an apiary site where there is within 3 kilometres of the proposed site another apiary site for which a permit has been granted to any other person.

**84. Deposit**

- (1) The Executive Director may before granting a permit to a person, require the person to pay to the Executive Director a deposit not exceeding \$40 as security for the observance by that person of any conditions or limitations attached to the permit.
- (2) If the person referred to in subregulation (1) fails to comply with any condition or limitation attached to the permit, the deposit is forfeited to the Crown.

**85. Production of apiary site permits**

A permit-holder shall, as soon as practicable after being required to do so by a forest officer or a conservation and land management officer, produce for inspection his or her permit to the officer.

Penalty: \$500.

## **Part 12 — Restricted areas**

**86. Prohibition of entry to prohibited areas and temporary control areas**

A person shall not, without the authorization of the Executive Director or a forest officer, enter any area of —

- (a) State forest;
- (b) timber reserve; or
- (c) land reserved under the *Land Act 1933*<sup>2</sup> and vested by order under that Act in the Commission,

that is classified under section 62 of the Act as —

- (d) a prohibited area; or
- (e) a temporary control area.

Penalty: \$2 000.

**87. Prohibition of entry, except on foot, to limited access areas**

A person shall not, without the authorization of the Executive Director or a forest officer, enter otherwise than on foot any area of —

- (a) State forest;
- (b) timber reserve; or
- (c) land reserved under the *Land Act 1933*<sup>2</sup> and vested by order under that Act in the Commission,

that is classified under section 62 of the Act as a limited access area.

Penalty: \$2 000.

**88. Requirements in Part 16 not affected**

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

## **Part 13 — Fire prevention**

### **89. Ban on activity 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. Forest officer may give a direction that camp fire or barbecue be extinguished**

- (1) A forest officer or a conservation and land management officer may direct any person to extinguish a campfire, barbecue or portable stove in a State forest or timber reserve if the forest officer or conservation and land management officer considers that the campfire, barbecue or stove constitutes a fire risk to any part of that land.
- (2) A person shall comply with a direction given to that person under subregulation (1).  
Penalty: \$2 000.

**91. Fire lookout towers and trees**

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 authorized to do so by the Executive Director or a forest officer.

Penalty: \$2 000.

**92. Prescribed rate of remuneration for assistance in fire fighting**

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. Interpretation**

In this Part —

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

“**South West Division**” has the same meaning as in the *Land Act 1933*<sup>2</sup>.

**94. Prescribed conditions and limitations**

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. Conditions upon entering State forest or timber reserve**

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.

**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.

**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. Designation of public firewood areas**

- (1) The Executive Director 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 Executive Director may, by further order published in the *Gazette*, amend or revoke an order referred to in subregulation (1).

### **99. Removal of 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 authorizing 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. Payment for removal of firewood**

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;
- (b) between 1 May and 31 October in each year — \$14.

*[Regulation 100 amended in Gazette 28 April 1995 p.1460.]*



**101. Restrictions on removal of 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, advertize 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 in Gazette 28 April 1995 p.1460; 23 January 1996 p.272; 28 May 1996 p.2204.]*

**102. Direction 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;

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- (c) the person is blocking the access of a forest officer, conservation and land management officer or any other 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. Firewood may be collected for campfire**

- (1) A person may collect firewood from the immediate vicinity of a camping area or picnic area in a State forest or timber reserve if the firewood is for use on a campfire or barbecue in that area.
- (2) Nothing in subregulation (1) shall be taken as authorizing any person to fell, cut, injure or destroy any tree.

*[Regulation 103 amended in Gazette 29 March 1996 p.1505.]*

## **Part 16 — Control and eradication of forest diseases**

### **104. Interpretation**

In this Part —

“**written authorization**” means authorization given in writing under regulation 106.

### **105. Application to other Parts**

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

### **106. Written authorization**

- (1) An authorized person may in writing authorize —
  - (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 authorization may be issued subject to such conditions as are specified in the authorization.
- (3) An authorized person may at any time by written notice —
  - (a) revoke a written authorization;
  - (b) vary any condition specified in a written authorization or add a further condition to the authorization; or
  - (c) remove any condition specified in a written authorization.
- (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 authorization; and
  - (b) a condition that has been removed under subregulation (3)(c) shall be taken to no longer be a condition specified in the authorization.

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**107. Verbal authorization may be given in emergency**

- (1) Subject to subregulations (2) and (3), an authorized person may verbally authorize —
  - (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 authorized person —
  - (a) shall only give verbal authorization in the event of an emergency where it is impracticable to give written authorization; and
  - (b) may at any time revoke the verbal authorization.
- (3) Verbal authorization 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 a potential carrier in a risk area without authorization 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 authorization under regulation 106 or 107 of an authorized person; or
- (b) contrary to any condition specified in a written authorization,

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) for a first offence, not less than \$150 or more than \$1 000;
- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

**109. Entry, use or movement of a potential carrier in a 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 authorized person in relation to that potential carrier; or
- (b) the Executive Director 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) for a first offence, not less than \$150 or more than \$1 000;
- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

**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 authorized person may erect signposts or barricades, or both, on roads leading into that area.

**111. Written authorization to be carried and produced upon request**

A person in charge of a potential carrier in a risk area shall carry any written authorization 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 authorization when requested to do so by an authorized person.

- Penalty: (a) for a first offence, not less than \$150 or more than \$1 000;
- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

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**112. Written authorization to terminate on breach of condition**

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

**113. Person to provide information upon request**

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

- Penalty: (a) for a first offence, not less than \$150 or more than \$1 000;
- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

**114. Authorized person may stop and examine potential carrier**

An authorized 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. Authorized person may direct carrier to a quarantine station**

An authorized 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 authorized person.

**116. Authorized person may direct a person to clean and disinfect carrier**

An authorized 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. Establishment and maintenance of quarantine stations**

The Executive Director 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.

**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 authorized person determines.

**119. Cleansing and disinfecting to be carried out in accordance with directions**

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 authorized person; and
- (b) to the satisfaction of the authorized person.

Penalty: (a) for a first offence, not less than \$150 or more than \$1 000;

- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

**120. Owner to provide information as to person in charge of carrier**

- (1) The owner of a potential carrier shall, if required to do so by an authorized person, inform the authorized 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.

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- (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 required by an authorized 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 authorized person from which an authorized 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. Authorized person may detain, control or remove carrier**

An authorized 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 authorization;
- (b) the person in charge of that potential carrier has refused or failed to comply with a direction given by an authorized person under this Part in relation to that potential carrier; or
- (c) the authorized 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. Authorized person may remove person from risk area**

An authorized person may remove from a risk area any person whom the authorized person reasonably suspects has contravened a provision of this Part or a condition specified in a written authorization.

**123. Person in risk area or disease area to give name and address upon 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 authorized person.

- Penalty: (a) for a first offence, not less than \$150 or more than \$1 000;
- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

**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 authorized person;
- (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) for a first offence, not less than \$150 or more than \$1 000;
- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

**125. Person not to obstruct, hinder etc. authorized person**

A person shall not —

- (a) hinder or obstruct an authorized 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 authorized person under this Part.

Penalty: (a) for a first offence, not less than \$150 or more than \$1 000;

- (b) for a second or subsequent offence, not less than \$200 or more than \$2 000.

## **Part 17 — Powers of forest officers**

### **126. Forest officer may stop and detain 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 forest route**

- (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 — Visitors to state forests and timber reserves**

*[Heading inserted in Gazette 29 March 1996 p.1505.]*

**128A. Interpretation**

In this Part, unless the contrary intention appears —

“**notice**” means a notice in a State forest or timber reserve erected by the Executive Director under section 134 of the Act.

*[Regulation 128A inserted in Gazette 29 March 1996 p.1505.]*

**128B. Entrance fees to State forests or timber reserves**

- (1) Subject to this regulation —
  - (a) the fees specified in items 1 and 2 of Part 1 of Schedule 2A are payable daily per non-tour motor vehicle entering a State forest or timber reserve, and the person in charge of the vehicle is liable to pay the relevant fee; and
  - (b) the fee specified in item 3 of Part 1 of Schedule 2A is payable daily per occupant of a tour motor vehicle entering a State forest or timber reserve, and the owner or operator of the tour motor vehicle is liable to pay the fee for every occupant of the tour motor vehicle.
- (2) Fees are not payable under this regulation unless the Executive Director has erected notices at the entrances to the State forest or timber reserve —
  - (a) stating that fees are payable for entry;
  - (b) specifying the fees payable under this regulation; and
  - (c) specifying the manner in which the fees are to be paid.

- (3) A person shall not refuse or fail to pay, in the manner specified by notice under subregulation (2)(c), a fee for which the person is liable under this regulation.

Penalty: \$200.

*[Regulation 128B inserted in Gazette 29 March 1996 p.1506.]*

**128C. Entrance fees for Tree Top Walk**

- (1) The fees specified in Part 2 of Schedule 2A are payable by persons entering the Tree Top Walk.
- (2) The Executive Director shall erect a notice at the entrance to the Tree Top Walk —
- (a) specifying the fees payable under this regulation; and
  - (b) specifying the manner in which the fees are to be paid.
- (3) A person shall not refuse or fail to pay, in the manner specified by notice under subregulation (2)(b), a fee for which the person is liable under this regulation.

Penalty: \$200.

*[Regulation 128C inserted in Gazette 29 March 1996 p.1506; amended in Gazette 28 May 1996 p.2205.]*

**128D. Camping areas in State forests or timber reserves**

- (1) The Executive Director may erect notices marking areas in a State Forest or timber reserve as areas where persons may camp.
- (2) A notice may state that the area is a camping area for specified periods of the year only.
- (3) A person shall not without the authority of the Executive Director camp in a State forest or a timber reserve except in a camping area marked as a camping area.

Penalty: \$200.

*[Regulation 128D inserted in Gazette 29 March 1996 p.1506.]*

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**128E. General provisions applying to camping**

- (1) The following provisions shall be complied with by persons who camp in State forests and timber reserves —
  - (a) no structure of any kind of a permanent or semi-permanent nature shall be erected;
  - (b) a camping unit shall not be constructed of unsightly materials, nor in a manner likely to be offensive or dangerous to other persons; and
  - (c) a camper shall keep the site on which he camps in a clean and sanitary condition at all times.

Penalty: \$200.

- (2) The provisions of subregulation (1) are in addition to, and not in derogation of, any other provisions of these regulations governing the conduct of persons in a State forest or timber reserve.

*[Regulation 128E inserted in Gazette 29 March 1996 p.1507.]*

**128F. Fees for use of camping sites in State forests or timber reserves**

- (1) Subject to subregulation (3) the fees specified in Part 3 of Schedule 2A are payable in respect of persons who camp in camping areas in State forests or timber reserves.
- (2) A person occupying a camping site is liable to pay the fee referred to in subregulation (1) or, if there is more than one person occupying the site, the persons occupying the site are jointly and severally liable to pay the fee.
- (3) Fees are not payable under this regulation unless the Executive Director has erected a notice at a camping area —
  - (a) stating that fees are payable for camping;
  - (b) specifying the fees payable under this regulation; and
  - (c) specifying the manner in which the fees are to be paid.

- (4) A person shall not refuse or fail to pay, in the manner specified by notice under subregulation (3)(c), a fee for which the person is liable under this regulation.

Penalty: \$200.

*[Regulation 128F inserted in Gazette 29 March 1996 p.1507.]*

**128G. Infringement notices**

- (1) An offence created by a provision of these regulations specified in columns 1 and 2 of Schedule 2B is a prescribed offence for the purposes of section 114A of the Act.
- (2) The modified penalty set out in column 3 of Schedule 2B opposite the reference to a prescribed offence applies to that offence if it is dealt with under section 114A of the Act.
- (3) Forms 3 and 4 in Schedule 2 are prescribed for the purposes of subsections (1) and (6) respectively of section 114A of the Act.

*[Regulation 128G inserted in Gazette 29 March 1996 p.1507.]*

## **Part 18 — Miscellaneous**

### **129. Statistical information to be provided**

- (1) The Executive Director may in writing require —
  - (a) any person who engages in timber harvesting; or
  - (b) the owner of a sawmill,

to complete and return within 14 days a form approved by the Executive Director setting out statistical information relating to forest produce taken from State forest or timber reserves during a specified period and the destination of that forest produce.

- (2) A person shall comply with a requirement made of that person under subregulation (1).

Penalty: \$2 000.

### **130. False or misleading information**

A person shall not make any statement or provide any information in a form referred to in regulation 129 that is false or misleading in a material particular.

Penalty: \$2 000.

### **131. Possession of firearms in State forest or timber reserve prohibited**

A person shall not have possession of a firearm in a State forest or timber reserve unless authorized in writing to do so by the Executive Director.

Penalty: \$2 000.

### **132. Littering in State forest or timber reserve prohibited**

- (1) A person shall not deposit litter, or cause litter to be deposited, in any State forest or timber reserve unless the person is using a camping area or picnic area and deposits the litter in a place or receptacle set aside for that purpose.

Penalty: \$400.



(2) In this regulation —

“**litter**” has the same meaning as in the *Litter Act 1979*.

*[Regulation 132 amended in Gazette 29 March 1996 p.1507.]*

**133. Release of animals prohibited in State forest or timber reserve**

A person shall not abandon or release from captivity any animal in a State forest or timber reserve unless authorized to do so by the Executive Director.

Penalty: \$2 000.

**134. Planting of plants prohibited in State forest or timber reserve**

A person shall not plant, cultivate, or abandon any plant material in a State forest or timber reserve unless authorized to do so by the Executive Director.

Penalty: \$2 000.

**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. Person not to interfere with seized forest produce**

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 authorized to do so by the Executive Director or a forest officer.

Penalty: \$2 000.

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**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 authorized to do so by the Executive Director or a forest officer.

Penalty: \$2 000.

[137A. *Inserted in Gazette 18 August 1998 p.4447. Disallowed 28 October 1998 (see Gazette 17 November 1998 p.6248).*]

**138. Export karri timber to be marked**

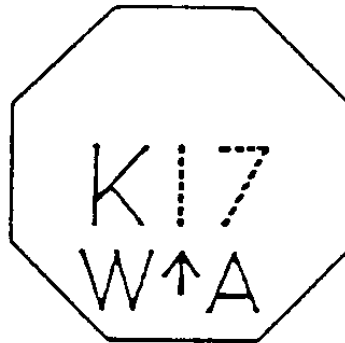
A person shall not export any karri timber (whether sawn, hewn or in log form) with an end section exceeding 0.015 square metres from the State unless the end of the timber is marked with a letter "K" that is not less than 25 mm in height.

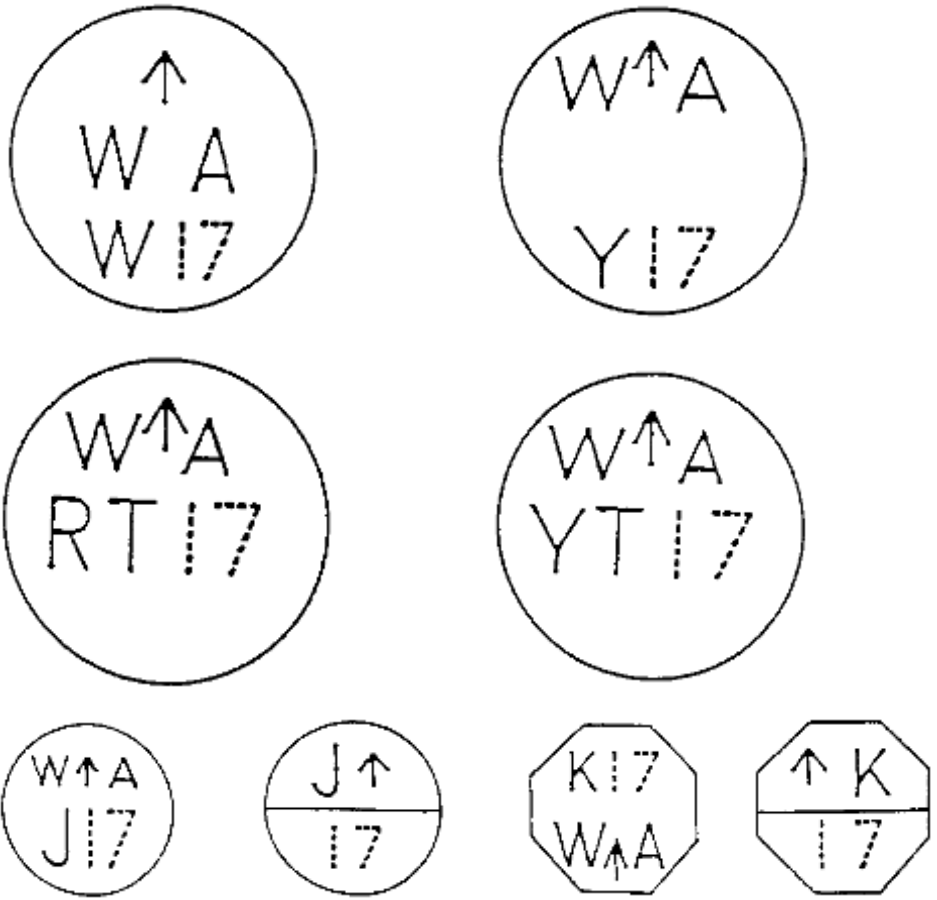
Penalty: \$2 000.

**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 —





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.

K — Karri.

W — Wandoo.

Y — Yarri.

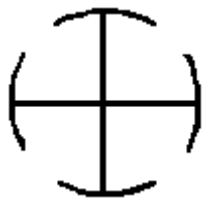
RT — Red Tingle.

YT — Yellow Tingle.

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



- (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 —



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 —





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

**140. Tape etc. not to be affixed to timber**

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;
- (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 authorized to do so by the Executive Director.

Penalty: \$2 000.

**141. Prescribed maximum penalty for failure to comply with condition**

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

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

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**143. Rent payable for sawmill site**

The rent payable for a permit to occupy an area of Crown land as the site of a sawmill is \$60 per annum per 5 hectares or part thereof.

**144. False documents, statements, etc.**

A person shall not —

- (a) make any statement or representation, either orally or in writing that is false or misleading in a material particular; or
- (b) produce any forged or counterfeit document,

for the purpose of procuring the registration under these regulations of that person or any other person, or of an identification code under Part 4 in respect of that person or any other person.

Penalty: \$2 000.

**145. Form of register**

Where under these regulations a register is required to be compiled and maintained, the register may be kept or prepared —

- (a) by making entries in or on a bound or loose leaf book; or
- (b) by recording or storing the required particulars by means of a mechanical, electronic or other device, but so that the particulars so recorded or stored will remain in the form in which they were originally recorded or stored and will be capable of being reproduced in written form in the English language.

**146. Amendment of register**

Where under these regulations a register is required to be compiled and maintained, the register may be amended, added to and corrected in such manner as may be necessary to make the register an accurate record of the particulars contained in the register.

**147. Extracts from register**

A person may, upon application to the Executive Director and payment of the fee specified in item 4 of Schedule 5, obtain a copy of an extract from any register required to be compiled and maintained under these regulations.

**148. Information to be provided relating to specific permits, licences and contracts**

Upon application and payment of the fee, if any, specified in item 4 of Schedule 5 the Executive Director shall provide any person with —

- (a) details of persons who hold permits, forest produce licences, contracts to harvest and deliver or contracts of sale;
- (b) in respect of any permit, forest produce licence or contract referred to in paragraph (a), details of any fees, charges and royalties payable, log allocation, location of coupes and any conditions and limitations to which the contract, forest produce licence or permit is subject; and
- (c) a copy of any permit, forest produce licence or contract referred to in paragraph (a).

**149. Information to be provided relating to general scale of royalties**

Upon application, the Executive Director 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.

*[150. Repealed in Gazette 29 March 1996 p.1508.]*

**151. Miscellaneous fees**

The fees specified in column 2 of Schedule 5 are payable in respect of the services specified in column 1 of that Schedule.

**152. Appeals**

- (1) A person who is aggrieved by a decision of the Executive Director under regulation 9(2), 17, or 26 may within one month after the day on which the person is notified of the decision appeal from that decision to a magistrate of the appropriate Local Court.
- (2) A Local Court is appropriate for the purposes of this regulation if it is the nearest Local Court to the place where the appellant resides or is agreed in writing between the appellant and the Executive Director to be a suitable venue.
- (3) An appeal under subregulation (1) is commenced by the appellant —
  - (a) lodging a notice of appeal specifying the grounds of appeal with the clerk of the appropriate Local Court; and
  - (b) serving a copy of the notice on the Executive Director.
- (4) The operation of the decision to which the appeal relates is not affected by the commencement of an appeal unless a magistrate of the appropriate Local Court, on application by the appellant, orders that the decision be suspended until the appeal is determined or discontinued.
- (5) The magistrate shall determine the appeal —
  - (a) on the material that was before the Executive Director; and
  - (b) on such further evidence either oral or by affidavit as the magistrate thinks fit to receive.
- (6) For the purposes of subregulation (5), the magistrate may ascertain what material was before the Executive Director on such evidence, statement or record of what occurred before the Executive Director as the magistrate considers sufficient.



- (7) Subject to this regulation and any direction of a magistrate, the *Local Courts Act 1904* applies, with all necessary modifications, to an appeal under this regulation as if it were an action within the meaning of that Act.
- (8) On the hearing of an appeal under this regulation, the magistrate may —
  - (a) confirm, quash or vary the decision of the Executive Director or substitute his or her own decision for that of the Executive Director; and
  - (b) make any other order as to costs or otherwise.
- (9) The Executive Director shall give effect to the decision of a magistrate in an appeal under this regulation.
- (10) Where under this regulation a magistrate varies a decision of the Executive Director or substitutes a decision for that of the Executive Director, the decision of the magistrate has effect for the purposes of these regulations as if it were a decision of the Executive Director.

**153. Repeal**

- (1) The *Forest Regulations 1957* are repealed.
- (2) The *Forest Diseases Regulations 1975* are repealed.

**154. Transitional**

Schedule 6 has effect with respect to transitional arrangements.

## Schedule 1

[Regulation 56]

### Procedures for the determination of log timber quantity

#### Part A — Determination of volume of hardwood log timber by individual log measurement

For the purpose of determining the volume of hardwood log timber by individual log measurement the following provisions shall be complied with —

##### 1. Length measurement

The length of butt logs shall be measured with a length measuring tape from the top of the sloven to the sawcut at the crown end of the log and the length of other logs shall be measured from sawcut to sawcut.

The measurement shall be entered on the log delivery note in metres and tenths of metres, rounded down to the nearest tenth metre.

*Examples:*

Actual log length Metres	Entry on log delivery note Metres
13.249	13.2
7.346	7.3
6.999	6.9
7.000	7.0

##### 2. Diameter measurement

In this schedule, a “**diameter tape**” means a tape calibrated to record the diameter of the circumference being measured.

The diameter of logs shall be measured with a diameter tape at a point equi-distant from the top of the sloven and —

- (a) the crown end in the case of butt logs; and

- (b) a point equi-distant from both ends, i.e. the centre diameter in the case of other logs.

10 mm may be deducted from the actual measurement for each 100 mm diameter of bark under the tape, but no such allowance shall exceed 70 mm.

All diameter measurements shall be entered on the log delivery note in multiples of 10 mm and for this purpose any part of 10 mm shall be counted as 10 mm.

*Examples:*

**All measurements in mm**

Measured diameter overbark	Diameter overbark rounded up	mm of bark on	Bark deduction	Entry on log delivery note (underbark)
565	570	500	50	520
995	1 000	900	70	930
1 090	1 090	1 000	70	1 020
1 090	1 090	300	30	1 060
1 081	1 090	500	50	1 040

On logs with abnormal swellings at the centre, the centre diameter shall be ascertained by taking the average of the underbark diameters at an equal distance from the centre of the log sufficient to clear the abnormality, but both measurements and the centre underbark diameter so calculated shall be entered on the log delivery note.

**3. Calculation of volume**

Using the length and diameter measurements that have been entered in the log delivery note under clauses 1 and 2, the volume of the log timber (in cubic metres) shall be calculated by use of the table contained in the publication titled “Cubic Contents of Hardwood Logs 1985” issued by the Department (in this Part referred to as “**the Log Volume Table**”).

The volume shall then be entered on the log delivery note.

**Schedule 1**

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**4. Measurement of logs halved along their length**

In order to obtain and record the volume of logs halved along their length —

- (a) the length of the log shall be determined in accordance with clause 1;
- (b) using the reverse side of the diameter tape (or the tape used to measure the length) the actual diameter underbark shall be measured across the exposed surface at the log length centre;
- (c) the length and diameter measurements obtained in (a) and (b) shall be entered on the log delivery note;
- (d) using the measurements entered on the log delivery note the Log Volume Table shall be used to calculate the volume underbark;
- (e) the volume calculated under paragraph (d) shall then be halved and entered in the log delivery note and the words “half log” shall be written opposite the volume entry in the column headed “Where obtained”.

**Part B — Determination of volume of softwood log timber by individual log measurement**

For the purpose of determining the volume of softwood log timber by individual log measurement the following provisions shall be complied with —

**1. Length measurement**

The length of butt logs shall be measured with a length measuring tape from the top of the sloven to the sawcut and the length of other logs shall be measured from sawcut to sawcut. The measurement shall be entered on the log delivery note in metres and tenths of metres rounded down to the nearest “preferred length”.

“A preferred length” for softwood is one of a series of industry accepted lengths beginning at 1.8 m and increasing by increments of 0.3 m up to 6.0 m.

If a log is to be supplied at other than a “preferred length” the actual length shall be rounded down to the nearest tenth of a metre.

*Examples:*

Actual length	Entry on Log Delivery Note	
	To nearest tenth metre	To preferred length
3.80 m	3.8 m	3.6 m
4.11 m	4.1 m	3.9 m
4.75 m	4.7 m	4.5 m
4.99 m	4.9 m	4.8 m

**2. Diameter measurement**

The diameter of logs shall be measured with a diameter rule prepared and supplied by the Department. The diameter rule is calibrated in diameter classes of 50 mm. The diameter shall be measured underbark at the crown (small) end and rounded down to the nearest 50 mm class. When the cross section at the crown end is not circular, the average of the measurement along the greatest axis and the axis at right angles shall be recorded. The measurement shall be recorded on the log delivery note in millimetres rounded down to the nearest multiple of 50 mm.

*Examples:*

Actual Diameter (mm)	Entry on the Log Delivery Note (50 mm log class) (mm)
440	400
465	450
331	300
499	450

**3. Calculation of volume**

The volume of the log timber (in cubic metres) is calculated by the Department by use of log volume tables, using the length and diameter measurements entered on the log delivery note under clauses 1 and 2.

**Part C — Determination of quantity of log timber by weighing**

For the purpose of determining the quantity of log timber by weighing the following provisions shall be complied with —

**1. Equipment**

Weighing of log timber shall only be carried out on a weighbridge or other weighing equipment that has been approved for that purpose by the Executive Director.

**2. Printer requirements**

A weighbridge shall only be used for weighing log timber if the weighbridge is fitted with a printer that is capable of printing on the log delivery note, or on a weighbridge ticket that can be attached to the log delivery note, the following information —

- (a) the time and date of weighing;
- (b) the place of weighing i.e. details of the weighbridge used;
- (c) the weight of the log timber to the nearest 0.1 tonne; and
- (d) whether the weight is the gross weight or the tare weight.

**3. Weighing procedure at an “on site” weighbridge**

Where weighing of log timber is to be carried out on a weighbridge at the sawmill where the timber is to be processed —

- (a) the gross weight of the load shall be determined immediately before the log timber is unloaded;
- (b) the tare weight of the vehicle shall be determined immediately after the log timber is unloaded;
- (c) the net weight of the log timber shall be ascertained by deducting the tare weight from the gross weight of the load;
- (d) the gross, net and tare weights shall be printed on the log delivery note or, in the case of a weighbridge ticket, attached to the log delivery note immediately after each weighing however if the weighbridge is fitted with a memory, the gross, net and tare weights may be printed (or attached) immediately after the final weighing.

**4. Weighing procedure at an “off site” weighbridge**

Where weighing of log timber is to be carried out on a weighbridge that is not situated at the sawmill where the timber is to be processed —

- (a) the gross weight of the load shall be determined as soon as is practicable before unloading;
- (b) after the gross weight of the load has been determined, the vehicle shall proceed directly to the sawmill by the shortest practical route;
- (c) after the log timber is unloaded, the vehicle shall immediately proceed by the shortest practical route to the weighbridge where the tare weight of the vehicle shall be determined;
- (d) except in the event of an emergency, no fuel, oil, stores or persons shall be collected, and no change of equipment shall be made, between unloading the log timber and reweighing the vehicle at the weighbridge to determine the tare weight;
- (e) where approval is given by the Executive Director a method other than weighing at a weighbridge may be used to determine the tare weight of a vehicle;
- (f) the net weight of a load shall be determined by deducting the tare weight of the vehicle from the gross weight of the load;
- (g) the gross, net and tare weights shall be printed on the log delivery note or, in the case of a weighbridge ticket, attached to the log delivery note immediately after each weighing however if the weighbridge is fitted with a memory, the gross, net and tare weights may be printed (or attached) immediately after the final weighing.

**Procedure on breakdown of weighing equipment**

- 5.1 Where weighing equipment that has been approved by the Executive Director for the weighing of log timber breaks down, the manager of the sawmill at which the weighbridge is located shall immediately notify the forest officer in charge of the district in which the sawmill is located of the breakdown.

**Schedule 1**

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- 5.2 In the event of a breakdown referred to in clause 5.1, the Executive Director may authorize —
- (a) use of alternative weighing equipment;
  - (b) the determination of the net weight of a load based upon the average net weight of loads for the relevant vehicle over the previous period of 2 months;
  - (c) determination of the volume of the log timber by bin measure under Part D; or
  - (d) determination of the volume of the log timber by individual measurement under Part A or B.
- 5.3 In the event of a breakdown, the quantity of log timber shall be determined by use of the alternative method approved under clause 5.2 until the weighing equipment is repaired.

**6. Procedure where vehicle and trailer cannot be weighed together**

Where a vehicle and a trailer carrying log timber cannot be weighed together on a weighbridge, then the vehicle and the trailer —

- (a) shall be weighed separately; and
- (b) shall be the subject of separate log delivery notes.

**Part D — Determination of volume of log timber by bin measure**

For the purpose of determining the volume of log timber by bin measurement the following provisions shall be complied with —

**1. Length of timber**

All log timber in a bin shall be trimmed to the same length. The length of the logs shall then be measured and the length measurement entered on the log delivery note.

**2. Height of load**

Log timber in a bin shall be trimmed so that the top of the load is as level as possible.



The height of the load shall be measured from the top of the bolsters on the bed of the vehicle to the top of the load using an official measuring stick issued by the Department that is graduated in increments of 100 mm.

The height of the load shall be measured at 2 of the stanchions and at the centre of the log length. The 3 height measurements shall then be averaged and the average height measurement shall be entered in the log delivery note.

**3. Width of load**

The width of a load shall be measured between the stanchions on each side of the bin and shall be the minimum width between those stanchions. The width of the load shall then be entered in the log delivery note.

**4. Stacking of timber**

Logs in a bin must be stacked uniformly and so that no logs are crossed.

**5. Miscellaneous**

The stanchions in a bin shall be vertical. All measurements must be made while the load binder chains are secured.

All measurements shall be made by a representative of the buyer and the driver of the vehicle.

**6. Calculation of volume**

The Department will calculate the volume of the bin using the length, height and width measurements entered on the log delivery note under clauses 1, 2 and 3.

The volume of log timber in a load is calculated by the Department by use of tables of conversion factors which take into account air space volume and log bark volume in the bin.

**Part E — Determination of volume of log timber by  
infra red log scanner**

For the purpose of determining the volume of log timber by infra red log scanner the following provisions shall be complied with —

**1. Interpretation**

In this Part —

“**log scanner**” means a computerized instrument designed —

- (a) to measure the diameter and length of a log when a log is passed through a scanning frame which emits and receives infra red light; and
- (b) to produce signals which correspond to measurements made during scanning with infra red light which can be interpreted and processed by a scanner computer;

“**scanner computer**” means a computer operating a computer program and connected to a log scanner for the purpose of —

- (a) receiving measurement signals from the scanner;
  - (b) interpreting and processing —
    - (i) measurement signals received from the scanner; and
    - (ii) information received through an input device for documents, a keyboard, or a bar code reader,
- and producing reports based on that information.

**2. Equipment to be approved by the Executive Director**

A log scanner, scanner computer or computer program shall not be used to determine the volume of log timber unless the log scanner, scanner computer or computer program has been approved by the Executive Director.

**3. Verification before each shift**

A log scanner and scanner computer shall not be used to determine the volume of log timber unless, immediately before the commencement of each shift, a measurement verification test has been carried out on the log scanner and scanner computer in

accordance with clause 5 and the scanner complies with the verification tolerance limits set out in clause 7 for the measurement of log diameter and length.

**4. Verification after interruption**

A log scanner and scanner computer shall not be used to determine the volume of log timber after the log scanner operation or scanner computer operation has been interrupted by —

- (a) maintenance or adjustment of the log scanner;
- (b) a malfunction of the scanner computer; or
- (c) a power failure,

unless, immediately before recommencing, a measurement verification test has been carried out on the scanner and computer in accordance with clause 5 and the scanner and computer comply with the verification tolerance limits set out in clause 7 for the measurement of log diameter and length.

**5. Measurement verification test**

A measurement verification test to test the accuracy of the measurements made by a log scanner and scanner computer shall be carried out in the following manner —

- (a) by passing a test object or test objects that have been approved under clause 6 through the scanning frame of the log scanner at least 5 times so that a minimum of 5 diameter and 5 length measurements are made;
- (b) by obtaining each measurement of the approved test object or objects from the scanner computer; and
- (c) by verifying the measurements obtained from the scanner computer against the measurement of the test object determined by the forest officer under clause 6.

**6. Approval of test object**

A test object shall not be used for a measurement verification test referred to in clause 5 unless —

- (a) a forest officer has approved the use of the test object and the diameter and length measurements of the test object have

**Schedule 1**

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been manually determined and recorded by the forest officer;  
and

- (b) the test object has not been damaged since its approval for use under paragraph (a) and the approval for the use of that test object has not been withdrawn by a forest officer.

**7. Verification tolerance limits**

The measurements obtained from a log scanner and scanner computer under a measurement verification test under clause 5 must not in any case vary —

- (a) in respect of a diameter measurement, by more than 10 mm or less than 10 mm from the diameter of the test object recorded by the forest officer under clause 6; and
- (b) in respect of a length measurement, by more than 25 mm or less than 25 mm from the length of the test object recorded by the forest officer under clause 6.

**8. Procedure where verification tolerance limits not met**

Where a measurement verification test is carried out on a log scanner and scanner computer in accordance with clause 5 and the scanner and computer fail to comply with the verification tolerance limits set out in clause 7 —

- (a) the log scanner operation shall cease and shall not recommence until such time as the scanner has been fixed so that the log scanner and scanner computer comply with the verification tolerance limits set out in clause 7; and
- (b) determination of log timber quantity shall be carried out under clause 15 as if a log scanner or scanner computer breakdown has occurred.

**9. Processing of log timber**

A log scanner shall not be used to determine the quantity of any log timber unless —

- (a) the quantity of the log timber is determined on the day on which the log timber is received; and
- (b) any other log timber the subject of the same log delivery note is processed at the same time.

**10. Procedure for marking and separation of load of log timber on intake deck**

All loads of log timber placed on the intake deck of a log scanner shall —

- (a) be marked with the relevant log delivery note number; and
- (b) be separated from other loads of log timber by a clear gap on the intake deck.

**11. Procedure for sorting a load of log timber**

Where a load of log timber has been delivered to a sawmill for determination of the quantity of that timber by log scanner and the load contains logs that are too large or have too many defects to be processed in their delivered form through a debarking machine or the frame of a log scanner, the logs shall —

- (a) be placed in an area set aside for oversized or defective logs;
- (b) be recorded on the relevant log delivery note as a reject log immediately after the remainder of the load has been processed through the log scanner.

**12. Procedure where load of log timber at a temporary storage site not processed by log scanner**

In the event that any log timber cannot be processed through a log scanner on the day on which the timber is received at the relevant sawmill, then the quantity of that timber shall be determined under clause 15 as if a log scanner or scanner computer breakdown had occurred.

**13. Notification of breakdown of log scanner or scanner computer**

In the event that a log scanner or scanner computer breaks down, the owner or manager of the relevant sawmill shall immediately notify the forest officer in charge of the district in which the sawmill is located of the breakdown.

**14. Procedure where load of log timber received after breakdown of log scanner or scanner computer**

In the event of a log scanner or scanner computer breaking down, the following procedures for determining log timber quantity of any load

**Schedule 1**

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of log timber received after the breakdown shall apply until such time as the breakdown is repaired —

- (a) in the case of softwood log timber, the volume of log timber received shall be determined by bin measure under Part D; or
- (b) in the case of hardwood log timber, the volume of log timber received shall be determined by individual log measurement under Part A.

**15. Procedure where load of log timber received before breakdown of log scanner or scanner computer and not processed**

In the event of a log scanner or scanner computer breakdown, the following procedures for determining the quantity of any load of log timber on the log scanner intake deck or held at a temporary storage site at the time of breakdown shall apply —

- (a) subject to paragraph (b), the log timber may be held unmeasured until such time as the breakdown is repaired;
- (b) where repair to the breakdown cannot be completed in sufficient time for log timber on the scanner intake deck or held at a temporary storage site to be processed on the day the log timber was received at the sawmill, then —
  - (i) in the case of softwood log timber, the volume of log timber shall be determined by individual log measurement under Part B;
  - (ii) in the case of hardwood log timber, the volume of log timber shall be determined by individual log measurement under Part A.

**16. Check on number of logs in a load**

Where a load of log timber has been processed through a log scanner —

- (a) the number of logs recorded on the relevant log delivery note shall be compared with the number of logs determined by processing through a log scanner; and
- (b) in the event that the number of logs determined by the log scanner is not the same as that originally entered in the log delivery note, a report explaining the discrepancy in log numbers shall be written on the relevant log delivery note.

**17. Daily report of log delivery**

All log deliveries received at a sawmill in one day shall be listed by log delivery note number in a daily report to the Executive Director produced by the scanner computer and for each log delivery note the report shall —

- (a) list the total number of logs that have passed through the log scanner;
- (b) provide individual log measurements including length, preferred-length, mid-diameter, volume and such other measurements as the Executive Director may require; and
- (c) identify each log class measured and the total volume of timber processed in each log class and provide the total volume of log timber received and processed in all log classes.

**18. Arrangement of daily report**

The listing of each log delivery note number and the information required under clause 17 in a daily report to the Executive Director shall be arranged in the sequential order in which the log timber was scanned by the log scanner and its volume determined by the scanner computer.

Schedule 2

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**Schedule 2**

**Forms**

**Form 1**

[Regulation 69]

*Forest Management Regulations 1993*

**FOREST PRODUCE LICENCE**

Licence No. ....

.....

(name of licensee)

of .....

(address)

is authorized, subject to the Act and the *Forest Management Regulations 1993*, to take forest produce from Crown land in accordance with the terms, conditions and limitations set out below, and not otherwise.

*Note: The authority conferred by this licence is of no effect at any time when a term, condition or limitation of the licence is not being complied with.*

**TERMS**

**Land from which forest produce may be taken:**

(attach plan if necessary)

District Code <input style="width: 30px;" type="text"/> or Operation Code <input style="width: 30px;" type="text"/> <table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> <td style="border: 1px solid black; width: 15px; height: 15px;"></td> </tr> </table>								

**Period during which forest produce may be taken:**

First day of period ..... but subject to reg 70(1)(b) Last day of period .....
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Schedule 2

**Forest produce that may be taken (✓):**

**Species (✓):**

B	<input type="checkbox"/>	Blackbutt	J	<input type="checkbox"/>	Jarrah	K	<input type="checkbox"/>	Karri	L	<input type="checkbox"/>	Mallet	<input type="checkbox"/>	Marri
P	<input type="checkbox"/>	Pinaster	R	<input type="checkbox"/>	Radiata	S	<input type="checkbox"/>	Sheoak	W	<input type="checkbox"/>	Wandoo		
X	<input type="checkbox"/>	Other species ..... (specify)											

**Product type (✓):**

NP	<input type="checkbox"/>	Non-engineering grade rounds (fencing material, chopping logs)										
MC	<input type="checkbox"/>	Craftwood	FW	<input type="checkbox"/>	Firewood							
MG	<input type="checkbox"/>	Garden sticks	MD	<input type="checkbox"/>	Forest debris							
OT	<input type="checkbox"/>	Other .....(specify)										
(Refer to Manual of Logging Specifications or Schedule or Royalties for product type guide)												

*Note: This licence does not authorize the felling of any tree (Reg. 71(1)(a)).*

**Quantity:**

..... tonnes; or
..... specify other unit of measurement
(Refer to Manual of Logging Specifications for quantity determination guide)

**Price to be paid:**

Royalty/stumpage \$...../tonne; In-forest costs \$...../tonne; Roading \$...../tonne
Total \$...../tonne or \$..... (specify unit of measurement)

**Schedule 2**

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**Vehicles, machinery or equipment that may be used:**

**CONDITIONS**

1. The licensee, in taking forest produce under this licence, is to comply with the following —
  - (a) the *Conservation and Land Management Act 1984*;
  - (b) the *Forest Management Regulations 1993*;
  - (c) the Code of Logging Practice issued by the Department;
  - (d) the Manual of Logging Specifications issued by the Department;
  - (e) the *Bush Fires Act 1954* and regulations made under that Act.
2. Where any forest produce is taken under this licence, the licensee shall, as soon as practicable after the taking of the produce, complete the forest produce removal record at the end of this form in respect of that produce.
3. [insert other conditions here]

**LIMITATIONS (if any)**

.....

for Executive Director

Date of issue of licence .....

Received the sum of ..... dollars ..... cents (\$... c..) in prepayment of royalty/stumpage and other charges.

.....

for Executive Director

Date .....

**Forest produce removal record**

Date of removal	Quantity removed	Site removed to	Signature of licensee

**Schedule 2**

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**Form 2**

[Regulation 73(4)]

*Forest Management Regulations 1993*

**APIARY SITE PERMIT**

Permit No. ....

.....  
(name of permit-holder)

of .....  
(address)

is authorized, subject to the Act and the *Forest Management Regulations 1993*—

- (a) to occupy Crown land for the purposes of an apiary; and
- (b) to take forest produce for the purposes of that apiary,

in accordance with the terms and conditions and any limitations set out below, and not otherwise.

*Note: The authority conferred by this permit is of no effect at any time when a term, condition or limitation of the permit is not being complied with.*

**TERMS**

**Type of permit (delete types not applicable):**

Extended
Temporary
Limited

**Site that may be occupied:**

Location of site:	District:	CALM map ref:
	Other Location details:	

**Period during which site may be occupied:**

First day of period ..... Last day of period ..... but subject in the case of a temporary permit to regulation 74(1)(c).
---

**CONDITIONS**

1. The permit-holder in exercising his or her rights under this permit is to comply with the following enactments —
  - (a) the *Conservation and Land Management Act 1984*;
  - (b) the *Forest Management Regulations 1993*;
  - (c) the *Bush Fires Act 1954*;
  - (d) the *Health Act 1911*;
  - (e) any relevant subsidiary legislation made under an Act referred to in paragraph (c) or (d);
  - (f) any Act or subsidiary legislation relating to the protection of water catchments and the regulation of water supplies.
2. [insert other conditions here]

**LIMITATIONS (if any)**

.....  
for Executive Director

Date of issue of permit .....

Received the sum of ..... dollars ..... cents (\$... c..) in prepayment of rent and other charges.

.....  
for Executive Director

Date .....

**Schedule 2**

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**Form 3**

[Regulation 128G(3)]

*Forest Management Regulations 1993*

**INFRINGEMENT NOTICE**

Given by .....  
(forest/wildlife/conservation  
and land management  
officer/ranger)\*

Date ..... 19.....

1. To ..... (name)  
of ..... (address)
2. It is alleged that at about ..... a.m./p.m. on the ..... day  
of ..... 19 ....., you committed an offence against  
regulation ..... of the *Forest Management Regulations 1993*  
by .....
3. If you do not wish to have a complaint of the alleged offence heard and  
determined by a court, you may pay the modified penalty of \$ .....  
for that offence to the Executive Director within 21 days of the giving of  
this notice.
4. Payment may be made by either posting this form and a cheque, money  
or postal note for the modified penalty to the Executive Director,  
Department of Conservation and Land Management, P O Box 104,  
Como WA 6152, or by delivering this form and paying the modified  
penalty at an office of the Department of Conservation and Land  
Management.
5. If this modified penalty is not paid within 21 days of the date of this  
notice, court proceedings may be taken against you.

.....  
Signature of (forest/wildlife/conservation and  
land management officer/ranger)\*

(\* Delete whichever does not apply.)

Form 4

[Regulation 128G(3)]

Forest Management Regulations 1993

WITHDRAWAL OF INFRINGEMENT NOTICE

To ..... (name)
of ..... (address)

1. Infringement notice no. .... given to you on the
..... day of ..... 19 ..... for the alleged offence of .....
..... and
requesting payment of a modified penalty of \$. .... is hereby
withdrawn.

2. No further action will be taken against you.

\* OR

It is proposed to commence court proceedings against you for the alleged
offence.\*

(\*Delete whichever does not apply.)

.....
Executive Director,
Department of Conservation and Land Management.
Date ..... 19 .....

[Schedule 2 amended in Gazette 29 March 1996 pp.1508-09.]

## Schedule 2A

[Regulations 128B, 128C and 128F]

### Fees for Visitors

#### Part 1 — Fees for entrance to State forests and timber reserves

	Description	Fee
		\$
1.	Daily entrance fee per non-tour motor vehicle that is a motorcycle	3.00
2.	Daily entrance fee per non-tour motor vehicle that is not a motorcycle	5.00
3.	Daily entrance fee per occupant of a tour motor vehicle	2.00

#### Part 2 — Fees for entrance to Tree Top Walk

	Description	Fee
		\$
1.	Per person 16 years and over	5.00
2.	Per person under 16	2.00
3.	Per family	12.00

#### Part 3 — Fees for use of camping sites in State forests and timber reserves

	Description	Fee
		\$
1.	Daily camping fee for site with no ablutions, showers and caravan sites —	
	site for not more than 2 persons	5.00
	each additional person 16 years and over	3.00
	each additional person under 16 years	1.00
2.	Daily camping fee for site with facilities including ablutions, showers and caravan sites —	
	site for not more than 2 persons	8.00
	each additional person 16 years and over	3.00
	each additional person under 16 years	1.00

*[Schedule 2A inserted in Gazette 29 March 1996 pp.1509-10.]*



**Schedule 2B**

[Regulation 128G(1) and (2)]

**Offences to which modified penalties apply**

Item No.	Column 1 Regulation	Column 2 Brief description of offence	Column 3 Modified Penalty
			\$
1.	128B(3)	Refusing or failing to pay, in manner specified by notice, entrance fee for State forest or timber reserve .....	50.00
2.	128C(3)	Refusing or failing to pay, in manner specified by notice, entrance fee for Tree Top Walk .....	50.00
3.	128D(3)	Camping without authority outside camping area in State forest or timber reserve .....	50.00
4.	128E(1)	Camping in State forest or timber reserve contrary to general camping provisions . . .	50.00
5.	128F(4)	Refusing or failing to pay, in manner specified by notice, camping fee for State forest or timber reserve .....	50.00

*[Schedule 2B inserted in Gazette 29 March 1996 pp.1510-11.]*

**Schedule 3**

[Regulation 142]

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

**Item 1.**

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

**Item 2.**

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

*[Schedule 4. Repealed in Gazette 29 March 1996 p.1511.]*

**Schedule 5**

[Regulation 151]

**Miscellaneous Fees**

	<b>Column 1</b>	<b>Column 2</b>
		\$
1.	Registration as a timber worker	25.00
2.	Renewal of registration of timber worker	25.00
3.	Registration of owner's identification code	45.00
4.	Extract from a register or provision of copy of lease, permit, forest produce licence, contract or other document	1.00
		per page
5.	Preparation of timber shipping certificate	10.00
6.	Transfer of a lease or permit other than an apiary site permit	30.00
7.	Grant of an apiary site permit in the south-west zone — per 5 permits or less granted on one application	100.00
8.	Grant of an apiary site permit outside the south-west zone — per 5 permits or less granted on one application	50.00
9.	Transfer of an apiary site permit	8.50
10.	Variation of an apiary site permit so as to change the location of the area to which the permit applies to a location in the south-west zone	75.00
11.	Variation of an apiary site permit so as to change the location of the area to which the permit applies to a location outside the south-west zone	37.50

*[Schedule 5 amended in Gazette 21 April 1998 pp.2113-14.]*

## **Schedule 6**

[Regulation 154]

### **Transitional**

**1. Time allowed for timber workers to comply with regulation 5**

A natural person who immediately before the commencement of these regulations was entitled to engage in timber harvesting in a State forest or timber reserve or in the transport of log timber harvested in a State forest or timber reserve may continue to do so without complying with regulation 5 until —

- (a) the expiration of the period of 3 months after the commencement of these regulations; or
- (b) under regulation 9(2) the Executive Director refuses an application by that person for registration as a timber worker,

whichever occurs first.

**2. Time allowed for employers etc. to comply with regulation 6**

A person who immediately before the commencement of these regulations was employing or remunerating a person to engage in timber harvesting in a State forest or timber reserve or in the transport of log timber harvested in a State forest or timber reserve may continue to do so without complying with regulation 6 until —

- (a) the expiration of the period of 3 months after the commencement of these regulations; or
- (b) under regulation 9(2) the Executive Director refuses an application by the second-mentioned person for registration as a timber worker,

whichever occurs first.

**3. Time allowed for fellers to comply with regulation 24**

A person who immediately before the commencement of these regulations was entitled to engage in timber felling in a State forest or timber reserve may continue to do so without complying with regulation 24 until the expiration of the period of 3 months after the commencement of these regulations.

**4. Apiary site licences and temporary and annual apiary site permits to continue to operate**

An apiary site licence, temporary apiary site permit or annual apiary site permit issued or granted under the *Forest Regulations 1957*<sup>3</sup> and in force immediately before the commencement of these regulations shall, on or after the commencement of these regulations, continue to have effect as if these regulations had not come into operation.

**5. Authorization to continue to have effect**

- (1) A written authority issued under the *Forest Diseases Regulations 1975*<sup>4</sup> and in force immediately before the commencement of these regulations shall, on or after the commencement of these regulations, continue to have effect as if these regulations had not come into operation.
- (2) Notwithstanding subclause (1), a forest officer may, at any time, by notice in writing revoke or amend a written authority referred to in that subclause.



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**Notes**

- <sup>1</sup> This reprint is a compilation as at 15 September 1999 of the *Forest Management Regulations 1993* and includes the amendments referred to in the following Table.

**Table of Regulations**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>	<b>Miscellaneous</b>
<i>Forest Management Regulations 1993</i>	9 February 1993 pp.1119-1201	9 February 1993	
<i>Forest Management Amendment Regulations 1995</i>	28 April 1995 pp.1459-60	28 April 1995	
<i>Forest Management Amendment Regulations (No. 2) 1995</i>	23 January 1996 p.272	23 January 1996	
<i>Forest Management Amendment Regulations 1996</i>	29 March 1996 pp.1504-11	29 March 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 pp.2204-5	28 May 1996	
<i>Forest Management Amendment Regulations 1998</i>	21 April 1998 pp.2113-4	21 April 1998	
<i>Forest Management Amendment Regulations (No. 2) 1998</i>	18 August 1998 p.4447	18 August 1998	Disallowed 28 October 1998 (see <i>Gazette</i> 17 November 1998 p.6248)

- <sup>2</sup> The *Land Act 1933* was repealed by the *Land Administration Act 1997* (No. 30 of 1997) s.281(1).

- <sup>3</sup> The *Forest Regulations 1957* are repealed by regulation 153(1) of these regulations.

- <sup>4</sup> The *Forest Diseases Regulations 1975* are repealed by regulation 153(2) of these regulations.