



**Australian Government**  
**Department of Agriculture,  
Fisheries and Forestry**



**Western Australia**

# **State Specific Guideline For *Western Australia***

This guideline has been prepared by the Australian Government and the Western Australian Government. It is intended to assist businesses who process raw logs grown in Western Australia to better understand the regulatory frameworks covering the harvest of such logs in that jurisdiction. This information can be used to help the businesses satisfy their due diligence obligations, as set out in the *Illegal Logging Prohibition Act 2012* and associated *Illegal Logging Prohibition Regulation 2012*.

This guideline was co-endorsed by the Australian Government and the Western Australian Government on 26 October 2022.

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# 1. What is required under Australia's Illegal Logging Laws?

The [Illegal Logging Prohibition Act 2012](#) (the Act) seeks to 'reduce the harmful environmental, social, and economic impacts of illegal logging by restricting the importation and sale of illegally logged timber products in Australia'.

The Act makes it a criminal offence to process domestically grown raw logs<sup>1</sup> that have been illegally logged. For the Act's purposes, 'illegally logged timber' is defined as timber 'harvested in contravention of laws in force in the place (whether or not in Australia) where the timber was harvested'.

The Act also requires 'processors' to actively assess and manage the risk that the raw logs may have been illegally harvested before processing them. This is known as undertaking 'due diligence', the specifics of which are set out in the [Illegal Logging Prohibition Regulation 2012](#) (the Regulation).

The due diligence requirements for processors includes the following key steps:

- Step 1:** Establish and maintain a due diligence system
- Step 2:** Gather information about the raw log that is being processed
- Step 3:** Assess the risk (using one of the three methods outlined in the Regulation)
- Step 4:** Risk mitigation (if required)
- Step 5:** Keep records

Further information about the Regulation and the due diligence requirements is available at the Australian Government Department of Agriculture, Fisheries and Forestry's website [agriculture.gov.au/illegallogging](http://agriculture.gov.au/illegallogging)

## 1.1 Who is a processor?

For the purposes of the Act, a processor is a person who processes Australian grown raw logs into something other than a raw log. This includes activities such as the processing of Australian grown raw logs into woodchips, sawlogs, pulp, or other timber products by a constitutional corporation, or a person processing the raw logs:

- on behalf of a constitutional corporation, the Commonwealth, or a Commonwealth authority; and / or
- for trade with other countries or between Australian states or territories; or in a territory.

Entities which are not constitutional corporations include:

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<sup>1</sup> Raw logs are green or dry logs that have not been processed other than by end cutting, removing branches and/or removing bark. Raw logs fall within the definition of a "forest products" in the WA Forest Products Act 2000.

- state authorities not established as a body corporate;
- partnerships; and
- un-incorporated associations or individuals.

## **2. How to use the State Specific Guideline (SSG)**

This SSG is intended to assist a processor of raw logs grown in Western Australia (WA) to comply with the Regulation’s due diligence requirements.

In accordance with section 19 of the Regulation, a processor must gather information about the raw log they are seeking to process, this includes gathering the information or evidence outlined in this SSG.

The information listed in this SSG is not meant to be an exhaustive list of the evidence or documentation required to satisfy the Regulation’s due diligence requirements.

The information gathered by applying this SSG, along with any other information gathered in accordance with the Regulation, needs to be assessed in accordance with the processes outlined in section 21 of the Regulation. This includes considering any other information that the processor knows, or ought reasonably to know, but is not contained in the SSG.

All data included in this document is the most current as available at the time of publishing.

## **3. Scope of the SSG for WA**

This SSG provides detailed information on the control of pathways for raw logs (forest products)<sup>2</sup> sourced from within WA and is intended to inform Australian processors of what is considered legal timber within that jurisdiction. It is only applicable for forest products that were harvested from within WA.

### **3.1 The WA Government’s commitment to ban native forest logging on state lands from 2024**

The decision to end the logging of native forests on state lands will be incorporated in a new Forest Management Plan for 2024-33. This plan is currently being prepared by the Conservation and Parks Commission, through the agency of the Department of Biodiversity, Conservation and Attractions, to come into effect on 1 January 2024.

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<sup>2</sup> WA legislation uses the term ‘forest products’ rather than ‘raw logs’. Forest products includes trees or parts of trees; timber, sawdust or chips; charcoal, gum, kino, resin or sap; and firewood.

While WA is phasing out native timber harvesting on state lands, the management and use of native timber is still permitted on state lands until 31 December 2023 and is included in the scope of this SSG.

## 4. Overview of forest management in WA

WA's forest management system is designed to achieve ecologically sustainable forest management (ESFM) across both public and private land tenures. Key goals of WA forest management are:

- conservation of biodiversity
- recognition and protection of Aboriginal and other Australian cultural heritage
- sustaining the health, vitality and productive capacity of ecosystems
- protection of soil and water resources
- sustaining the contribution to global carbon cycles
- managing the wide range of social, cultural and economic benefits valued by the community in line with the principles of ecologically sustainable forest management.

WA forest management is subject to a Regional Forest Agreement that is available at the Department of Biodiversity, Conservation and Attractions' (DBCA) website: ([WA Regional Forest Agreement | Department of Biodiversity, Conservation and Attractions \(dbca.wa.gov.au\)](#)).

The policy framework for managing south-west native forests until 2023 is the Forest Management Plan 2014-2023 (FMP 2014-2023) and is also available at DBCA's website: ([Managing our forests | Department of Biodiversity, Conservation and Attractions](#)). A new FMP (FMP 2024-2033) is currently being prepared by the Conservation and Parks Commission, through the agency of DBCA, to come into effect on 1 January 2024.

### 4.1 Agencies responsible for forest management in WA

This section summarises the roles of the relevant agencies responsible for managing forest operations in WA.

#### Conservation and Parks Commission (CPC)

The CPC is a statutory authority in which lands managed under the [Conservation and Land Management Act 1984](#) are vested. It oversees the administration of Western Australia's national and marine parks, conservation parks, nature reserves, State forests and timber reserves managed by the Department of Biodiversity, Conservation and Attractions (DBCA). It is also responsible for reviewing the effectiveness of implementation of management plans, including the Forest Management Plan.

#### Department of Biodiversity, Conservation and Attractions (DBCA)

The DBCA has the lead responsibility for conserving the State's biodiversity, cultural and natural values on behalf of the people of WA. This responsibility includes licensing flora take and supply (more information on licencing at Attachment A and B); preparing the Forest Management Plan (on behalf of the CPC) and implementing it; as well as assessing, approving and monitoring activities that may disturb the environment such as timber harvesting.

### **Forest Products Commission (FPC)**

The FPC is the statutory authority responsible for harvest and sale of forest products from native forest and plantations located in State forests and public lands and related matters.

### **Forest Industries Federation WA (FIFWA)**

The FIFWA is the representative industry body who negotiates on behalf of its members with government; and represents the forest industry to the media and public. FIFWA's members include private plantation owners and managers; and native and plantation harvesting contractors and processors.

## **5. WA laws and regulations governing forest product supply**

Forest products can be sourced from Crown land or private land where the timber is lawfully taken through provisions in the following governing legislation<sup>3</sup>:

- [Biodiversity Conservation 2016 Act](#) (BC Act)
- [Biodiversity Conservation Regulations 2018](#) (BC Regulations)
- [Conservation and Land Management Act 1984](#) (CALM Act)
- [Conservation and Land Management Regulations 2002](#)
- [Environmental Protection Act 1986](#) (EP Act)
- [Environmental Protection \(Clearing of Native Vegetation\) Regulations 2004](#) (Clearing Regulations)
- [Forest Management Regulations 1993](#) (FM Regulations)
- [Forest Products Act 2000](#) (FP Act)
- [Forest Products Regulations 2020](#) (FP Regulations)
- [Sandalwood \(Limitation of Removal of Sandalwood\) Order \(No. 2\) 2015](#)

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<sup>3</sup> Legislation disclaimer: Discussion and mention of legislation and management documents throughout this document is intended for overview and to provide context. Legislation excerpts are not complete or verbatim. Readers should refer to the legislation for reference in the first instance and exercise their own skill and care in the use of the material.

## 5.1 Principles

Under the BC Act, WA indigenous (native) timber species, including sandalwood (*Santalum spicatum*)<sup>4</sup>, are protected flora. As such buyers, dealers and processors are legally required to ensure that any protected flora that they purchase, or have in their possession for the purpose of supply, has been lawfully obtained. Lawful authority for taking, supplying, processing, dealing or exporting (from WA to another Australian jurisdiction) flora may be provided through a licence or other authority issued under the BC Act (including licences issued under the BC Regulations), CALM Act or EP Act (which includes provisions related to native vegetation clearing).

The lawful harvest of forest products can also be authorised pursuant to a forest production contract under the FP Act.

Records of flora transaction details must be maintained, and for some types of authorisation, submitted to DBCA. This applies to native forest operations, sandalwood harvesting, exotic plantations, and any other activities where raw logs are produced for sale on Crown and private lands.

## 5.2 Supply of WA native flora forest products from Crown land

A production contract under the FP Act provides lawful authority to take (harvest) and deliver specific forest products to customers or processors with FP Act contracts to purchase or process those specific forest products. Legitimate custody of forest products harvested and delivered under a production contract is demonstrated by a delivery note of the type prescribed by the FP Regulations.

### Native forests

The FPC may only award native forest production and sale contracts that are consistent with the Forest Management Plan. Under the terms of the Forest Management Plan, DBCA in conjunction with the FPC, will prepare publicly available three year and annual harvest plans that identify coupes (forest locations) from where forest products will be sourced. Authority to access each of the planned coupes is subject to DBCA assessing and approving a disturbance activity notice prepared by the FPC.

Within the planning process for planning disturbance, native forest operations are subject to the [Noongar Standard Heritage Agreement](#) to which DBCA and the FPC are signatories.

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<sup>4</sup> Prior to 2019, sandalwood was managed under the *Sandalwood Act 1929*. This act was repealed and sandalwood is now managed through the BC Act.

Processed native timber products from State forests may be purchased from the FPC's customers (who are holders of a production contract of sale).

### **State plantations**

Plantations are subject to less regulation than native forests. The FPC, prepares a harvest plan that identifies the plantation cells from where forest produce will be sourced. As with native forests, access to plantations on CALM Act lands is subject to DBCA assessing and approving a disturbance activity notice prepared by the FPC. The FPC also operates plantations on freehold land with private landowners under sharefarm arrangements, with the FPC's interests secured by *profit a prendre*.

Processed plantation products from State owned plantations may be purchased from the FPC's customers (who are holders of a production contract of sale).

### **Sandalwood**

The wild<sup>5</sup> sandalwood quantity that may be authorised to be taken in any year is limited by the [Sandalwood \(Limitation of Removal of Sandalwood\) Order \(No. 2\) 2015](#) (Sandalwood Order). The Sandalwood Order was set on advice from the Minister for Environment and approved by the Governor in Executive Council as was the requirement at that time (2015) under the now repealed *Sandalwood Act 1929*. The Sandalwood Order remains in effect under transitional arrangements in the BC Act.

The Sandalwood Order took effect on 1 July 2016 and set the quantity that may be taken from Crown land and private land at no more than 2500 tonnes in a single financial year, of which no more than 1250 tonnes may be living sandalwood.

Under WA Government policy, up to 80 per cent of the sandalwood quota may be harvested from Crown land under a production contract provided by the FPC. The remaining 20 per cent may be licensed to be taken by DBCA under the BC Regulations, from either private or Crown land (Attachment B). In addition to the authority of a production contract provided by the FP Act, the FPC also maintains an annual flora supplying (sandalwood) licence as prescribed by the BC Regulations (Attachment B). This licence identifies the locations from which sandalwood may be lawfully stored and supplied; and must be able to be provided on request by contractors operating at those locations.

The BC Regulations require sandalwood being hauled to be accompanied by a Sandalwood Tracking Form (STF) that is submitted to DBCA prior to transportation, and the receipted copy later forwarded to DBCA. An FP Regulations delivery note qualifies as an STF for sandalwood hauled under an FP Act production contract.

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<sup>5</sup> 'Wild' sandalwood refers to populations of sandalwood growing among naturally established native vegetation; and 'plantation' sandalwood is cultivated sandalwood specifically grown as a commercial crop.



All sandalwood produced through an FPC production contract is delivered to a central processing contractor. Purchase of this sandalwood is only through negotiation with the FPC.

### **Minor production contract**

On occasion, the FPC may issue a minor production contract for one-off sales of non-standing forest products.

### **Raw log sales to non-FP Act contract holders**

The FPC conducts regular public auctions of small quantities of native and exotic timbers. These auctions provide opportunities for small commercial operators and hobbyists to lawfully purchase the State's forest products, including raw logs.

### **Other supply of WA native forest products from Crown land**

As previously described, native forest products are generally produced from Crown land by the authority of a FP Act production contract.

There are occasions when native forest products are produced without the FPC's oversight. Producers/suppliers of forest products in this instance must hold a:

- valid EP Act clearing permit or evidence of an exemption under the Clearing Regulations<sup>6</sup>, or
- appropriate licence issued under the BC Regulations (Attachment A).

The FM Regulations provide for DBCA to issue forest produce licences that authorise collection of non-standing forest products. In practice, requests for these licences are referred to the FPC to be managed through provisions of the FP Act.

## **5.3 Supply of WA native forest products from private land**

A private landowner wishing to supply flora (forest products), or person acting on behalf of the landowner, must hold and be able to produce a:

- current private land supplier's licence issued under the BC Regulations to supply flora taken from private property, or a
- valid EP Act clearing permit, or exemption advice under the Clearing Regulations.

It is recommended that suppliers also have a timber harvest authorisation document, between the landowner or tree owner and the timber harvester (example document at

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<sup>6</sup> The FPC's harvesting logs and other forest products from natural stands of native forest growing on public lands subject to the CALM Act is exempt from requiring an EP Act clearing permit due to being subject to a Forest Management Plan.

Attachment C). For native forest operations it is recommended that harvest also be subject to a management plan.

More information can be found in the following publication available at the WA Government website: [wa.gov.au/government/publications/managing-private-native-forests-and-woodlands-the-south-west-of-wa](http://wa.gov.au/government/publications/managing-private-native-forests-and-woodlands-the-south-west-of-wa)

### **Sandalwood**

A private landowner, or person acting on behalf of the landowner, wishing to harvest sandalwood (*Santalum spicatum*) products from private land, must hold and be able to produce either:

- Flora taking (sandalwood) licence (Attachment B.1), or
- A valid EP Act clearing permit or exemption advice under the Clearing Regulations.

Additionally, a private landowner, or person acting on behalf of the landowner, wishing to supply or sell sandalwood (*Santalum spicatum*) products from private land, must hold and be able to produce:

- Flora supplying (sandalwood) licence (Attachment B.2) and
- Sandalwood Tracking Form (STF) when transporting specifically controlled sandalwood.

## 5.4 Supply of raw logs sourced from private land plantations

### Non-indigenous species

There is no formal process in place that is consistently applied in WA to demonstrate authority from/for a landowner to harvest logs sourced from private land plantations.

The development of plantations on freehold land, needs to be approved through the relevant local government authority. The plantation owner may also require local government approvals to harvest. Plantation owners may harvest and transport their logs on their own proprietary documents.

### Sandalwood grown in plantation

A person wishing to harvest plantation<sup>7</sup> sandalwood must hold and be able to produce a:

- Flora supplying (sandalwood) licence (Attachment B.2), and use the
- Sandalwood Tracking Form (STF) when transporting specifically controlled sandalwood.

## 5.5 Other relevant laws that relate to legal timber

### Aboriginal customary activities

The CALM Act permits Aboriginal people to take plants, including trees or parts of trees, for customary activities if:

- the person is an Aboriginal person<sup>8</sup>,
- the activity is being undertaken for a customary activity,
- the activity is undertaken with the permission of the native title holders if undertaken in an area where exclusive native title exists,
- it is not being done for sale or commercial purposes except if the person is authorised or licensed to do so.

In some circumstances, the taking of plants is subject to restrictions including, for example, the requirement to obtain written permission in certain locations including town sites, within specified distances of 'recreational land' (For example: car parks, sealed roads, camping areas); local government areas in the Perth Metropolitan, Greater Bunbury and Peel Regions.

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<sup>7</sup> Sandalwood in this sub-section refers to the WA native sandalwood species (*S. spicatum*). Indian sandalwood (*Santalum album*) and other exotic sandalwood species that are grown in plantation are subject to the provisions of the previous sub-section: Non-indigenous species.

<sup>8</sup> Aboriginal person means a person wholly or partly descended from the original inhabitants of Australia.

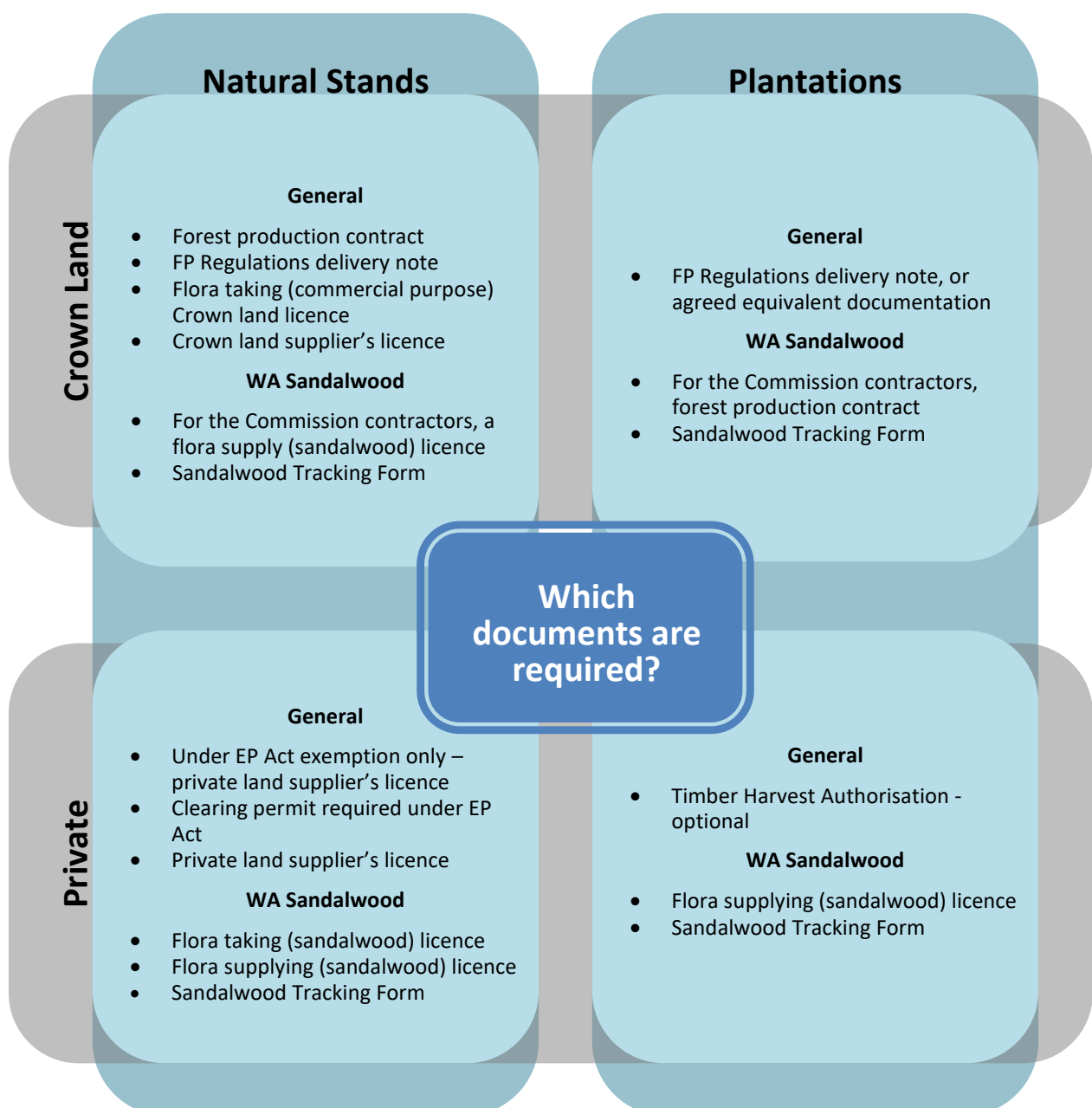
## General reference material

DBCA maintains a range of reference materials for people seeking information about the legislation it administers. These can be found at [dbca.wa.gov.au/biodiversity-conservation-act](http://dbca.wa.gov.au/biodiversity-conservation-act)

## Other

There are several other local, state and federal laws that are relevant to the legal harvest and / or transport of timber in WA. Further information is documented in The Forest Management System in Western Australia: An Overview (DBCA, 2018), available at [dbca.wa.gov.au/parks-and-wildlife-service/forests/regional-forest-agreement](http://dbca.wa.gov.au/parks-and-wildlife-service/forests/regional-forest-agreement)

## 6. Identifying legal raw logs from Western Australia



## 7. Who should I contact for further information?

### Western Australian Government



Department of Biodiversity,  
Conservation and Attractions

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17 Dick Perry Avenue  
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## Disclaimer



While reasonable efforts have been made to ensure that the contents of this guideline and the associated quick reference guide are factually correct, the Commonwealth of Australia does not accept responsibility for the accuracy or completeness of the contents and expressly disclaims liability for any loss or damage, however caused, that may be occasioned directly or indirectly through the use of, or reliance on, the contents of this guideline or associated quick reference guide.

This guideline and its associated quick reference guide is made available on the understanding that the Commonwealth of Australia is not providing professional advice. Before relying on this guideline or its associated quick reference guide, readers should obtain appropriate professional advice suitable to their particular circumstances.

Readers should also confirm that this is the most up-to-date available guideline by referring to the Department of Agriculture, Fisheries and Forestry website.

## Attachment A – Legal documents to take and supply WA forest products (excluding sandalwood)

Further information is available at [Licences and Authorities \(dpaw.wa.gov.au\)](http://licencesandauthorities.dpaw.wa.gov.au) and [der.wa.gov.au/our-work/clearing-permits](http://der.wa.gov.au/our-work/clearing-permits).

Licence	Description
1.  <a href="#">Regulation 60 Flora taking (commercial purposes) Crown land licence</a> 220.36 KB	Take and supply flora from Crown land for commercial purposes
2.  <a href="#">Regulation 61 Flora taking (other purposes) Crown land licence</a> 259.32 KB	Take flora from Crown land for non-commercial purposes (i.e., research, education, art and hobby, specimen lodgement)
3.  <a href="#">Regulation 62 Flora taking (biological assessment) licence</a> 272.24 KB	Take flora for inventory work (and obtain specimens for identification purposes) in the provision of environmental consulting services
4.  <a href="#">Regulation 63 Private land supplier's licence</a> 277.82 KB	Supply (and possess for the purpose of supply) flora taken lawfully from private property
5.  <a href="#">Regulation 64 Crown land supplier's licence</a> 209.75 KB	Supply (and possess for the purpose of supply) flora taken lawfully from Crown land
6.  <a href="#">Regulation 4 Authority form (CALM Act lands/waters)</a> 382.02 KB	To take flora in CALM Act lands (for example national park, nature reserve)
7.  <a href="#">Three Monthly Return of Protected Flora form</a> 686.89 KB	Form required to be completed and submitted by flora taking (commercial purposes) licence holders and Private land supplier's licence holders
8. <a href="#">Clearing permits</a>	Information on native vegetation clearing in WA under the EP Act and EP Regulations.
9. Flora dealing licence	Deal in flora <i>*Dealing exempt under Ministerial order but requirement to keep records for 2 years from date of purchase</i>
10. Flora processing licence	Process flora into carved wood, craft wood, wood chips, wood dust, oil, log timber and sawn timber and/or operate a processing establishment.
11. Forest produce licence	Collection of non-standing forest products.

12. Firewood permit	Collect firewood for personal use from the DBCA Swan Region.
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## Attachment B – Legal documents for supply of sandalwood forest products

Further information is available at [Licences and Authorities \(dpaw.wa.gov.au\)](http://dpaw.wa.gov.au).

Licence	Description
1. Flora taking (sandalwood) licence	Take sandalwood from private land, excluding cultivated/plantation sandalwood. Authorises preliminary processing in the field (i.e., debarking) as well as the supply (sale) of sandalwood.
2. Flora supplying (sandalwood) licence	Supply (and possess for the purpose of supply) sandalwood taken lawfully from private property or Crown land. This licence identifies the locations that may lawfully store and supply sandalwood and must be available to be provided on request by contractors operating at those locations.
3. Flora dealing (sandalwood) licence	Deal in (purchase and/or supply) sandalwood – including cultivated/plantation sandalwood
4. Flora processing (sandalwood) licence	Processing sandalwood including cultivated/plantation sandalwood and/or operate a processing establishment
5. Flora exporting (sandalwood) licence	Exporting flora from WA interstate (does not include direct export overseas – permit required from the Australian Government)
6. <a href="#">Sandalwood tracking form (STF)</a>	In addition to the FP Regulations delivery note, the BC Regulations require the hauling of sandalwood to also be accompanied by a Sandalwood Tracking Form that is submitted to the DBCA prior to transportation, and the receipted copy after.

# Attachment C – Timber Harvest Authorisation

ABN

ACN

## TIMBER HARVEST

## AUTHORISATION

I, \_\_\_\_\_ give \_\_\_\_\_ and their Contractors permission to enter the land known as \_\_\_\_\_ Location Number \_\_\_\_\_ for the purpose of harvesting, extracting, loading and carting all plantation hardwood within the harvest boundary.

I am the legal owner of the plantation and agree to sell the plantation hardwood logs produced to \_\_\_\_\_ at the price indicated on the Pre-harvest Information sheet.

Signed:

\_\_\_\_\_

Date: \_\_\_\_\_

Please return to:

Fax: (08)

Attention:

Certificate of Title Check completed confirming ownership information.

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Please attach copy of C of T information to this document.