

Version No. 001
Timber Harvesting Regulations 2000
S.R. No. 81/2000

Version as at 15 August 2000

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Timber Harvesting Regulations 2000
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1. Objectives

The objectives of these Regulations are to regulate the environmental aspects of timber harvesting by providing for the following matters—

- (a) the licensing of forest operators;
- (b) a system of indicator points to facilitate consideration of—
 - (i) suspension of forest operators' licences; and
 - (ii) cancellation of forest operators' licences;
- (c) a suspension and cancellation procedure;
- (d) a review procedure.

2. Authorising provision

These Regulations are made under section 99 of the **Forests Act 1958**.

3. Revocation

The Timber Harvesting Regulations 1989¹ are **revoked**.

4. Definitions

In these Regulations—

"Act" means **Forests Act 1958**;

"authorised person" means a person authorised by the Secretary under section 52(5) of the Act to grant licences under that section;

"forest operator's licence" means a licence granted under section 52 of the Act permitting timber harvesting in relevant State forest;

"indicator points" means points allocated in accordance with regulation 10;

"licensed forest operator" means a person who is a holder of a forest operator's licence;

"relevant State forest" means reserved forest or protected forest;

"timber harvesting" means any of the following kinds of activities carried out for the purpose of sale or processing and sale and otherwise than on behalf of the Crown or the Secretary—

(a) treefelling;

(b) snagging, preparing, sorting, loading or carting of trees or parts of trees which have been felled or which are fallen.

5. Exclusion of Forests (Licences and Permits) Regulations 1999

The Forests (Licences and Permits) Regulations 1999² do not apply to or in relation to a forest operator's licence.

6. Licensing of forest operators

A person must not in relevant State forest carry out any kind of timber harvesting unless he or she holds a current forest operator's licence.

7. Application for forest operator's licence

A person may apply in the form of Schedule 1 to the Secretary for a forest operator's licence.

8. Issue of forest operator's licences

A forest operator's licence issued by the Secretary must be in the form of Schedule 2.

9. Prescribed covenants, terms and conditions of forest operator's licences

For the purposes of section 52 of the Act, the prescribed covenants, terms and conditions of a forest operator's licence are those covenants, terms and conditions prescribed in Column 1 of Schedule 3.

10. Breach of prescribed covenants, terms and conditions

- (1) Column 2 of Schedule 3 allocates points in relation to the prescribed covenants, terms and conditions set out in Column 1 of Schedule 3 indicating the relative seriousness of a breach of a particular covenant, term or condition of a licence.
- (2) Two points are allocated for a breach of a covenant, term or condition imposed by the Secretary on a forest operator's licence under section 52 of the Act.

11. Suspension of forest operator's licences

In considering whether or not to suspend a licence under section 52(5) of the Act and the period of the suspension, the Secretary or authorised person may, among other things, consider the following—

- (a) the accumulated number of indicator points allocated to the licensee;
- (b) the period specified in Column 2 of Schedule 4 which relates to the accumulated indicator points specified in Column 1 of Schedule 4;

- (c) whether more than 12 months have passed since—
 - (i) the date of service of a Notice of Indicator Points Allocated in respect of the licence; or
 - (ii) if the licence has previously been withdrawn and suspended for a period of 6 months or more, the date of expiry of the last such period of suspension—
- whichever first occurs.

12. Cancellation of forest operator's licences

In considering whether or not to cancel a licence under section 52(5) of the Act, the Secretary may, amongst other things, consider the following—

- (a) the accumulated number of indicator points allocated to the licensee;
- (b) in the case of a licensee whose licence has previously been suspended, whether the licensee has been served on more than one occasion with a Notice of Indicator Points Allocated on the basis that the licensee has carried out timber harvesting while his or her licence was suspended.

13. Notice of indicator points allocated

An authorised officer must notify the allocation of indicator points to a licensed forest operator in the form of Schedule 5.

14. Notice of suspension of forest operator's licence

The Secretary or an authorised person must notify the suspension of a forest operator's licence in the form of Schedule 6.

15. Notice of cancellation of forest operator's licence

The Secretary must notify the cancellation of a forest operator's licence in the form of Schedule 7.

16. Service of notices on licensed forest operators

A Notice of Indicator Points Allocated or a Notice of Suspension or Notice of Cancellation must be served personally on the licensed forest operator or be sent by registered post addressed to him or her at the address given by him or her on his or her application for a forest operator's licence or the last address subsequently notified to the Secretary.

17. Certificate of service of notices to be completed

If a Notice of Indicator Points Allocated or a Notice of Suspension or a Notice of Cancellation has been served on a licensed forest operator, the person serving the Notice must—

- (a) complete the Certificate of Service endorsed on the duplicate of the Notice; and
- (b) if that person is other than the Secretary, send that Notice with the completed Certificate endorsed on it to the Secretary.

18. Register of licensed forest operators

The Secretary must maintain a register of licensed forest operators and must record the following information on the register—

- (a) the name of the person to whom each licence was issued;
- (b) the address of the person to whom each licence was issued;
- (c) any change of address notified to the Secretary by the holder of a forest operator's licence;

- (d) the number of the licence issued to each licence holder;
- (e) any indicator points allocated to each licence holder;
- (f) whether or not the licence has been withdrawn or suspended and for what period;
- (g) whether or not the licence has been cancelled;
- (h) any other relevant information which the Secretary considers necessary or desirable to record.

19. Notice of Request for Review

If a licensed forest operator disputes the decision by an authorised officer to issue and serve on him or her a Notice of Indicator Points Allocated, he or she may send or deliver to the Secretary at the Regional Office of the Department of Natural Resources and Environment specified in the Notice not more than 5 days after the service of the Notice of Indicator Points Allocated, a Notice of Request for Review in the form of Schedule 8.

20. Review to be completed in 14 days

If a Notice of Request for Review has been delivered to the Secretary at the Regional Office of the Department of Natural Resources and Environment specified in the Notice, the Secretary must review the decision in respect of which the Notice has been delivered within 14 days of delivery of the Notice.

21. Secretary to review decision

In reviewing a decision, the Secretary may cancel, change or confirm the decision by the authorised officer to issue and serve on the licensed forest operator the Notice of Indicator Points Allocated.

22. Notification by Secretary of result of review

When the Secretary has completed a review of the decision, the Secretary must notify the licensed forest operator of the result of the review in the manner specified in regulation 16 for the service of a Notice of Indicator Points Allocated or a Notice of Suspension or a Notice of Cancellation.

SCHEDULES

Reg. 7

SCHEDULE 1

APPLICATION FOR FOREST OPERATOR'S LICENCE

The Secretary to the Department
of Natural Resources and Environment

I, Mr/Mrs/Ms

, born

(Full Name)

(Date)

of

(Address)

wish to carry out timber harvesting in relevant State forest in the following
operations:

chainsaw operator*

faller*

machine operator*

truck driver*

other operator (state which)*

* Indicate whichever is applicable.

I apply for a forest operator's licence to carry out timber harvesting in those
operations.

Date:

Signature

SCHEDULE 2

Reg. 8

FOREST OPERATOR'S LICENCE

Mr/Mrs/Ms _____, born _____
(Full Name) (Date)
of _____
(Address)

Licensed Operations _____ (See Code below).

Conditions _____ (See Code below).

Issue date _____ Expiry date _____

Licence Number _____ Region of Issue _____

This licence is issued to the named operator to carry out timber harvesting in relevant State forest in the operations indicated, subject to the covenants, terms and conditions indicated and until the expiry date shown.

Operations Codes: 1. Chainsaw operator
2. Faller
3. Machine operator
4. Truck driver
5. Other

Conditions Codes:

1. The operator will comply with the covenants, terms and conditions prescribed in Column 1 of Schedule 3 of the Timber Harvesting Regulations 2000.
- 2.
- 3.
- 4.

Note 1: Failure to comply with the covenants, terms and conditions of the licence may result in the recording of indicator points and the suspension and withdrawal or cancellation of the licence.

Note 2: Under section 52(4) of the **Forests Act 1958** it is an offence to fail to comply with the prescribed covenants, terms and conditions of a licence. The penalty for this offence is 50 penalty units or imprisonment for a term not exceeding 1 year or both. The prescribed covenants, terms and conditions of this licence are contained in Schedule 3 of the Timber Harvesting Regulations 2000.

Issued by the Secretary to the
Department of Natural Resources and Environment.

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Sch. 3

SCHEDULE 3

Regs 9 and 10	
<i>Column 1</i> <i>Prescribed covenants, terms and conditions</i>	<i>Column 2</i> <i>Indicator Points</i>
1. A licensee must not in relevant State forest carry out any kind of timber harvesting while his or her licence is suspended.	16
2. Except with the prior approval of the Secretary, a licensee must not fell a tree unless it has been marked or otherwise designated for extraction.	4
3. Except with the prior approval of the Secretary, a licensee must not fell a tree which has been marked for retention or which stands within an area marked for reservation or which stands within an area reserved from timber harvesting.	4
4. Except with the prior approval of the Secretary, a licensee must not permit a felled tree to fall or slide into an area marked for reservation.	2
5. Except with the prior approval of the Secretary, a licensee must not operate a machine within an area marked for reservation.	4
6. A licensee must not carry on work contrary to the directions of the Secretary relating to working in wet conditions.	5
7. A licensee must not damage a road or vehicle route by snagging forest produce along or across it or by moving heavy machinery along or across it without the prior approval of the Secretary.	2
8. A licensee who acts as logging team leader must ensure the proper completion of the timber harvesting operations for which he or she is the logging team leader with respect to—	
(a) leaving the timber harvesting site in a suitable condition for preparing for regeneration;	4
(b) rehabilitation of the log landing or log dumping sites;	4

*Timber Harvesting Regulations 2000**S.R. No. 81/2000*

<i>Column 1</i> <i>Prescribed covenants, terms and conditions</i>	<i>Column 2</i> <i>Indicator Points</i>
(c) closure, rehabilitation and prevention of erosion of roads, vehicle routes and snig racks;	4
(d) removal of rubbish from the forest.	2
9. A licensee must comply with the directions of the Secretary concerning the construction of vehicle routes, log landings or log dumps.	4
10. Except with the prior approval of the Secretary, a licensee must not use a machine to sweep drifts of loose mud, slush and soil from the surface of a road, vehicle route or snig track.	4
11. A licensee must maintain vehicle routes to the satisfaction of the Secretary.	2
12. A licensee must not cart timber contrary to the directions of the Secretary or a logging team leader.	4
13. A licensee must ensure that no material other than loose bark falls or is removed from a loaded truck driven by him or her until it is unloaded at its destination.	2
14. A licensee must ensure that loose bark which falls or is removed from a loaded truck driven by him or her is not left on a road or vehicle route or in a table drain or, except where the Secretary has given prior approval to do so, in an accumulated situation.	2
15. A licensee must notify the Secretary of any change in his or her address within 14 days of the change occurring.	1
16. A licensee must not deposit litter including engine oil or other petroleum product in the forest.	2
17. A licensee who acts as logging team leader must ensure that any person engaged in timber harvesting operations for which he or she is the logging team leader is the holder of a current forest operator's licence.	2

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Sch. 3

18.	A licensee who acts as a logging team leader must not instruct or knowingly allow a licensee engaged in timber harvesting operations for which he or she is the logging team leader to breach a covenant, term or condition of the second-mentioned licensee's licence.	2
19.	A licensee must comply with the directions of the Secretary concerning the prevention of damage to retained trees.	2
20.	A licensee must not commence initial timber harvesting operations in a new coupe unless the coupe plan has been approved by the Secretary.	2

Sch. 4

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SCHEDULE 4

Reg. 11

<i>Column 1</i>	<i>Column 2</i>
<i>Accumulated Indicator Points</i>	<i>Period of Suspension</i>
8	One working week
15	Two working weeks
20	One month
25	Six months

SCHEDULE 5

Reg. 13

NOTICE OF INDICATOR POINTS ALLOCATED

Number

To: Mr/Mrs/Ms

(Full Name)

of

(Address)

holder of forest operator's licence numbered:

It is alleged that on (state date) you failed to comply with covenants, terms and conditions of your licence in the manner indicated below. By reason of those breaches, there have been allocated the indicator points relating to those failures as indicated below:

<i>Covenants, Terms and Conditions of Licence</i>	<i>Number of breaches of Covenant, Term and Condition</i>	<i>Indicator Points Allocated</i>	<i>Total number of indicator points</i>
1. Carrying out in relevant State forest any kind of timber harvesting while your licence is suspended.		16	
2. The felling of a tree which has not been marked or is not otherwise designated for extraction without the prior approval of the Secretary.		4	

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<i>Covenants, Terms and Conditions of Licence</i>	<i>Number of breaches of Covenant, Term and Condition</i>	<i>Indicator Points Allocated</i>	<i>Total number of indicator points</i>
3. The felling of a tree which has been marked for retention or which stands within an area marked for reservation or which stands within an area reserved from timber harvesting without the prior approval of the Secretary.		4	
4. Permitting a felled tree to fall or slide into an area marked for reservation without the prior approval of the Secretary.		2	
5. Operating a machine within an area marked for reservation without the prior approval of the Secretary.		4	
6. Carrying on work contrary to the directions of the Secretary relating to working in wet conditions.		5	
7. Damaging a road or vehicle route by snagging forest produce along or across it or by moving heavy machinery along or across it without the prior approval of the Secretary.		2	

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Sch. 5

<i>Covenants, Terms and Conditions of Licence</i>	<i>Number of breaches of Covenant, Term and Condition</i>	<i>Indicator Points Allocated</i>	<i>Total number of indicator points</i>
8. Failing to ensure as logging team leader the proper completion of the timber harvesting operations for which you are the logging team leader with respect to—			
(a) leaving the timber harvesting site in a suitable condition for preparing for regeneration;		4	
(b) rehabilitation of the log landing or log dump sites;		4	
(c) closure, rehabilitation and the prevention of erosion of roads, vehicle routes and snig tracks;		4	
(d) removal of rubbish from the forest.		2	
9. Failing to comply with the directions of the Secretary concerning the construction of vehicle routes, log landings or log dumps.		4	

Sch. 5*Timber Harvesting Regulations 2000**S.R. No. 81/2000*

<i>Covenants, Terms and Conditions of Licence</i>	<i>Number of breaches of Covenant, Term and Condition</i>	<i>Indicator Points Allocated</i>	<i>Total number of indicator points</i>
10. Use of a machine to sweep drifts of loose mud, slush and soil from the surface of a road, vehicle route or snig track without the prior approval of the Secretary.		4	
11. Failure to maintain vehicle routes to the satisfaction of the Secretary.		2	
12. Carting timber contrary to the directions of the Secretary or of a logging team leader.		4	
13. Failing to ensure that material other than loose bark does not fall or is not removed from a loaded truck driven by the licensee until it is unloaded at its destination.		2	
14. Leaving on a road or vehicle route or in a table drain, or without the prior approval of the Secretary in an accumulated situation, loose bark which falls or is removed from a loaded truck driven by the licensee.		2	

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<i>Covenants, Terms and Conditions of Licence</i>	<i>Number of breaches of Covenant, Term and Condition</i>	<i>Indicator Points Allocated</i>	<i>Total number of indicator points</i>
15. Failure to notify the Secretary of change of address within 14 days of the change occurring.		1	
16. Depositing litter including engine oil or other petroleum product in the forest.		2	
17. Failing to ensure as logging team leader that a person engaged in timber harvesting operations for which you are the logging team leader is the holder of a current forest operator's licence.		2	
18. Instructing or allowing a licensee engaged in timber harvesting operations for which you are the logging team leader to breach a covenant, term or condition of that licensee's licence.		2	
19. Failing to comply with the directions of the Secretary concerning the prevention of damage to retained trees.		2	

*Timber Harvesting Regulations 2000**S.R. No. 81/2000*

<i>Covenants, Terms and Conditions of Licence</i>	<i>Number of breaches of Covenant, Term and Condition</i>	<i>Indicator Points Allocated</i>	<i>Total number of indicator points</i>
20. Commencing initial timber harvesting operations in a new coupe without the coupe plan being approved by the Secretary.		2	
21. Failing to comply with a covenant, term or condition of licence imposed by the Secretary.		2	
Total Indicator Points			

The allocation of the indicator points for the breaches of covenants, terms and conditions indicated above has resulted in the accumulation and recording of indicator points in the Department's register of licensed forest operators. Accumulation of indicator points may result in the suspension of your licence in accordance with Schedule 4 of the Timber Harvesting Regulations 2000, a copy of which is attached for your information. Carrying out any kind of timber harvesting while your licence is suspended may result in the cancellation of your licence.

If you wish to dispute the decision of the authorised officer to issue and serve this Notice, you may complete a Notice of Request for Review and deliver it to the Secretary at the Regional Office of the Department of Natural Resources and Environment not more than 5 days after the date of service on you of this Notice.

Date

Signed: (Authorised Officer)

Certificate of Service

(To be completed on the duplicate copy)

I, _____ being a duly appointed authorised officer certify that:

I personally served the original of the above Notice on the named forest operator's licence holder at _____ a.m./p.m. _____ on (state date).

or

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Sch. 5

I sent by registered post (registration no.) the original of the above Notice to the named forest operator's licence holder at:

*the address given by him/her on his/her application for a forest operator's licence;

*the address subsequently notified to the Secretary.

(*indicate whichever is applicable)

Date:

Signed: (Authorised Officer)

SCHEDULE 6

Reg. 14

NOTICE OF SUSPENSION OF FOREST OPERATOR'S LICENCE

To: Mr/Mrs/Ms

(Full Name)

of

(Address)

holder of forest operator's licence numbered

You are notified that the Secretary to the Department of Natural Resources and Environment/a person authorised under section 52(5) of the **Forests Act 1958** has suspended your licence on the basis that you have breached covenants, terms and conditions of your licence, namely:

You may not in relevant State forest carry out any kind of timber harvesting under your licence before (state date). If you do, you are liable to have your licence suspended for a further period or cancelled.

Date:

Secretary to the
Department of Natural Resources and Environment/authorised person

Certificate of Service

(To be completed on the duplicate copy)

I, being the Secretary of the Department of Natural Resources and Environment or a person authorised under section 52(5) of the **Forests Act 1958** certify that:

I personally served the original of the above Notice on the named forest operator's licence holder at a.m./p.m. on (state date).

or

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Sch. 6

I sent by registered post (registration no.) the original of the above Notice to the named forest operator's licence holder at:

*the address given by him/her on his/her application for a forest operator's licence;

*the address subsequently notified to the Secretary.

(*delete whichever is inapplicable)

Date:

Signed: (Secretary or authorised person)

SCHEDULE 7

Reg. 15

**NOTICE OF CANCELLATION OF FOREST OPERATOR'S
LICENCE**

To: Mr/Mrs/Ms

(Full Name)

of

(Address)

holder of forest operator's licence numbered

You are notified that the Secretary of the Department of Natural Resources and Environment has cancelled your licence on the basis that:

- (a) There has been served on you on more than one occasion a Notice of Indicator Points Allocated on the basis that you have carried out timber harvesting while your licence was suspended.

(b)

(state other grounds)

You may not now in relevant State forest carry out any kind of timber harvesting unless you apply to the Secretary to the Department of Natural Resources and Environment for a forest operator's licence and are issued with a licence.

Date:

Secretary to the
Department of Natural Resources and Environment

Certificate of Service

(To be completed on duplicate copy)

I, being the Secretary of the Department of Natural Resources and Environment certify that:

I personally served the original of the above Notice on the named forest operator's licence holder at a.m./p.m. on (state date).

or

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I sent by registered post (registration no.) the original of the above Notice to the named forest operator's licence holder at:

*the address given by him/her on his/her application for a forest operator's licence;

*the address subsequently notified to the Secretary.

(*delete whichever is inapplicable)

Date:

Signed: (Secretary)

SCHEDULE 8

Reg. 19

NOTICE OF REQUEST FOR REVIEW

The Secretary to the Department of Natural Resources and Environment
Regional Office of the Department of Natural Resources and Environment

I,

(Full Name)

of

(Address)

the holder of forest operator's licence numbered _____ give notice that
I request a review of the decision of an authorised officer to issue and serve
on me a Notice of Indicator Points Allocated.

The particulars relating to the alleged breaches are as follows:

- (a) Identification Number of Notice of Indicator Points Allocated.
- (b) Description of location where covenants terms and conditions of licence
were allegedly breached.
- (c) Covenants terms and conditions of licence allegedly breached.

The grounds of my request for review are as follows:

Date:

Signed:

=====

ENDNOTES

1. General Information

The Timber Harvesting Regulations 2000, S.R. No. 81/2000 were made on 15 August 2000 by the Lieutenant-Governor as the Governor's Deputy, with the advice of the Executive Council, under section 99 of the **Forests Act 1958**, No. 6254/1958 and came into operation on 15 August 2000.

The Timber Harvesting Regulations 2000 will sunset 10 years after the day of making on 15 August 2010 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Timber Harvesting Regulations 2000 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹ Reg. 3: S.R. No. 194/1989 as extended in operation by S.R. No. 93/1999.

² Reg. 5: S.R. No. 137/1999.