

APEC Experts Group on Illegal Logging and Associated Trade (EGILAT)

Timber legality guidance template for **Australia** (November 2018)

The purpose of this guidance template document is to provide APEC member economies with guidance on compiling the appropriate information for businesses and governments within the APEC region regarding timber legality laws and regulations in place in Australia. It follows from multiple discussions at EGILAT meetings in which it was recognised that it would be beneficial to compile an APEC compendium of laws and regulations governing timber production and trade with a goal of supporting legal timber trade between APEC members.

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1 Overview of Australia's Forests

Australia's forests consist of 123 million hectares of native forests ('natural forests'), and approximately 2 million hectares of industrial plantations which consists of softwood and hardwood species (see Figure 1 for distribution). Approximately 36.6 million hectares of native forest is both available and suitable for commercial wood production and consist of 7.5 million hectares of multiple-use public forests (publically owned and managed for forestry production) and 29.1 million hectares of leasehold and private forests (which may or may not be managed for forestry production).

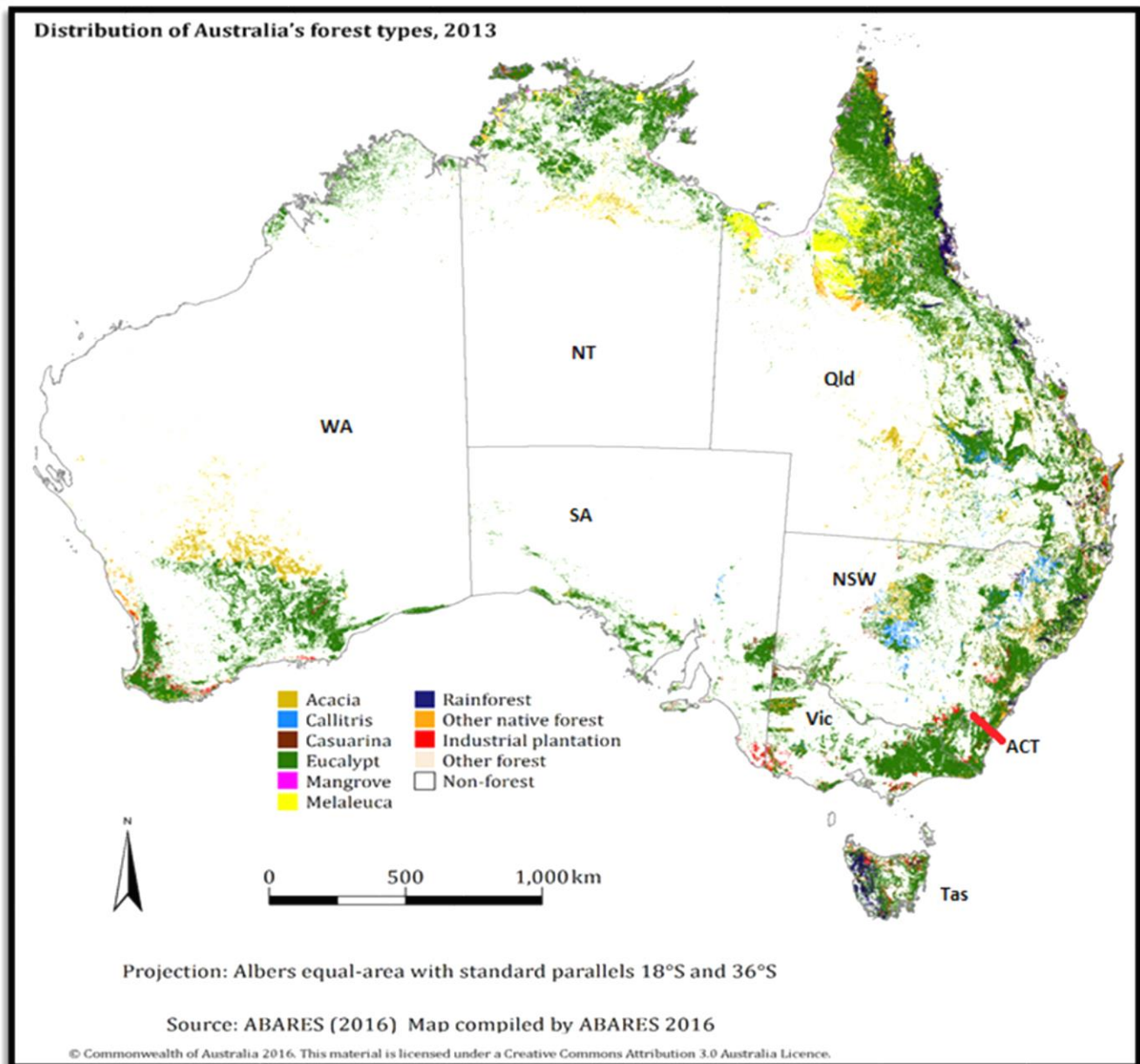


Figure 1: Distribution of Australia's forest types.

The area of forest available for wood production is influenced by tenure, state and territory law, codes of practice and Regional Forest Agreements. As a result of these restrictions, less than 1% of

commercial forests are harvested annually. Thirty-nine million hectares of Australia's native forest area (32% by area) is protected for biodiversity conservation on public and private land, including areas protected by prescription in multiple use public forests and 21.5 million hectares in formal nature conservation reserves (17.5%). Wood harvesting in native forests is not permitted in nature conservation areas in Australia.

2 Australia's regulatory system

Under the federal system established by the Australian Constitution, the Australian states and territories (sub-economy governments) carry primary responsibility for regulating the forestry industry. Each state and territory has legislation which regulates the management of conservation and production forests on privately and publically held lands, regardless of whether they are native (natural) or plantation forests.

These state and territory forestry laws satisfy compliance requirements for Commonwealth (economy level) laws – i.e. compliance with state and territory laws is given to mean compliance with relevant Commonwealth laws.

The Commonwealth Government is committed to supporting the trade in legally logged timber products and introduced laws to combat illegal logging in 2012. These laws are administered by the Department of Agriculture and Water Resources. The laws reduce the risk of products containing timber from illegal harvesting being placed on the Australian market.

The majority of Australia's commercial forests are third party certified under the Programme for the Endorsement of Forest Certification (PEFC) endorsed Australian Forest Certification Scheme (AFCS); the Forest Stewardship Council (FSC); or both. These certification schemes are internationally recognised forest certification networks that provide for the recognition of regional and economy level standards that meet their criteria for sustainable forest management. In Australia, the majority of native and plantation forests are certified under AFSC with the remaining under FSC. More detail on forest certification in Australia is on **page 10**.

2.1 State and territory regulation of forests

Each Australian state and territory has an individual system for the approval and regulation of timber harvesting. The individual systems comprise of statutes on environmental, cultural, planning and resource use that are material in determining the legality of a forest harvesting operation.

Commonalities between the different states and territories may include:

- Forestry Act – laws governing the regulation and approval of timber harvesting
- Native Vegetation Act – laws governing the protection of native vegetation and may restrict timber harvesting
- Regional Forest Agreements – plans for the sustainable management and conservation of native forests
- Codes of Practice – define sustainable harvesting practices, including environmental protection measures
- Plantation Code of Conduct – laws regulating harvesting operations on authorized plantations.

The following government bodies/state owned corporations have a role in the management, implementation and/or regulation of forestry activities in each jurisdiction:

Australian Capital Territory

- Territory and Municipal Services
 - Parks and Conservation Service

New South Wales

- Environment Protection Authority
- Department of Industry (Lands)
- Forestry Corporation NSW (state owned forestry corporation)

Northern Territory

- Office of Environment and Heritage
- Department of Land Resource Management
- Department of Lands, Planning and the Environment

Queensland

- Department of Agriculture and Fisheries
- Department of National Parks, Sport and Racing
- Department of Natural Resources and Mines

South Australia

- Primary Industries and Regions SA (PIRSA)

Tasmania

- Department of State Growth
- Forest Practices Authority
- Sustainable Timber Tasmania (state owned forestry corporation)

Victoria

- Department of Environment, Land, Water & Planning
- VicForests (state owned forestry corporation)

Western Australia

- Department of Parks and Wildlife
- Department of Environment Regulation
- Forest Products Commission (state government agency)

A specific list of management authorities and contact information for Australian states and territories is on **page 17**.

2.2 How is the system effective?

Multiple agencies within Australian states or territories are responsible for enforcing and monitoring forestry laws. This systematic 'check and balance' approach is reflected with Australia's regulatory system as a whole being internationally recognised as being of a high standard on the annual Transparency International's Corruption Perception Index (rating of 80, 2014). The inherently low levels of corruption in Australia means that there is a very low risk of regulations relating to forestry being exposed to corruption, ensuring environmental audits and forestry codes of practices are appropriately enforced.

2.3 Regional Forest Agreements

Regional Forest Agreements (RFAs) are 20-year plans for the sustainable management and conservation of native forests occurring on public land. RFAs cover 22.3 million hectares (18%) of Australia's forests, including 21 million hectares of native forests and 1.3 million hectares of plantation forests. Of the 22.3 million hectares, 30% are multiple use public forests (managed for timber production) and the remaining forests in RFA regions are in formal and informal conservation reserves and/or habitat protection zones. All harvested areas must be regenerated/ replanted after harvesting. This allows multiple-use forests in RFA regions to supply timber whilst sustaining a functioning forest ecosystem.

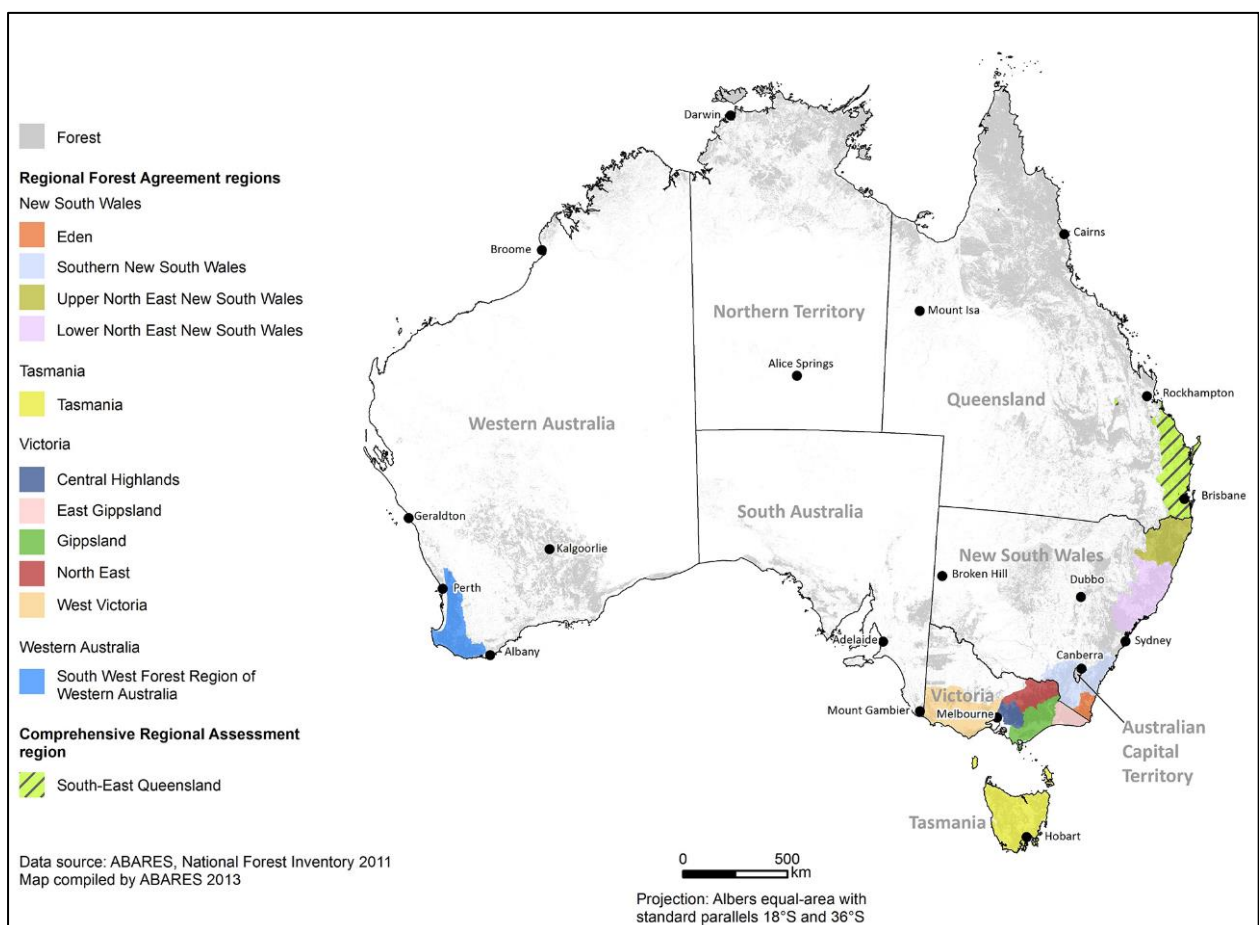


Figure 2: Map depicting the 10 Regional Forest Agreement regions across Australia.

There are 10 RFAs in four states covering commercial native forestry regions – five in Victoria, three in New South Wales and one each in Western Australia and Tasmania. The RFAs seek to balance

competing economic, social and environmental demands on forests by setting obligations and commitments for forest management that deliver:

- certainty of resource access and supply to industry – building investment confidence
- ecologically sustainable forest management – ensuring forests are appropriately managed and regenerated
- an expanded and permanent forest conservation estate – to provide for the protection of Australia's unique forest biodiversity.

The RFAs result from scientific study, consultation and negotiation covering a diverse range of interests.

As a result of the scientific basis of RFAs, and the recognition of state based laws governing the management and harvesting of forests, wood sourced from RFA forests (RFA wood) is exempt from requiring an export licence under the Export Control Act 1982.

Under the Regional Forest Agreement Act 2002 (RFA Act), Section 6 'Certain Commonwealth Acts not to apply in relation to RFA wood or RFA forestry operations' states 'RFA wood is not prescribed goods for the purposes of the Export Control Act 1982'. This exempts RFA wood from the requiring and export licence under the Export Control Act 1982, in recognition of the assurance that the RFAs provide for sustainable and legal supply of wood and wood products.

2.3.1 Comprehensive Adequate and Representative (CAR) Reserve System

Regional Forest Agreements safeguard biodiversity, old-growth forests, wilderness and other natural and cultural values. They achieve this through the Comprehensive Adequate and Representative (CAR) reserve system.

The CAR reserve system is made up of dedicated reserves, informal reserves and areas within production forests where values are protected by prescription (management practices). Dedicated or formal reserves are set aside for conservation, through areas such as national parks. Informal reserves are areas set aside for conservation purposes in forests that are otherwise production forests, such as special protection zones. Areas where values are protected by prescription within production forests are those that cannot be practically protected by formal or informal reservation, such as buffer zones around the nests of protected bird species.

2.4 Plantation Codes of Conduct

The Australian Government has an endorsed plantation code of conduct with each state and territory based on the principles outlined in the "Forest practices related to wood production in plantations – National Principles".

The "Forest practices related to wood production in plantations – National Principles", which applies to both public and private plantations, sets a framework for a consistent and scientific basis for sound plantation management to which all states and territories subscribe.

All Australian states and territories have plantation codes of practice that have been assessed against these "National Principles". As a result of these assessments the Commonwealth Minister with responsibility for forestry has determined that each state or territory's plantation forestry code of practice satisfactorily protects environmental and heritage values and that the export of plantation-sourced timber without a licence is permitted.

2.5 Export Controls

The Export Control Act 1982 requires an export licence from the Australian Government Department of Agriculture and Water Resources for:

- two tonnes or more of woodchips
- wood in the round which is intended to undergo further processing following export
- wood with a cross sectional area of 225 square centimetres or greater which is intended to undergo further processing following export.¹

2.5.1 Exemptions

There are exemptions to the requirement for obtaining this export licence. Including in respect of:

- Wood sourced from a region covered by a Regional Forest Agreement (RFA);² and
- Wood sourced from a plantation in a state or territory that has a plantation forestry code of practice approved by the Australian Government.³

These exports are checked for sustainability and legality under state and territory law and do not require further Commonwealth regulation. For further information, please refer to the RFA section on **page 5** and Plantation Code of Conduct on **page 6**.

2.5.2 Issuing a license

Export licences for unprocessed wood originating from outside RFA regions are issued by the Department of Agriculture and Water Resources.

The exporter must demonstrate that at the point of sale, the harvest was in accordance with state/territory government requirements and the exported product has an intended purpose and market.

The Department will collect the following documents, which the importer may also request from the exporter:

- A completed application form.
- A copy of all relevant state-issued documentation that authorises the harvest and sale of the wood (such as harvesting, clearing licences and sales permits).
- A copy of documentation relating to the sale (for example, a sales receipt, a confirmation of order, a letter of intent to buy or a tax invoice).

Export licenses may accompany shipments that require phytosanitary certificates prior to entry into the destination economy.

Further information is available at www.agriculture.gov.au/forestry/industries/export.

¹ *Export Control (Unprocessed Wood) Regulations (Cth)* reg 4.

² *Export Control (Hardwood Wood Chips) Regulation 1996 (Cth)* reg 2(a)(i), reg 20.

³ Currently, all states and territories have approved plantation forestry codes of practice - timber sourced from these plantations do not require export licences.

2.5.3 Sandalwood

Sandalwood is treated differently to other wood and is closely monitored by state authorities to prevent illegal harvesting and unsustainable practices. Exporters do not require a license if the sandalwood is sourced from a plantation.

Queensland

To export sandalwood from Queensland the exporter must provide:

- **Protected Plant Harvesting Licence** issued by the Queensland Government Department of Environment and Heritage Protection
- **Sales documentation** such as a sales receipt, confirmation order, a letter of intent to buy or an invoice.

Western Australia

To export sandalwood from Western Australia the exporter must provide:

- **Sandalwood Licence** issued by the Western Australian Government Department of Parks and Wildlife
- **Commercial Producer's Licence** issued by the Western Australian Government Department of Parks and Wildlife (for green sandalwood)
- **Sandalwood Transport Authority Notice (STAN)** issued by the Western Australian Government Department of Parks and Wildlife (green sandalwood)
- **Sales Documentation** such as a sales receipt, a confirmation of order, a letter of intent to buy or an invoice

3 Documents to evidence timber legality

Australian timber legality can be evidenced via **two pathways**:

- Third party timber legality certification or,
- Australian state or territory traceability documentation.

3.1 Pathways for demonstrating timber legality

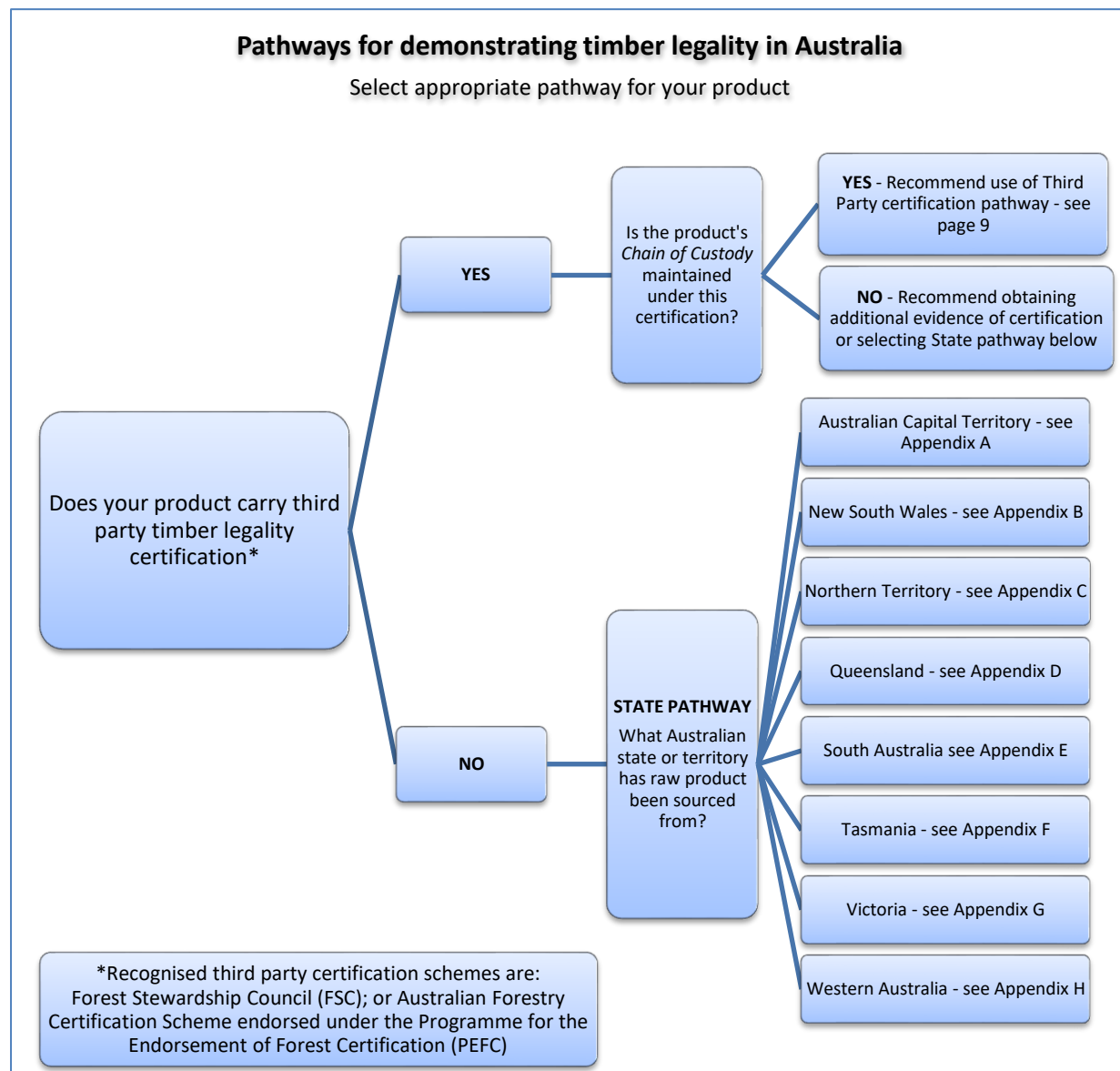


Figure 3: Flow chart to determine appropriate wood traceability pathway.

As noted in the flow chart above further information about the laws in each of the states and territories, including a description of relevant supporting documents, is included in **appendices to this document**. Your product may contain wood from more than one state or territory, particularly if your wood is sourced from forestry regions that share borders (e.g. the 'Green Triangle' region of South Australia and Victoria). You may need to obtain documents under more than one jurisdiction to show evidence of the legality of the wood in the product.

Note: Management of publically owned plantations in Queensland, Victoria and South Australia have been leased to commercial entities on 99 year leases. Timber traceability can be demonstrated through the documentation produced by these companies (e.g. tax invoice, delivery docket).

3.2 Third Party Certification

The majority of Australia's commercial forests are third party certified, however certification is not compulsory in Australia. You should check with your supplier to determine whether they (and the product that you are sourcing) are certified.

The two major global forest certification bodies are the Programme for the Endorsement of Forest Certification (PEFC) schemes and the Forest Stewardship Council (FSC). Both the PEFC and FSC are internationally recognised forest certification networks that provide for the recognition of regional and economy level standards that meet their criteria for sustainable forest management.

In Australia, if forest managers and owners elect to seek certification of their forests, they have the option of certifying their forests under either (a) the PEFC endorsed Australian Forest Certification Scheme (AFCS), (b) the FSC, or (c) both schemes.

In 2016, there are around 27.2 million hectares of native and plantation forests certified in Australia. This consists of 26.7 million hectares certified under the AFCS and 1.2 million hectares under the FSC. The total includes approximately 800 000 hectares of forest certified under both schemes.

Australia's illegal logging laws, the Illegal Logging Prohibition Act 2012 and the Illegal Logging Prohibition Regulation 2012, recognise both the PEFC and FSC schemes as a means of assessing the risk associated with a regulated timber product.

3.2.1 Australian Forestry Certification Scheme

The Australian Forest Certification Scheme (AFCS) covers the Australian Standard for Sustainable Forest Management (AS4708⁴) and the Australian Standard for Chain of Custody for certified wood and forest products (AS4707⁵). These standards certify materials and products as having originating from legally, sustainably managed and/or non-controversial sources. Australian Forestry Standard Ltd (AFS Ltd) is the Australian member of the Programme for the Endorsement of Forest Certification (PEFC), and oversees the operation of the AFCS.

More than 90 per cent of the production forest area in Australia is certified under the AFCS, including the major publically and privately owned forest management organisations.

Each certified delivery should be accompanied by the following information:

- a) name of the customer
- b) supplier identification
- c) product(s) identification
- d) quantity of delivery for each product covered by the documentation

⁴ Australian Standards Number

⁵ Australian Standards Number

- e) date of delivery/delivery period/accounting period.

Additionally the following documentation will be included for each product with an AFCS claim:

- a) the formal claim on the material category (percentage of certified material) specifically for each claimed product covered by the documentation, as applicable
- b) the identifier of the supplier's chain of custody or forest management certification or other document confirming the supplier's certified status.

The supplying organisation should provide the customer with a copy, or access to a copy, of the certificate supporting its claim of chain of custody for the product.

3.2.2 Forest Stewardship Council Certification

In Australia some forest growers, wood processors and wood product manufacturers are certified under the Forest Stewardship Council (FSC) Forest Management and Chain of Custody standards. While FSC currently uses two interim regionally adapted forest management standards in Australia, it has committed to the development of a national FSC standard for Australia. FSC certification is recognised as providing assurances of timber legality and assures buyers that products come from well managed forests that provide environmental, social and economic benefits.

FSC describes the following information that should be included in sales and delivery documents issued for outputs sold with FSC claims:

- a) name and contact details of the organisation
- b) name and address of the customer
- c) date when the document was issued
- d) description of the product
- e) quantity of the products sold
- f) the organisation's FSC Chain of Custody or FSC Controlled Wood code
- g) clear indication of the FSC claim for each product item or the total products as follows:
 - i. the claim "FSC 100%" for products from FSC 100% product groups
 - ii. the claim "FSC Mix x%" where 'x' represents the applicable percentage claim for products from FSC Mix product groups under a percentage system
 - iii. the claim "FSC Mix Credit" for products from FSC Mix product groups under a credit system
 - iv. the claim "FSC Recycled x%" where 'x' represents the applicable percentage claim for products from FSC Recycled product groups under a percentage system
 - v. the claim "FSC Recycled Credit" for products from FSC Recycled product groups under a credit system
 - vi. the claim "FSC Controlled Wood" for products from FSC Controlled Wood product groups or for products from FSC Mix or FSC Recycled product groups that will not be sold as FSC-certified.

- h) if separate delivery documents are issued, information sufficient to link the sale and related delivery documentation to each other.

3.3 Documents issued under state or territory laws

If you are not dealing in third party certified product, you can provide evidence of legality of production based on the applicable laws that operate in the Australian state or territory where the wood that your product is made of has originated from. These laws determine what timber traceability documentation is available for your timber product.

The **first step** is to determine which Australian state or territory the wood in your product originated from. A map showing the distribution of Australia's forest types can be found at Figure 1.

Information about the source of the timber may be available on your commercial documentation⁶ or this information can be provided upon request by your supplier.

A range of documentation may verify legal harvest such as a delivery docket (which contains a unique barcode and timestamp), tax invoice, due diligence template, operational plan, commercial supply agreement and commercial purposes license.

Once you have determined the state or territory, you then need to know the tenure and type of the forest the wood was harvested from.

Broadly speaking, the wood will have come from either:

- (a) privately owned and managed land, or
- (b) publically managed land.

The forest type will either be:

- (a) native forest, or
- (b) plantation forest.

If sourcing a processed product, the processor may hold supply contracts that provide information on raw logs obtained from both privately and publically owned sources.

For more information, please see relevant **appendices** (starting on **page 18**).

⁶ All commercial transactions, including the sale of forestry products such as raw logs, are subject to Australian Consumer Law which requires suppliers of goods to provide a proof of transaction. A proof of transaction includes a receipt or tax invoice, which should include a range of information on where the wood was sourced. The Commonwealth and each state and territory have legislation in place governing transactions, corporations and other elements of consumer laws.

4 Which laws regulate legal trade in timber and timber products in Australia?

4.1 Illegal Logging Act

The *Illegal Logging Prohibition Act 2012* has been in effect since November 2012. The Act makes it a criminal offence to intentionally, knowingly or recklessly import illegally logged timber products into Australia or to process Australian grown logs that have been illegally logged. This offence applies to all imported timber products and all domestically grown logs processed in Australia.

For the purposes of the Act, 'illegally logged' is defined as timber harvested in contravention of laws in force in the place – whether or not in Australia – where the timber was harvested.

Strong investigation and criminal prosecution action are taken when serious and deliberate breaches of the legislation are uncovered.

The Act also places an obligation on importers of certain regulated timber or wood-based products, as well as processors of domestically grown raw logs, to actively assess and manage the risk that the timber has been illegally logged. This process is known as carrying out 'due diligence'.

The specifics of the due diligence process are set out in the *Illegal Logging Prohibition Regulation 2012*, key elements of which came into effect on 30 November 2014. The Regulation sets out the requirements for establishing and operating a due diligence system, as well as the type of products (as defined by their Harmonized System tariff codes) that are regulated under the Act.

The due diligence requirements are intended to encompass all major sources of illegally logged timber entering the Australian market. They require businesses or individuals importing 'regulated timber products' into Australia or processing domestically grown 'raw' log to undertake a suitable due diligence process to prevent illegal products entering their supply chains.

4.1.1 What products are subject to due diligence?

For the purposes of the *Illegal Logging Prohibition Regulation 2012* timber products are those derived from wood which includes solid wood, reconstituted wood, wood fibre, and pulp and paper products.

Due diligence is only required for 'regulated timber products', which are listed in Schedule 1 of the Regulation and fall under tariff chapters 44, 47, 48 and 94. Regulated timber products include most timber and wood-based products, such as sawn timber, pulp, paper, veneer, mouldings, wood panels, flooring, medium-density fibreboard, particle board, plywood and furniture.

Due diligence is not required for the packing material used to support, protect or carry the product.

Under the legislation, the following are exempt from the due diligence requirements:

- Products made from greater than 95% post-consumer recycled material.
- Products partly made from greater than 95% post-consumer recycled material (with only the part of the regulated timber product that is recycled being exempt from the due diligence requirements).
- Products imported into Australia as part of a consignment where the combined value of the 'regulated timber products' in the consignment does not exceed AUD\$1000.

Materials such as bark, cork, osier, vegetable parchment, rice, bamboo and rattan are not considered timber and are not regulated under the illegal logging laws.

Under the legislation, timber in a regulated timber product is considered recycled material if:

- the material has been, or has been part of, another product
- at the time a material was removed from another product, that product was no longer used for its intended purpose and is considered to be waste; and
- the material has been used as raw material in the regulated timber product

Material in a regulated timber product is **not** considered recycled material under the illegal logging legislation if the material is the by-product of a manufacturing process. For example, sawdust or off-cuts from sawn timber used to make particle board or medium density fibreboard are not considered recycled material.

4.1.2 How does this ensure timber legality?

The due diligence process involves gathering evidentiary material such as proof of purchase, economy of harvest information (including harvesting unit details), shipment data and documents required by a Country Specific Guideline. [*Illegal Logging Prohibition Regulation 2012*](#) details the evidentiary requirements in regulation 10 ('regulated timber products') and regulation 19 ('processing raw logs').

Businesses use the gathered information to undertake a risk assessment and make an informed decision about the risk that the product was derived from illegally harvested timber. The [*Illegal Logging Prohibition Regulation 2012*](#) allows businesses to use one of three pathways to assess the risk:

- Timber Legality Framework (such as the Forest Stewardship Council (FSC) or Programme for Endorsement of the Forest Certification (PEFC) certification schemes)
- Country Specific Guideline (CSG)
- Regulated risk factors

Risk mitigation is required when business has undertaken a risk assessment and the risk is not 'low'. If the business is unable to mitigate the risk adequately and proportionally to the identified risk, they must not import the product. Importers and processors face serious penalties if they proceed to import products.

Once the business has performed due diligence, the product is on the market and there is no further tracking down the supply chain.

Further information regarding Australia's due diligence pathways can be found at <http://www.agriculture.gov.au/forestry/policies/illegal-logging/information-importers/guidance-for-importers>

4.1.3 Due diligence pathways

Timber Legality Framework

A risk assessment can be done using a recognised timber legality framework (TLF) such as FSC and PEFC. Timber legality frameworks currently recognised in Australia are listed under Schedule 2 of the Regulations.

Businesses purchasing FSC or PEFC certified logs, are not required to undertake a full risk assessment and can rely on the certification to address the risk. Businesses will keep copies of delivery dockets (or other suitable information) that demonstrates the logs were derived from certified forest.

Businesses will authenticate the FSC or PEFC certificate by checking the:

- certificate code/license number is legitimate
- supplier's details match the certificate
- certificate is valid for the period of supply
- products being supplied are listed on the certificate
- product that is supplied is the product that was promised

Businesses will also need to consider any other information that may indicate the logs were harvested illegally. If a [state specific guideline](#) applies to the place in which the logs are harvested, the guideline sets out information or evidence that can be used to support the legality of the logs (such as certificates, licenses, or other documents).

If the business can complete this pathway, confirm that the timber is certified, and is not aware of any other information that might suggest the product includes illegally logged timber, the business can determine the risk is low and import the regulated timber product.

Country Specific Guideline

The CSGs allow businesses to identify the information (such as certificates, licenses and documents) which they can obtain from the supplier in order to be confident that the timber has a low risk of being derived from illegally harvested timber.

The Department of Agriculture and Water Resources has negotiated and developed several CSGs which are published on our [illegal logging guidance materials and resources](#) page.

Regulated Risk Factors

The Regulation sets out five risk factors that importers use to assess the risk associated with a particular regulated timber products:

1. Consider the occurrence of illegal logging in the area of harvest
2. Consider the occurrence of illegal logging in the area the species is derived from
3. Consider the occurrence of armed conflict in the area of harvest
4. How complex is the product?
5. Is there any further information that may indicate whether the logs were illegally logged?

If the businesses has concluded the risk to be low, the risk assessment is complete and the import is permitted.

4.2 CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is enforceable under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. The three [CITES appendices](#) are combined into a single list in Australia called "[The guide to the list of CITES species](#)", which clearly identifies the conditions or restrictions that apply to each specimen, the appendix under which it has been listed and the date of listing.

5 Glossary

ACT	– Australian Capital Territory
Agroforestry	– The integration of trees into farming landscapes for conservation and production purposes.
Exotic	– Non-native to region or economy (e.g. <i>pinus radiata</i>).
NSW	– New South Wales
NT	– Northern Territory
QLD	– Queensland
RFA	– Regional Forest Agreements (RFAs) are 20-year plans for the sustainable management and conservation of Australia's native forests.
SA	– South Australia
Tas	– Tasmania
Vic	– Victoria
WA	– Western Australia
Wood in the round	– Raw logs, roundwood – e.g. sawlogs, pulplogs and posts
Woodchips	– Medium-sized solid material made by cutting, or chipping, larger pieces of wood

6 Further Information Resources

Australian Government Department of Agriculture and Water Resources

www.agriculture.gov.au/forestry/

www.agriculture.gov.au/forestry/policies/illegal-logging/

7 Who should I contact for further information?

7.1 Australian Government

Department of Agriculture and Water Resources

GPO Box 858, Canberra ACT 2601

Phone: +61 2 6272 3933

Email: illegallogging@agriculture.gov.au

Website: www.agriculture.gov.au/illegallogging

7.2 State and Territory Governments

Australian Capital Territory Government

Parks and Conservation Service

GPO Box 158

Canberra City ACT 2601

Phone: +61 2 6207 1923

Email: environment@act.gov.au

Website: www.environment.act.gov.au/parks-conservation

New South Wales Government

Environment Protection Authority

PO Box A290, Sydney South, NSW 1232

Phone: +61 2 9995 5000

Email: info@environment.nsw.gov.au

Website: www.epa.nsw.gov.au

Department of Industry (Lands)

GPO Box 5477, Sydney NSW 2001

Phone: +61 2 9338 6600

Online: <http://www.industry.nsw.gov.au/contact-us-email>

Website: www.industry.nsw.gov.au

Northern Territory Government

Department of Primary Industry and Fisheries

GPO Box 3000

Darwin NT 0801

Tel: +61 8 8999 5511

Email: info.dpif@nt.gov.au

Web: www.dpir.nt.gov.au/

Queensland Government

Department of Agriculture and Fisheries

GPO Box 46

Brisbane QLD 4001

Phone: +61 7 3896 3111

Email: forestproducts@daf.qld.gov.au

South Australian Government

Primary Industries and Regions SA (PIRSA)

GPO Box 1671

Adelaide SA 5001

Phone: +61 8 8226 0900

Email: pirsaforestry@sa.gov.au

Website: pir.sa.gov.au

Tasmanian Government

Forest Practices Authority

30 Patrick Street, Hobart Tasmania 7000

Phone: +61 3 6165 4090

Email: info@fpa.tas.gov.au

Website: www.fpa.tas.gov.au

Victorian Government

Department of Environment, Land, Water & Planning

GPO Box 4440, Melbourne, Victoria 3001

Phone: 136 186

Email: info_general@statex.gov.au

Website: delwp.vic.gov.au

Western Australian Government

Forest Products Commission

Phone: +61 8 9363 4600

Email: info@fpc.wa.gov.au

Website: fpc.wa.gov.au

Department of Parks and Wildlife

Phone: +61 8 9219 9836

Email: wildlifelicensing@dpaw.wa.gov.au

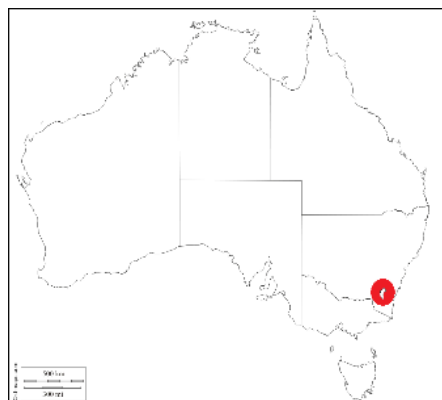
Website: dpaw.wa.gov.au

8 Appendices

8.1 Appendix A: Australian Capital Territory

How is timber harvesting regulated in ACT

All timber harvesting in the Australian Capital Territory (ACT) abides to the ACT Code of Forest Practice and is regulated under the *Environment Protection Act 1997 (ACT)* (EP Act) through the enforcement of Environment Authorisation No. 0288 Logging Operations. The authorisation requires an Environment Management Plan to be in place for forestry in the ACT. The ACT Environment Protection Authority (ACT EPA) is responsible for enforcing the requirements under the EP Act.



Public plantation

Forestry operations in the ACT occur exclusively on the ACT government owned plantation estate. The ACT plantation estate consists primarily of *Pinus radiata* as the commercial resource. The estate also contains stands of native forest, which is managed for environmental purposes and is unavailable for harvest. The agency responsible for overseeing forest management in the ACT is the ACT Parks and Conservation Service (ACTPCS). The ACTPCS manages the estate according to the Environment Management Plan and the ACT Code of Forest Practice.

All operations carried out within the forest are conducted according to an Operational Plan (includes Timber Harvest Plan) based on the provisions of the ACT Code of Forest Practice. Operational Plans are approved by the Manager prior to commencement and are signed off at completion by the Supervising Officer. Chain of custody documentation is contained in the harvesting contract and timber sale agreement Code of Procedure.

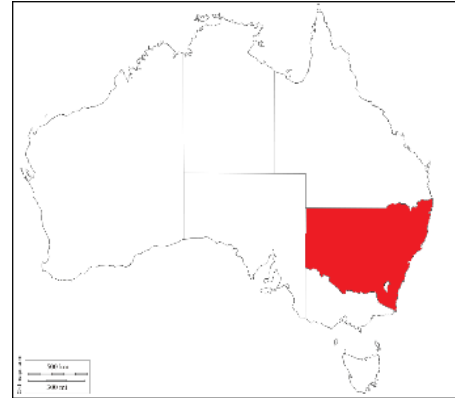
Identifying legal product from ACT

Every load of logs delivered from the ACT plantation estate to a customer's premises is accompanied by a delivery docket. Each delivery docket will contain the following information:

- Delivery Docket number
- Forest name and compartment number
- Age class
- Time and date left loading site
- Customer/ destination
- Log product, grade and length
- Delivery location
- Harvesting contractor identifier
- Loading contractor identifier
- Haulier contractor identifier
- Vehicle registration number
- Gross weight
- Tare weight or recorded tare
- Net weight
- Driver's signature (paper dockets only)

8.2 Appendix B: New South Wales

The NSW Environment Protection Authority (NSW EPA) and the Department of Industry (Dol) have key roles and responsibilities in the regulation of the New South Wales timber industry. The NSW EPA is responsible for regulating native forests through Integrated Forestry Operations Approval (IFOA) on public land and Private Native Forestry Property Vegetation Plans (PNF PVPs) on private land. Dol Lands & Forestry has the role of regulating plantations on private and public land through the *Plantations and Reafforestation Act 1999 (NSW) (PR Act)* and *Plantations and Reafforestation (Code) Regulation 2001 (NSW)* (NSW Plantations Code).



Forestry Corporation NSW (FCNSW) is the only organisation authorised to remove timber from state forests and other Crown-timber lands.

Public native forests

Under the *Forestry Act 2012 (NSW)*, forest harvesting operations are permitted in NSW state forests under an IFOA, which provides the formal approval of and conditions for those operations on state forests. Forestry operations are undertaken by Forestry Corporation of New South Wales (FCNSW) which are permitted in the following NSW regions: Upper North East, Lower North East, Eden and Southern regions of eastern NSW and the Brigalow and Nandewar, South Western Cypress, and Riverina Red Gum regions of western NSW.

The IFOAs contain the terms of a licence under the *Protection of the Environment Operations Act 1997 (NSW)*, the *Threatened Species Conservation Act 1995 (NSW)* and the *Fisheries Management Act 1994 (NSW)*. Responsibility for enforcement of the licences rests with the NSW EPA or DPI Fisheries NSW.

Private native forests

Under the *Native Vegetation Act 2003 (NSW)*, forestry operations conducted for the purposes of private native forestry require an approved private native forestry property vegetation plan (PNF PVP) from the NSW EPA. A PNF PVP is a legally binding agreement between a landowner and the NSW EPA which identifies approved operational areas and areas that are excluded from operations such as rainforest, old-growth forest and drainage features.

Forestry operations in a PNF PVP area must be conducted in accordance with the Private Native Forestry Code of Practice.

Plantations

The Dol authorises new and existing plantations on both public and private lands under the *Plantation and Reafforestation Act 1999 (NSW) (PR Act)* and the NSW Plantations Code. Plantations must be authorised under the PR Act before any logging, with the following exceptions:

- Plantations that have previously been accredited under the *Timber Plantations (Harvest Guarantee) Act 1995 (NSW)*. These are considered to be authorised under the NSW Plantation Code.

- Plantations established before 14 December 2001, if establishment was in accordance with the requirements of *Environmental Planning and Assessment Act 1979 (NSW)* (excluding any re-plantings less than 30 hectares) or any other relevant law. These areas must be harvested in accordance with the existing approvals.
- Plantations meeting the definition of 'exempt farm forestry' under the PR Act (i.e. plantations of less than 30 ha where any clearing for establishment would not otherwise have required approval under the *Native Vegetation Act 2003 (NSW)*'. Harvesting of these areas may proceed as a Routine Agricultural Management Activity under the *Native Vegetation Act 2003 (NSW)*.

An operational plan is also required if more than 100 trees in any given hectare in any year is harvested in authorised plantations. These plans must be prepared to the standards in the Plantations Code and submitted to the Secretary of DoI.

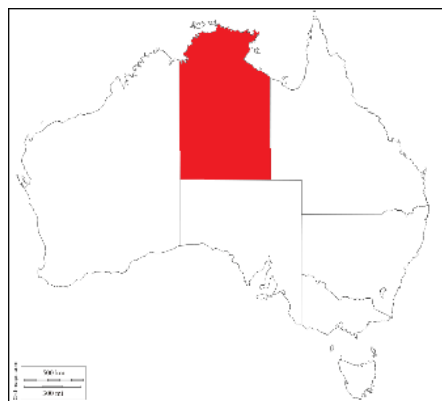
Documents to demonstrate legality of timber from NSW

	Native Forests	Plantations
Public Land	<ul style="list-style-type: none"> • FCNSW delivery docket with the following information: <ul style="list-style-type: none"> ○ Logging contractor name ○ Region, location and compartment the log was sourced from ○ Species and dimensions of timber ○ Total volume 	<ul style="list-style-type: none"> • Copy of FCNSW operational plan
Private Land	<ul style="list-style-type: none"> • Documentation to show information on the logging approval, area where the log is sourced, or harvesting activity 	<ul style="list-style-type: none"> • Documentation to show information on the compliant plantation, other accreditation, or a harvesting approval

Note: private native forestry arrangements will shortly be replaced by arrangements under the *Forestry Act 2012* and the *Biodiversity Conservation Act 2016*.

8.3 Appendix C: Northern Territory

The Northern Territory (NT) does not currently have a dedicated forestry agency, or any legislation specifically relating to forestry. The NT does have a range of laws that regulate environment management, which covers any forestry, forest harvesting or land conversion activities. There is an emerging plantation industry currently limited to a small number of specific areas. Plantations are established and managed in accordance to the [Northern Territory Codes of Practice for Forestry Plantations](#).



Under the [Land Clearing Guidelines 2010 \(NT\)](#), landowners wishing to remove native vegetation must first formulate a native vegetation management plan for their property. Applications for the clearing of native vegetation need to address the requirements of the [Planning Act \(NT\)](#) and the provisions of the NT Planning Scheme. The Pastoral Land Board has also adopted these guidelines for clearing on pastoral land.

The Planning Act ([NT](#)) is one of the main instruments for regulating land use. This Act plans for, and provides a framework of controls for, the orderly use and development of land. This Act controls the clearing of native vegetation and often applies to the establishment of plantations. If the area being developed is under the jurisdiction of a Development Consent Authority, development consent is sought from this body. For areas without these authorities, consent must be sought from the Minister.

The [Mining Management Act 2015 \(NT\)](#) (MMA) also regulates the clearing of native vegetation. Pursuant to s. 35 of the MMA, any exploration activity that involves "substantial disturbance" of the surface of the site requires the operator to have applied for and been granted an Authorisation by the Minister.

Timber salvaged from mine sites involving substantial disturbance, in accordance with s. 35(3) of the MMA, are required to have Minister approval. Minister approved mining operations are detailed at minerals.nt.gov.au/mining/authorised-mine-sites

Tiwi Islands

Indigenous owned plantations on the Tiwi Islands are currently producing woodchips for export markets. Currently, all woodchips are being exported under a partnership with a third-party commercial entity that holds Forest Stewardship Council Chain of Custody and Controlled Wood Verification Program certifications.

8.4 Appendix D: Queensland

Timber harvesting laws are based on land tenure and may come under the *Forestry Act 1959 (QLD)* for timber from public land, the *Vegetation Management Act 1999 (QLD)* for timber from private land, and the *Nature Conservation Act 1992 (QLD)* for harvesting of protected plants.

Public land

The state can authorise the harvesting of state-owned native forests' timber under the *Forestry Act 1959 (QLD)* in the form of a sales permit. Queensland also charges processors for the value (royalty) of logs removed under the authority of the applicable sales permit and issues a tax invoice.

Plantations are managed, grown and harvested by HQPlantations who sell plantation timber to processors under a commercial supply agreement. HQPlantations also charges processors for the value of logs removed under the commercial supply agreement and issues a tax invoice.

Private land

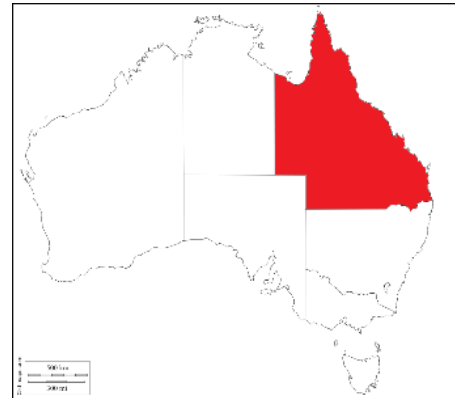
Private native forest timber harvesting of remnant vegetation is subject to the provisions of the *Vegetation Management Act 1999 (QLD)*. Landowners intending to harvest native timber must follow the *Native forest practice – A self-assessable vegetation clearing code* and are required to notify the Department of Natural Resources and Mines before commencing a forest practice via a clearing notification form. The operational arrangements and commercial transaction processes are not specifically regulated, but are subject to commercial laws and as such there should be a tax invoice.

Log timber sourced from privately owned non-remnant native forest on freehold land may be harvested with the consent of the landowner, provided there are no local government restrictions on the harvesting and/or the removal of trees within the local planning zone.

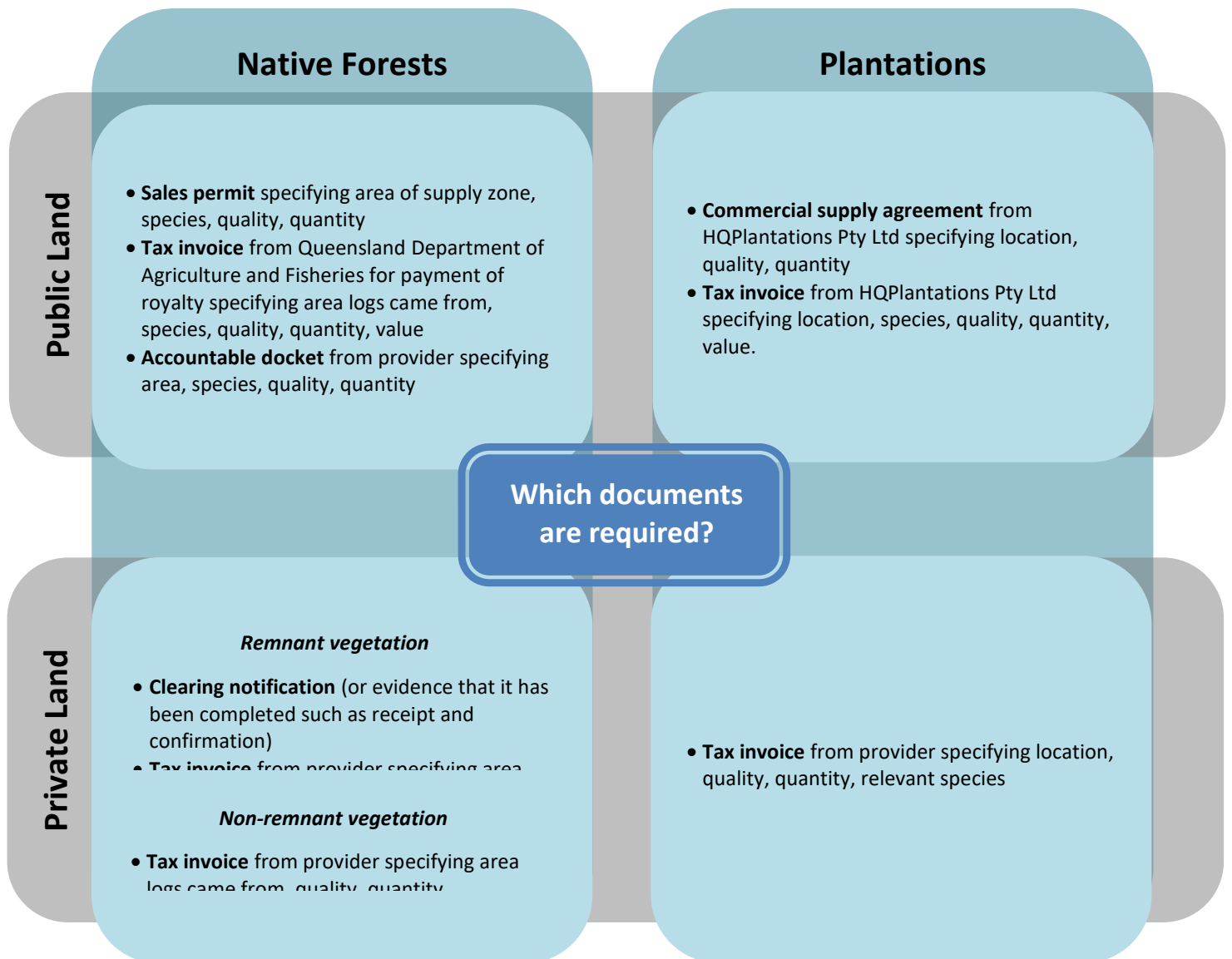
Privately owned plantation timber on freehold land may be harvested with the consent of the owner of the trees. An agreement (supply agreement / tax invoice / receipt) which transfers the ownership of the raw logs to the processor must be available.

Nature Conservation Act

Timber harvesting on protected area estate is prohibited under the *Nature Conservation Act 1992 (QLD)*. In addition to any relevant requirements above, harvesting of restricted plants must be authorised under the *Nature Conservation Act 1992 (QLD)* in the form of a protected plant harvesting licence. The licence must be obtained prior to conducting any harvesting of restricted plants.



Summary of documents to demonstrate legality of timber from Queensland



All land tenure

Nature Conservation Act 1992 (QLD)

If harvesting protected plants, in addition to any of the above requirements, the following is needed:

- Protected plant harvesting licence specifying location, species, quality, quantity to be harvested within specified time

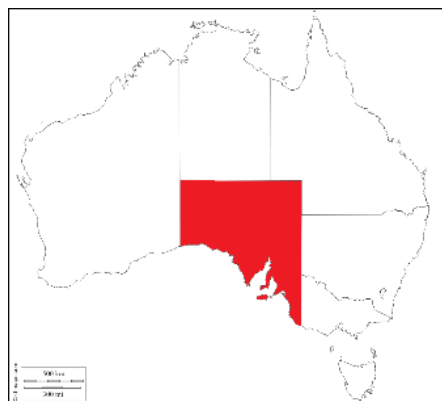
8.5 Appendix E: South Australia

Timber harvested in South Australia (SA) is generally sourced from plantations. Currently most are covered by certification, and as such constitute a low risk of non-compliance under the Regulation for processors.

Summary of documents to demonstrate legality of timber from South Australia

With certification (plantation)

The majority of wood harvesting in SA is conducted under FSC or PEFC schemes. Certification documents from either of these frameworks ensures there is a low risk that the SA harvested wood is from an illegal source.



Without certification (plantation)

A smaller proportion of SA logs provided to a processor may be from privately owned small growers of plantations. In this instance the private grower may have a right to harvest through a Commercial Forest Plantation Licence. However, this is not a mandatory process for private landowners who wish to harvest.

You should undertake your own risk assessment if SA plantation logs are provided from either:

- a private grower without a commercial forest plantation licence; or
- a non-certified company (or from a non-certified location within a certified company).

Native Vegetation (non-plantation)

If logs are sourced from native vegetation (non-plantation), then a harvester is required to possess:

- clearance approval from the Native Vegetation Council (NVC) (and in some circumstances the Minister for Sustainability, Environment and Conservation) under the *Native Vegetation Act 1991 (SA)* to harvest the logs, or
- an exemption under one of the regrowth regulations to harvest/clear the native vegetation.

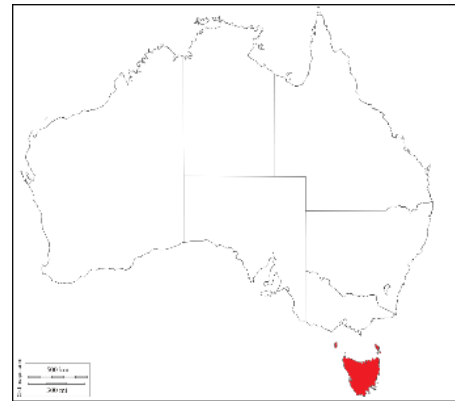
8.6 Appendix F: Tasmania

Tasmanian forestry is regulated through two systems: at the state government level through the forest practices system and at the local government level through individual planning schemes.

Summary of documents to demonstrate legality of timber from Tasmania

Evidence of compliance with Tasmania's forestry legislation can be demonstrated with:

- Forest Practices Plan (FPP), and
- In the case of Public Land (other than Permanent Timber Production Zone) or Private land (that is not a Private Timber Reserve – PTR) a local government Development Permit.



The Forest Practices Authority (FPA) administers the forest practices system set up under the *Forest Practices Act 1985 (Tas)*. Legally binding plans (FPPs) are prepared by authorised Forest Practices Officers (FPO) and a strict compliance regime is administered by the FPOs with oversight from the FPA.

If the land the timber is sourced from is classified as Permanent Timber Production Zone, or is a PTR, a certified FPP is required to demonstrate compliance with Tasmania's forest harvesting laws. If the land from which the timber is sourced is private but is not registered as a PTR—in addition to a certified FPP—a Development Permit under the relevant local government law may be required.

For further information on local government planning schemes, including Development Permit applications, see the Tasmanian Planning Commission website at www.planning.tas.gov.au.

FPP and council approval requirements for different tenures

	FPP Required (unless exempt)	Council approval required
Permanent timber production zone	✓	✗
Public land (other than permanent timber production zone)	✓	✓*
Private land (not PTR)	✓	✓*
Private timber reserve	✓	✗

* Unless forestry is in a zone that does not require a permit

Most forest practices require a FPP unless an exemption applies. If an exemption applies to the raw log being processed, there may be other conditions which must be met to establish the application of an exemption. For example, harvesting or clearing of less than 100 tonnes or one hectare of timber is exempt from the FPP, but may still require a Development Permit. Check with the local council for any requirements under the relevant local planning scheme.

Additional information can be found on the Forest Practices Authority website: www.fpa.tas.gov.au.

8.7 Appendix G: Victoria

Different regulations apply to timber harvesting depending on whether the forest being harvested is located on public or private land. Victoria's laws regulate where and when timber harvesting can occur, and the appropriate standards to govern how timber harvesting is conducted.

Public land

Both the Department of Environment, Land, Water and Planning (DELWP) and VicForests have responsibilities for managing timber harvesting on public land.

DELWP is the environmental regulator for commercial timber harvesting activities in Victoria's State forests. DELWP zones State forests to determine appropriate land use (including availability for timber harvesting) and ensures that commercial timber harvesting activities are compliant with Victoria's regulatory framework.

Timber from areas identified in an Allocation Order and associated map created under Part 3 of the *Sustainable Forests (Timber) Act 2004 (Vic)* is made available to VicForests to sustainably harvest and sell. VicForests prepares a Timber Release Plan (TRP) to identify the forest coupes it plans to harvest over a rolling five year period.

For smaller timber volumes, forest produce licences can be issued under section 52 of the *Forests Act 1958 (Vic)*. Coupes permitted to be harvested are recorded in a Timber Utilisation Plan (TUP).

Timber production is regulated by the *Code of Practice for Timber Production 2014 (Vic)* (the Victorian Code), prepared under Part 5 of the *Conservation, Forests and Lands Act 1987 (Vic)*. The Victorian Code sets out appropriate and responsible standards for timber production, and compliance is required under the *Sustainable Forests (Timber) Act 2004 (Vic)*. DELWP monitors compliance with the Victorian Code, including inspections conducted by authorised officers or compliance auditing conducted under the DELWP Forest Audit Program.

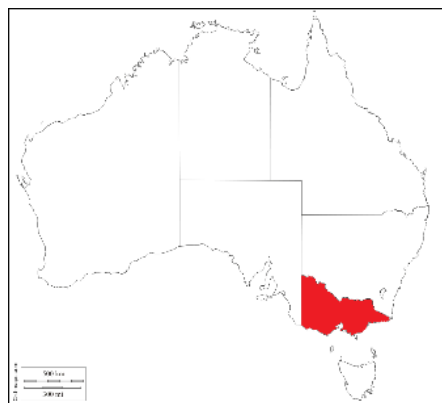
Private land (including leased or licensed Crown land)

Plantation

Plantation development and harvest is regulated by the Victoria Planning Provisions (VPP) under the *Planning and Environment Act 1987 (Vic)*. The VPP specifies that all timber production activities must comply with the Code. These activities are regulated by the relevant local government under their local planning scheme and, if applicable, the conditions of any planning permit.

Timber harvesting must also be consistent with a Timber Harvesting Plan (THP) which is prepared in accordance with the requirements of the Victorian Code.

There is no regulation covering agroforestry and small plantations or woodlots of 5 hectares or less. This means that timber can be legally harvested and sold on a small-scale basis and there may be no official documentation but sales should be accompanied with a receipt or invoice.

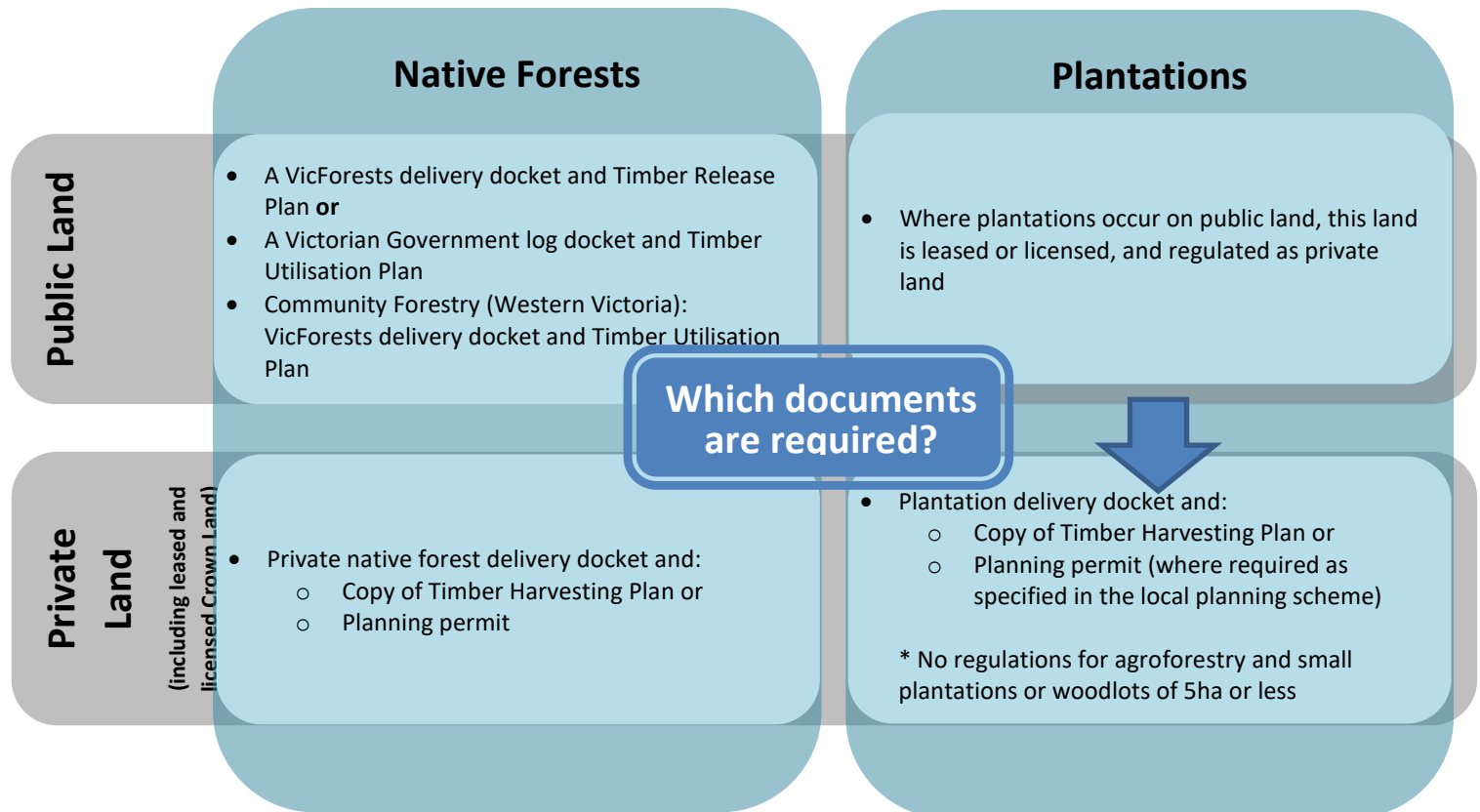


Native forests

The harvesting of native forests on private land is regulated in a similar manner to plantations; that is, by local government as part of the land use planning system. Native vegetation laws and regulations apply.

A planning permit is required from local government, and a THP prepared in accordance with the requirements of the Code must also be submitted to local government. Local government may place additional requirements on the THP to meet local planning objectives.

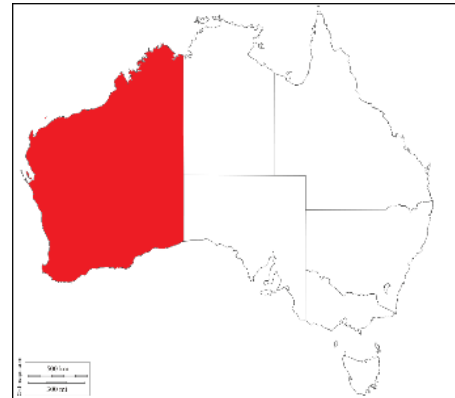
Summary of documents to demonstrate legality of timber from Victoria



8.8 Appendix H: Western Australia

Raw logs sourced in Western Australia (WA) may come from either public or private lands, and from either native forests or plantations.

All legally harvested logs from native forests on public land, and from plantations on public land, are covered by a Forest Products Commission (FPC) native forest or plantation log delivery note (or D-note).



WA Sandalwood

The harvesting of sandalwood (*Santalum spicatum*) is covered by the *Sandalwood Act 1929 (WA)* (Sandalwood Act) the *Wildlife Conservation Act 1950 (WA)* (WC Act).

To demonstrate legality, documents you can gather depend on whether the sandalwood is sourced from natural stands on either Crown land or from private property, or sourced from plantations on private property.

If the supply of sandalwood is harvested by FPC contractors from natural stands on Crown land, you can ask harvesting contractors to produce copies of a:

- current Sandalwood Act 'S2 puller's licence', issued to the FPC by the Department of Parks and Wildlife; and
- FPC native forest log delivery note.

If the supply of sandalwood is sourced from private land (i.e. alienated or freehold land), you can ask a private landowner or person acting on behalf of the landowner to produce copies of a:

- current Sandalwood Act 'S1 puller's licence';
- relevant Commercial Producer's Licence issued under the WC Act, authorising the sale of live (or 'green') sandalwood from the private land specified in the Sandalwood Act licence; and
- Sandalwood Transport Authority Notice (STAN), authorising the transport of Sandalwood, harvested as live trees, to the point of sale.

Native flora (including sandalwood)

If native flora or sandalwood is sourced from plantations on private land, you can ask a private landowner or person acting on behalf of the landowner to produce a:

- relevant Commercial Producer's Licence, issued under the WC Act; and
- STAN, when transporting sandalwood harvested as live trees, to the point of sale.

You may be able to obtain a clearing permit for the harvesting of logs and other forest produce from native forest growing on public land. A clearing permit may also be required for the removal of native trees on private land, unless the removal of the trees is subject to an exemption under the Clearing Regulations, or is authorised under a Commercial Producers Licence.

Private Exotic Plantations

There is no consistently applied formal process which can demonstrate authority for a land-owner (of a private land plantation) to harvest logs of species exotic to WA. In some cases, the legal owner

of the plantation may opt to issue a Timber Harvest Authorisation authorising the purchaser and their contractor's access to the forest and agreeing to sell the plantation logs.

Summary of documents to show legality of timber from Western Australia

A summary of applicable documents is provided in the matrix below:

