



Australian Government
Department of Agriculture



State Specific Guideline for Tasmania

This Guideline has been prepared by the Australian Government and the Tasmanian Government. It is intended to assist processors from Tasmania, who process raw logs into another form, in understanding the regulatory framework in Tasmania in order for them to carry out their due diligence obligations under the *Illegal Logging Prohibition Amendment Regulation 2013*, which supports the *Illegal Logging Prohibition Act 2012*.

This Guideline was co-endorsed by the Australian and Tasmanian Governments on **1 October 2014**.

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What is required under the new law?

Australia's *Illegal Logging Prohibition Act 2012* (the Act) restricts the movement of illegally logged timber into Australia at the border, for imported timber and timber products; and at timber processing mills, for domestically grown raw logs.

The Act seeks to address the harmful environmental, social and economic impacts of illegal logging, including forest degradation, habitat loss and threats to sustainable livelihoods.

The Act defines illegally logged as:

'...in relation to timber, means harvested in contravention of laws in force in the place (whether or not in Australia) where the timber was harvested'.

The *Illegal Logging Prohibition Amendment Regulation 2013* (the Regulation) prescribes due diligence for the regulated community, that is, Australian importers of regulated timber products (for these purposes a regulated timber product is a product listed in Schedule 1 to the Regulation) and Australian processors of domestic raw logs. Under the Regulation the regulated community have to undertake a due diligence process to minimise the risk of sourcing illegally logged timber.

Due diligence requirements for processors include the following steps:

Step 1: Information gathering

Step 2: Assessing and identifying risk against a prescribed timber legality framework (optional) or a state specific guideline (optional)

Step 3: Risk assessment (if required)

Step 4: Risk mitigation (if required)

Further information about the Act and the Regulation is available at www.agriculture.gov.au/illegallogging.

This guideline is intended to assist a processor of Australian raw logs from Tasmania to comply with the due diligence requirements of the Regulation.

Information or evidence listed in this guideline is not an exhaustive list of evidence or documentation required to satisfy due diligence requirements under the Regulation. The Regulation should be referred to for a complete list of the information required to be gathered to satisfy due diligence requirements.

Information gathered by applying this guideline, along with any other information gathered in accordance with the Regulation, needs to be assessed in accordance with the processes outlined in the Regulation to identify the risk that a regulated timber product is, is made from, or contains illegally logged timber.

How is timber harvesting regulated in Tasmania?

Preamble

Tasmania has a long history of timber harvesting for the production of sawn timber, wood chips for domestic use and export sales, round wood and rough sawn wood for post poles and a range of timbers for what are classified as speciality purposes, including boat building, furniture, artistic and decorative functions.

The forest resource is usually described as falling into three broad categories:

- native forest
- softwood plantation
- hardwood plantation.

Additionally, these forest resources are held by a diverse group of owners.

The Tasmanian Government, through Forestry Tasmania, manages resources of native forest and eucalypt plantation. Forestry Tasmania harvests timber from land legally described as the Permanent Timber Production Zone, previously defined as State Forest.

Tasmania has significant forest resources held privately by individuals or businesses engaged in and/or vertically integrated in the forest industry. Other individuals may hold forests as part of a larger agricultural enterprise or as a small plot or holding. Consequentially, a processor may find that wood may be for sale from a wide range of legal sources.

Tasmanian legislative framework

Tasmania has a complex legislative environment, with statutes on environmental, cultural, planning and resource use that are material in determining the legality of a forest harvesting operation, and hence the legality of timber that is being sold to processors.

Processors need to be aware that there are a variety of circumstances that may impact on the legality of timber purchases. However, in most cases, this is relatively straightforward because the approvals to meet legislative requirements for timber harvesting have been centralised under the forest practices system. The Forest Practices Authority (FPA) administers the forest practices system, set up under the [Forest Practices Act 1985](#). Most forest practices require a **Forest Practices Plan** (FPP) which must be prepared in accordance with the [Forest Practices Code](#). There are some exemptions for small scale operations and these are specified in the [Forest Practices Regulations 2007](#). It must be stressed that these exemptions are limited in their application.

For guidance, the relevant wording of the Forest Practices Regulation exempting small scale operations is displayed in quotes below:

“For the purpose of [section 17\(6\)](#) of the Forest Practices Act, the following circumstances are prescribed:

- a) the harvesting of timber or the clearing of trees with the consent of the owner of the land, if the land is not vulnerable land* and –
 - (i). the volume** of timber harvested or trees cleared is less than 100 tonnes for each area of applicable land for each year; or

- (ii). the total area of land on which the harvesting or clearing occurs is less than one hectare for each area of applicable land for each year – **whichever** is the lesser.”

*Note; Vulnerable land is defined in the Forest Practices Regulations 2007

**Note: This is the total volume of the trees cleared or harvested, NOT the volume of merchantable products contained within them.

Beside the Forest Practices Regulation, additional exemptions from the requirement to prepare a FPP are found under other planning and approval processes. An example is a dam permit authorised under the [Water Management Act 1999](#). These additional exemptions are outlined later in this document.

Authorised Forest Practices Officers (FPOs) prepare FPPs and supervise the implementation of these plans. They submit certificates detailing the compliance of forest practices with the FPP to the FPA at the end of each stage of the FPP. An example FPP cover page is included at [Attachment A](#).

FPOs are employed directly by the forest industry or engaged as consultants either by forest owners or the forest industry to prepare and supervise FPPs. They are trained, authorised, directed and monitored by the FPA. Selected FPOs are authorised by the FPA to certify FPPs. The FPA can provide information on accredited FPOs.

If the land from which timber is sourced under the Forest Practices Act is either classified as Permanent Timber Production Zone, or is a Private Timber Reserve (PTR), the key document processors can utilise in undertaking due diligence is a certified FPP. If the land is held privately but is not registered as a PTR, local government planning laws may apply and in addition to a certified FPP, a **Development Permit** from the local government authority may be required to meet compliance with these laws.

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

Additional information

This Guideline outlines the regulatory framework in Tasmania in order to assist timber processors in identifying compliance with the Regulation. Processors should refer to the Regulation for further information.

The Regulation alerts processors of the need to check different aspects of legality. For example, purchasers of raw logs may make payment and quantity checks and, if necessary, validate information from invoicing systems or billing for products. Log processors should also be aware that these systems may contain information to undertake further checks.

It is not within the scope of this Guideline to explain or accredit every relevant system in Tasmania. However, other systems may also be of assistance. For example, under Forestry Tasmania’s sales system:

- Documentation received by a processor may provide relevant advice, such as regulatory information (e.g. FPP number) and information on compliance with forest certification(s) held by Forestry Tasmania;
- All log deliveries and their invoices are supported by a **Delivery Arrangement** (see [Attachment B](#)), issued to all processors prior to deliveries being made.

Processors may find these, or similar systems, useful. However, it is the processor's responsibility to make documented decisions on their timber legality assessments.

Identifying legal product from Tasmania

To assist in identifying legal product from Tasmania, the following flowcharts are provided explaining the key regulatory mechanisms. Supporting example material is located at Attachments A and B.

Diagram 1 - Due Diligence Decision Pathway (Certified Forest Practices Plan Available)

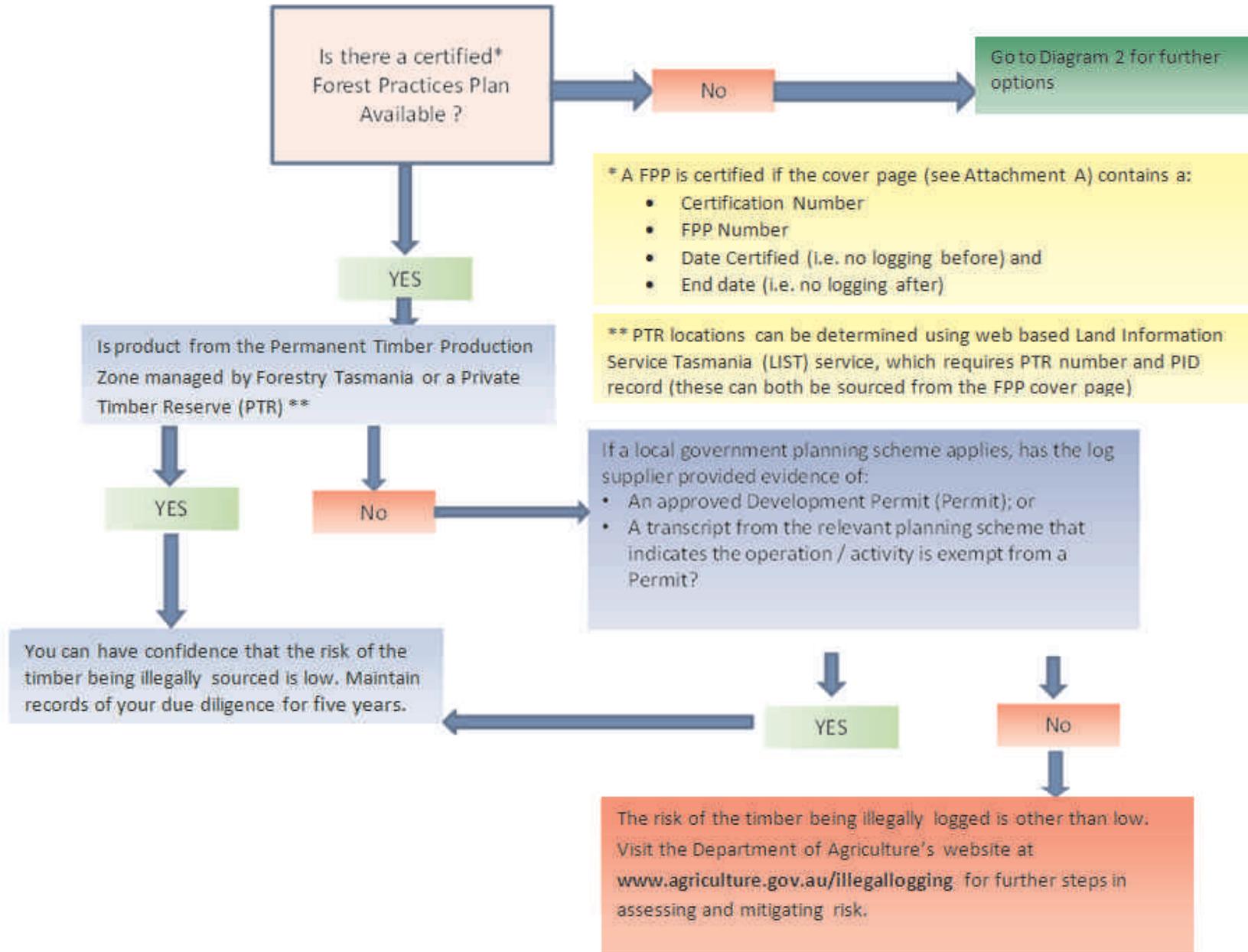
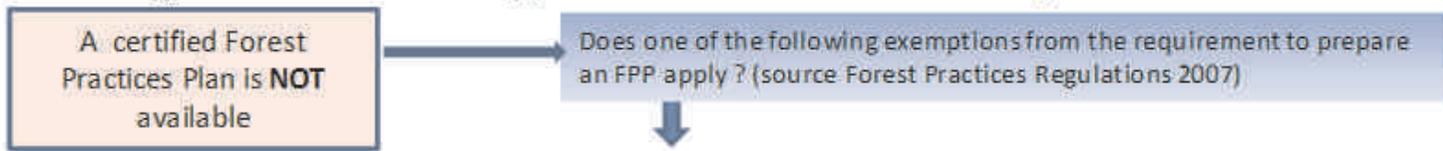
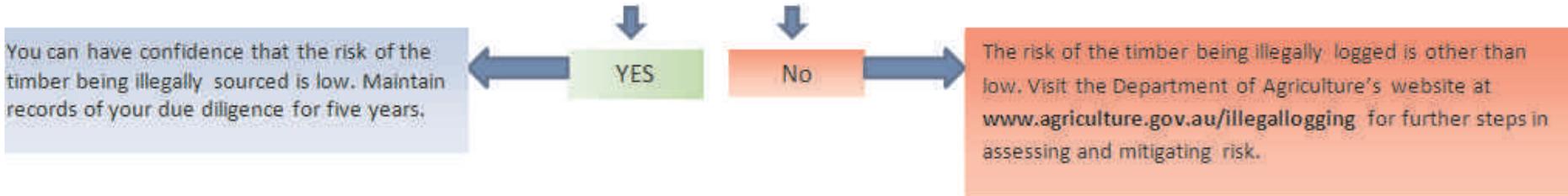


Diagram 2 - Due Diligence Decision Pathway (No certified Forest Practices Plan)



Reg	Nature of Exemption	Rationale for the Exemption			Conditions
		Small Scale	Routine management / maintenance	Covered by other process	
4(a)	Harvesting / clearing <100 t or <1 ha on non-vulnerable land per annum	✓	✓		A Development Permit may still be required. Supplier to provide appropriate evidence
4(b)	Buffer for infrastructure/safety	✓	✓		
4(c)	Previously cleared land		✓		
4(d)(i)	Dam works			✓	Must be authorised by a dam permit under the <i>Water Management Act 1999</i>
4(d)(iii)	Gas pipelines	✓		✓	
4(d)(iv)	Public roads		✓	✓	
4(g)	Conservation Covenant or Vegetation Management Agreement (VMA)	✓	✓	✓	Conservation Covenant or VMA must be of a kind approved by the FPA
4(h)	Fire Management Program		✓	✓	Fire Management Program must be of a kind approved by the FPA
4(i)	Mining, mineral exploration			✓	Must be authorised under the <i>Land Use Planning and Approvals Act 1993</i> or the <i>Mineral Resources Development Act 1995</i>
4(j)	Buildings			✓	Must be authorised under the <i>Land Use Planning and Approvals Act 1993</i>
4(k)	Railways	✓	✓	✓	
4(l)	Electricity infrastructure		✓	✓	An Environmental Management system must be endorsed by the FPA



Who should I contact for further information?



Australian Government **Department of Agriculture**

Australian Government
Department of Agriculture
GPO Box 858
Canberra City ACT 2601
Phone: 02 6272 3933

Email: illegallogging@agriculture.gov.au
Web: www.agriculture.gov.au/illegallogging



Tasmania Government
Forest Practices Authority
30 Patrick Street
Hobart Tasmania 7000
Phone: 03 6165 4090
Email: info@fpa.tas.gov.au
Web: www.fpa.tas.gov.au

Disclaimer

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This Guideline and its associated Quick Reference Guide is made available on the understanding that the Commonwealth is not providing professional advice. Before relying on this Guideline or its associated Quick Reference Guide, readers should obtain appropriate professional advice suitable to their particular circumstances.

Readers should also confirm that this is the most up-to-date available Guideline by referring to the Department of Agriculture website.

Attachment A – Example Forest Practices Plan cover page

Valid entries in fields marked in red are 'mandatory' in determining the authenticity and currency of a Forest Practices Plan

Forest Practices Act 1985		Forest Practices Plan		FPP No.:
Certification Number:				Local File ID:
Update Type:		Last edit by:		Created on:
Update code:		Change Description:		Updated on:
<p><i>If it is necessary to read this Forest Practices Plan in its entirety for the specifications required by Section 18(2) of the Forest Practices Act 1985, this Forest Practices Plan authorises forest practices and operations to which it refers on the land specified in the Plan and during the period specified in the Plan, provided that the operations are carried out in accordance with the Plan. This authority is given for the purposes of the Forest Practices Act 1985 only. Those carrying out the operations under the Plan should ensure that they comply with all relevant laws including the conditions of licences, permits and other authorities issued under other laws.</i></p>				
Coupe Name:		Location:		PTR Number:
Tenure:		IBRA 4 region:		UPI or PID Numbers:
District:		Municipality:		Landowners:
Map Sheet:		Grid reference:		Principal Processors:
Applicant:				
Parent Rock 1:		Soil 1:		Stoniness 1:
2:		2:		2:
Erodibility Class 1:		Majority Slope:	deg	Maximum Altitude:
2:				m
Within town water catchment:		Within a landscape zone in a Municipal Planning Scheme:		
Water Intake:		Known Domestic Water Supply Intake within 2km:		
Distance to Intake:	km	Net Area of Crown Land Reserve:		ha
Emergency meeting Point:				
Plan certified by:		Date certified:		Plan lifetime:
				Date notice of Intent sent:
Discrete Operational Phase	Estimated Start Date	Estimated End Date	Details	
Timber Harvesting			Minimum Class of Equipment to be used Dry: <input type="checkbox"/> Wet: <input type="checkbox"/> Cable: <input type="checkbox"/> Complied with initial or varied FPP conditions Level of Compliance: <input type="text"/> Person Who Completed Compliance Report: <input type="text"/> Report Date: <input type="text"/> Details of Compliance: <input type="text"/>	
Current RFA Forest Community and/or Land Use	Prescription		Ha	
Net Operational Area:		Total Area to be Reforested:		Total Area to be Harvested:
				Total Area of Operation:

Fields marked in yellow may provide data for determining the need to check for a Local Council permit.

Attachment B – Example Delivery Arrangement – Forestry Tasmania sales procedure



Forestry Tasmania

Delivery Arrangement: XXXXXXXX (1)

Advice as for xx/xx/20xx

This document authorises:

PURCHASERS TRADING NAME &
ADDRESS

TOWN or SUBURB

Australia

Postcode

To receive the forest products (detailed below) from:

District code:

FPP/id:

Operation:

Coupe / Yard:

Operation manager:

Operation start date:

Contractor:

VALID TWO LETTER DISTRICT CODE

Forest Practices Plan ID (2)

Unique Number

Coupe ID

Forestry Tasmania

xx/xx/20xx

Name of Contactor delivering logs

From xx/xx/20xx to xx/xx/20xx

All products are supplied under the terms of Sales Agreement XXXXXXXX and will be delivered to XXXXXXXX owned by XXXXXXXX.

Sale Agreement Type: XXXXXXXX

The coupe to which this Delivery Arrangement relates is within the Defined Forest Area covered by Forestry Tasmania's certification under the Australian Forestry Standard (AS4708). (Certificate no: 14647001AFA-001 expires 30 June 2015⁽³⁾)

The rates shown overleaf are accurate as at xx/xx/20xx but may change as specified in your agreement, or as otherwise negotiated. Operational Charges are subject to quarterly review. Please contact the relevant district for updated rates if required.

Notes to the Delivery Arrangement Example above

- (1) Where a field is shaded or marked XX... there will need to be information entered pertinent to the specific operation
- (2) This information may be useful in assisting in the check of the actual FPP if required
- (3) This paragraph alerts the purchaser to other means of meeting due diligence obligations under the provisions of schedule 2 of the Regulation