



State Forests and Timber Reserves

An Introduction to State forests and Timber Reserves

State forests and timber reserves have various functions as timber harvest estates, water catchment protection areas, and public recreation areas.

In 2001 Western Australia became the first State in Australia to cease logging in old growth forests. This has resulted in a reduction of the number of State forests and timber reserves, with many being converted into conservation reserves and national parks.

This process is still ongoing, as is concern within the community about the remaining logging that does occur in Western Australia. This fact sheet examines the legal controls on logging in State forests and timber reserves, and other controls that apply to the management of State forests and timber reserves. For information on the management of other types of reserves, see [Fact Sheet 17: Marine parks and reserves](#), [Fact Sheet 11: Conservation reserves](#) and [Fact Sheet 12: Crown land management](#).

What are “State forests” and “timber reserves”?

The terms “State forest” and “timber reserve” refer to areas of Crown land set aside for uses including timber production, conservation and recreation. They include Crown land reserved as a State forest or timber reserve and used to grow non-native plantation species. State forests and timber reserves are managed by the Department of Environment and Conservation (“DEC”), and are the only areas where timber harvesting can occur on DEC managed land. Timber reserves and State forests are managed identically.

How are State forests and timber reserves created?

State forests and most timber reserves are created under the *Conservation and Land Management Act 1984* (WA) (“the CALM Act”). This is a different process from other types of reserves, which are generally created under the *Land Administration Act 1997* (WA) (see [Fact Sheet 12: Crown land management](#)).

Any Crown land (including timber reserves) can be reserved for the purpose of a **State forest** by an order of the Governor published in the *Western Australian Government Gazette* (“Gazette”).

After publication in the Gazette, the Minister for Environment is required to lay a copy of the order creating a State forest before each House of Parliament. Where each House of Parliament passes a resolution that the order be disallowed, then the order ceases to have effect.

Any Crown land can be made a **timber reserve** by an order of the Governor published in the Gazette.

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Altering or abolishing a State forest or timber reserve

A **State forest** can only be abolished by an Act of Parliament or by both Houses of Parliament approving the abolition of a State forest.

Similarly, where the purpose of a particular State forest has been approved by the Environment Minister under a management plan, that purpose can only be changed by an Act of Parliament or by both Houses of Parliament approving the amendment of the purpose.

Timber reserves created under the CALM Act may be cancelled or amended, or have their purpose changed, by an order of the Governor published in the Gazette. Before recommending the Governor make such an order, the Minister for Environment must refer the proposal to the Conservation Commission and obtain the consent of the Minister for Forest Products.

Management of State forests and timber reserves

State forests and timber reserves are vested in the Conservation Commission of Western Australia ("Conservation Commission") and are managed by DEC.

State forests and timber reserves are managed in accordance with the contents of a management plan. Management plans are prepared by DEC for the Conservation Commission, in consultation with the Forest Products Commission. Management plans apply for a maximum period of 10 years.

A management plan is to contain a statement of policies and guidelines that are proposed to be followed and a summary of the operations proposed to be undertaken on the land.

In the case of a State forest or timber reserve planted with indigenous species, the management plan is to specify that the land is to be used for one or more of the following purposes:

- conservation;
- recreation;
- timber production on a sustained yield basis; or
- water catchment protection.

For State forests and timber reserves planted with non-indigenous species, the management plan will be directed towards achieving an optimal production yield from that land.

Management plans must be publicly advertised in the Gazette and in State and local newspapers. The management plan will be then open for public submissions for not less than 2 months.

Where the plan is approved, it takes effect from the date it is published in the Gazette or such later day as is specified in the plan.

In addition to this procedure, the preparation of forest management plans will normally be subject to the Environmental Protection Authority's review of environmental impacts under the *Environmental Protection Act 1986* (see [Fact Sheet 5: Environmental Impact Assessment in Western Australia](#)).

When a management plan expires, the land continues to be managed in accordance with the terms of the expired plan until a new plan is prepared.

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The Regional Forest Agreement

Regional Forest Agreements ("RFAs") are ten individual agreements between the Commonwealth and the States that aim to achieve a compromise between protecting biodiversity and guaranteeing access to forest resources. They lay down guidelines, tasks and responsibilities for long-term sustainable forest use and management, after a comprehensive assessment of the economic, cultural and environmental value of regional forests. The RFAs have largely removed any involvement by the Commonwealth in State forestry.

RFAs aim to establish a Comprehensive Adequate and Representative ("CAR") reserve system, with targets for the protection of different forest types within forestry lands, most notably the conservation of 60% of existing old-growth forest through mechanisms such as conservation reserves (although Western Australia has set itself a higher benchmark of the conservation of 100% of old-growth forests).

Forestry operations undertaken in accordance with an RFA are exempt from Part 3 of the Commonwealth *Environment Protection Biodiversity Conservation Act 1999*. This means that they do not need to be assessed for impacts on federally listed threatened species. For more details (see [Fact Sheet 6: Commonwealth Environmental Impact Assessment](#).)

Forest Products Commission

The Western Australian government and the Commonwealth entered into an RFA for the South-West Forest Region of WA in 1999.

In addition to signing the RFA in 1999, the Western Australian Government then passed the *Forest Products Act 2000 (WA)* and the *Conservation and Land Management Amendment Act 2000 (WA)*.

Before 1999, under the CALM Act, DEC (then the Department of Conservation and Land Management) was both the regulator of forest use and the body responsible for logging forests. This created an inherent conflict of interest within DEC.

To counter public criticism over this issue, the Government passed these two Acts. The Acts removed DEC's power to enter into forest harvesting contracts, created the Forest Products Commission ("FPC") to take over these functions, and also created the Conservation Commission which is responsible for implementing management plans, amongst other functions.

Forest Management Plan 2004-2013

The *Forest Management Plan 2004-2013* ("FMP") is the over arching plan for the management of state forests. It covers forests in the the State's South-West between Lancelin and Denmark and inland to the boundary of the Wheatbelt Region.

It sets out actions which the Conservation Commission, DEC and the Forest Products Commission are to undertake in order to achieve the FMP's objectives.

The FMP uses the Montreal criteria for sustainability as a framework. One of the criteria is the conservation of biodiversity. In order to achieve this objective, the FMP (amongst other things):

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- Proposes that particular areas of State forest and timber reserves be re-designated as national park, conservation park, nature reserve or forest conservation area;
- Contains a performance target that no species or ecological community will move to a higher level of threat as a result of management activities; and
- Proposes the development of Guidelines for the Management of "Informal Reserves" (usually fragmented patches of old growth forest) or reclassification of informal reserves to forest conservation areas to conserve biodiversity outside formal reserves and forest conservation areas.

The FMP also uses key performance indicators, to track the progress of the FMP's implementation. For example, Key Performance Indicator 1 is "the representation of forest ecosystems in formal reserves" and the performance target is that DEC and the Conservation Commission should formally implement all proposed land category changes within 10 years. The FMP, amongst other things, also sets annual sustainable yields for jarrah, karri, marri and wandoo timber.

Taking timber and forest produce

To harvest timber from a State forest or timber reserve, a contract with the FPC is required. Timber harvesting and transport may only be carried out by registered timber workers. Trees cannot be felled outside of a designated logging coupe that has been allocated to that person by the forest officer in charge of that district, and that person can only fell trees within that coupe that have not been marked for retention.

Provided there is a management plan in place for a State forest and timber reserve, DEC, with the approval of the Minister for Environment, may also enter into contracts for a person to take "forest produce" from the land. Forest produce under this part of the CALM Act does not include trees or other timber products. There are also other provisions that allow forest products, including timber products, to be harvested with permits or licences from DEC for horticultural, scientific or therapeutic purposes, DEC may also grant a licence to any person to sell goods or services, or to undertake an activity for a commercial purpose, in State forests and timber reserves.

A person who harvests timber or forest produce from a State forest or timber reserve without authority commits an offence, and is liable to a maximum fine of \$10,000 and imprisonment for one year.

Controls on access to State forests and timber reserves

As a general rule, a person may lawfully enter any publicly accessible area within a State forest or timber reserve. However, access may be restricted in some situations, for example to control forest diseases or for public safety.

It is an offence to use a vehicle or bicycle on a State forest or timber reserve other than on a road or bike path or in a designated area. It is also an offence to use an off-road vehicle (such as a trail bike) on a State forest or timber reserve without a permit under the *Control of Vehicles (Off-road Areas) Act 1978*.

As a general rule it is an offence to bring an animal into a State forest or timber reserve. Horses and dogs can be brought onto "designated areas" within a State forest or timber reserve. Fines of \$500 apply to contraventions of these provisions. It is also an offence for a person to graze cattle, or hunt or capture native animals within a State forest or timber reserve.

Camping within a State forest or timber reserve is only permitted within designated camping areas. Camping

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fees are payable at camping sites where signs have been erected to that effect (the applicable fees are listed in Division 6 of Schedule 1 of the *CALM Regulations 2002 (WA)*). It is also an offence to light a campfire or use a barbeque or portable stove where flora or forest produce is in danger of being burnt, in addition to the general prohibition against unlawfully lighting fires.

Other restrictions within State forests and timber reserves

Under the *CALM Regulations 2002 (WA)*, it is an offence to do any of the following in a State forest or timber reserve:

- Plant, cultivate or abandon any plant.
- Remove any native flora, except firewood for campfires in the immediate vicinity of a camping area.
- Place litter or other material on a reserve.
- Remove, damage or disturb any naturally occurring feature (such as a fossil, marine shells, minerals etc).
- Abseil or sand-board down any slope.
- Erect any structure or building.

Opportunities for public involvement

There are a number of opportunities for public involvement in the administration and management of State forest and timber reserves. For example:

- If you are concerned that unlawful activity is being undertaken on a State forest or timber reserve, you can report the activity to DEC.
- You can obtain a copy of the Forest Management Plan 2004-2013 from DEC to ascertain DEC's management responsibilities, and encourage DEC and the Conservation Commission to meet their targets by 2013.
- Liaise with DEC to ensure the reserve is being managed in accordance with its purpose.
- Monitor newspapers for proposals to change the boundaries or purposes of State forests or timber reserves.

Contacts and further information

Department of Environment and Conservation, Tel: (08) 6467 5000, www.dec.wa.gov.au, and for a copy of the Forest Management Plan 2004-2013 visit, <http://www.dec.wa.gov.au/content/section/47/1626/>

Forest Products Commission, Tel: (08) 9475 8888, www.fpc.wa.gov.au

Conservation Commission, Tel: (08) 9389 1766, www.conservation.wa.gov.au

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For information about the Regional Forests Agreement from the Department of Agriculture, Fisheries and Forestry visit, www.daff.gov.au/rfa/about

For copies of legislation, contact the State Law Publisher (Western Australian legislation),
Tel: (08) 9426 0000, www.slp.wa.gov.au

The Environmental Defender's Office WA (Inc)

The Environmental Defender's Office WA (EDO) is a community legal centre specialising in public interest environmental law.

The objects of the EDO include:

- to provide community groups and individuals with legal advice and representation to help protect the environment;
- to promote law reform that improves environmental protection; and
- to provide community education about environmental law.

The EDO is a non-profit, non-government organisation. The EDO receives its principal funding from the Federal and State Attorney-General's Departments.

However, these funds are limited and donations from the public provide a vital source of funds for many of our activities. Donations over \$2 are fully tax deductible. The EDO also welcomes people with a commitment to the environment to join as members.

If you require legal advice on an environmental issue or wish to find out more about the EDO, please contact us at the following address:

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Suite 4, 544 Hay Street, Perth WA 6000

Tel: (08) 9221 3030

Fax: (08) 9221 3070

Freecall: 1800 175 542 (for WA callers outside the Perth metropolitan region)

Email: edowa@edowa.org.au

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