



# State Specific Guideline For *Victoria*

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

This guideline was co-endorsed by the Australian Government and the Victorian Government on 13 October 2022.

### **Contents**

1.	What is required under Australia's Illegal Logging Laws?
	1.1 Who is a processor?
2.	How to use the State Specific Guideline (SSG)4
3.	Scope of the SSG for Victoria4
	The Victorian Governments commitment to end native timber harvesting by 2030 4
4.	Overview of Forest Management in Victoria4
	4.1 Traditional Owners
	4.2 Victoria's forests
	4.3 Victorian forested land and multiple land use categories
	4.4 Forest legislation
	4.5 Forest management agencies and responsibilities
	4.6 Plantations in Victoria
5.	Laws and regulations governing timber harvesting 10
	5.1 Regulating the areas where harvesting is permitted
	5.1.1 Native timber harvesting on public land10
	5.1.2 Harvesting on private land
	5.2 Regulating timber harvesting operations
	5.2.1 Timber harvesting standards
6.	Identifying legal raw logs from Victoria12
	6.1 Public land native forest timber harvesting
	6.2 Private land (inc. leased or licenced crown land) timber harvesting
7.	Documents to identify legal raw logs from Victoria
8.	Who should I contact for further information?14
	achment A: VicForests delivery docket minimum requirements (for areas of State forest vested in eastern Victoria as outlined in the Allocation Order)
	achment B: Victorian Government delivery docket minimum requirements (for public land as in western Victoria)
	achment C: Plantation/Private native forest delivery docket minimum requirements plicable across all Victoria)

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

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

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

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

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

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

Further information about the Regulation and the due diligence requirements is available on the Australian Government Department of Agriculture, Fisheries and Forestry's website. (<a href="awe.gov.au/illegallogging">awe.gov.au/illegallogging</a>).

#### 1.1 Who is a processor?

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

The Act also specifies that a processor also needs to be a constitutional corporation, or a person processing the raw logs:

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

Entities which are not constitutional corporations include:

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

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

This SSG is intended to assist a processor of raw logs grown in Victoria to comply with the Regulation's due diligence requirements.

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

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

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

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

#### 3. Scope of the SSG for Victoria

This SSG provides detailed information on the control of pathways for raw logs grown within Victoria and is intended to inform Australian processors of what is considered legal timber within that jurisdiction. It is only applicable for logs that were harvested within Victoria.

#### The Victorian Governments commitment to end native timber harvesting by 2030

In 2019, the Victorian Government announced phasing out of all public native forest timber harvesting by 2030. To support industry transition the Victorian Government developed the <u>Victorian Forestry Plan</u> and is undertaking long-term investment in <u>plantations and farmed timber</u>.

While Victoria is phasing out native timber harvesting on public lands, the sustainable management and use of native timber is still permitted and is included in the scope of this SSG.

#### 4. Overview of Forest Management in Victoria

The Victorian Government is responsible for forest management across public land and for regulatory functions that extend across both public and private land. Victoria's forest management system is a comprehensive system for delivering sustainable forest management across all land

tenures. Forest management is administered by several State agencies that have complementary roles and responsibilities.

This section provides a high-level overview of forest management in Victoria, key pieces of legislation and the agencies responsible for forest management. For more detailed information please refer to the <u>Overview of Victoria's Forest Management System 2019</u>.

#### 4.1 Traditional Owners

Victoria's Traditional Owners have intrinsic cultural and spiritual connection to land, water and other resources through their associations and relationship with Country. This relationship is supported in land and forest management, and is recognised through the following pieces of legislation:

- Victoria's Traditional Owners can have legal recognition as Registered Aboriginal Parties
  under the <u>Aboriginal Heritage Act 2006</u> with responsibility for managing and protecting
  Aboriginal cultural heritage for a particular area. Aboriginal cultural and economic
  wellbeing is a priority for the Victorian Government.
- The <u>Traditional Owner Settlement Act 2010</u> provides for an out-of-court Settlement Agreement of native title. Further information on the Victorian <u>Traditional Owner Settlement Act 2010</u> is available here <u>//justice.vic.gov.au/your-rights/native-title/traditional-owner-settlement-act-2010</u>
- Commonwealth legislation the <u>Native Title Act 1993</u> recognises native title rights and interests over the land.

Any forest management activities where native title rights exist under the Native Title Act, or a Settlement Agreement under the Traditional Owner Settlement Act, must ensure the activities are consistent with these rights.

#### 4.2 Victoria's forests

Victoria has approximately 8.2 million hectares (ha) of forests, including native forest and plantations on public and private land. Approximately 81 per cent of Victoria's forested land is Crown land – including around 3 million ha in forested parks and conservation reserves and around 3 million ha in State forests. In addition, private landholders manage 1.45 million ha of forest of which around 422,000 ha are plantations.

Hardwood eucalypt forests make up most of Victoria's public forests. Native forests extend to all parts of the State. The north-west is dominated by low, multi-stemmed Mallee woodland across flat and gently undulating topography. Central Victoria is characterised by sparse to dense canopies of box, ironbark, and gum-barked eucalypts up to 25 meters tall, on flat to undulating landscapes.

Medium and tall damp sclerophyll forests are widespread across much of Victoria. Tall wet sclerophyll forests are found mostly in the eastern part of the State at higher elevations. Dry sclerophyll forests are common throughout the east, central and southwest of Victoria, characterised by canopies typically less than 25 meters with crooked spreading trees

Some of the most common eucalypt species include Red Gum or Red Stringybark (*Eucalyptus macrorhyncha*), brown stringybark (*Eucalyptus baxteri*), narrow-leaved peppermint (*Eucalyptus radiata*), Messmate Stringybark (*Eucalyptus obliqua*), Mountain Ash (*Eucalyptus regnans*), Alpine Ash (*Eucalyptus delegatensis*) and River Red Gum (*Eucalyptus camaldulensis*).

#### 4.3 Victorian forested land and multiple land use categories

Forested land in Victoria exists across multiple land use categories. A summary of forested land in land use categories, the relevant legislation, primary management objectives and the responsible management agency/agencies are set out in **Table 1**.

Table 1: Key types of forest land in land use categories and relevant Victorian legislation

Land use category / class	Key primary legislation	Primary use of land / coverage	Managing agency / entity
State forests	Sustainable Forests (Timber) Act 2004 Forests Act 1958	Timber production     Minor forest produce     Recreation     Protection of flora and fauna	Department of Environment, Land, Water and Planning and VicForests
Parks and conservation reserves:	National Parks Act 1975	Ecosystem and heritage protection	Parks Victoria
<ul> <li>national parks</li> <li>state parks</li> <li>regional parks</li> <li>wilderness parks</li> <li>nature conservation reserves</li> <li>wildlife reserves</li> <li>forest parks</li> <li>natural features reserves</li> <li>historic reserves</li> </ul>	Crown Land (Reserves) Act 1978 Forests Act 1958	<ul> <li>Recreation</li> <li>Preservation of ecological significance</li> <li>Conservation of areas of natural interest or beauty</li> <li>Recreation</li> <li>Public infrastructure</li> </ul>	Parks Victoria, Committees of Management, local government
Private land	Planning and Environment Act 1987	<ul> <li>Private use at land-owners discretion (subject to legislative constraints). May or may not be productive use</li> <li>Ensuring that private timber production complies with appropriate regulatory requirements including the Code</li> </ul>	Private landholders, local government responsible for regulating activities under the Code of Practice for Timber Production 2014 (as amended 2022)

		of Practice for Timber Production 2014 (as amended 2022)	
Victorian Plantations Corporation land	Victorian Plantations Corporation Act 1993	Timber plantations	HVP Plantations (under perpetual licence)

#### 4.4 Forest legislation

Victoria's Forest Management System comprises of multiple pieces of legislation that regulates timber harvesting to allow natural values to be protected while providing sustainable access to timber resources. The key pieces of legislation include:

- The <u>Forests Act 1958</u> provides for the management of State forests, including the
  development of working plans (currently represented by Forest Management Plans) to
  maintain and improve State forests, and for licensed occupations including grazing and
  taking away forest produce.
- The <u>Conservation, Forests and Lands Act 1987</u> gives the responsible minister the power to make codes of practice, such as the <u>Code of Practice for Timber Production 2014</u> (as amended 2022)
  - The Code of Practice for Timber Production 2014 (as amended 2022) provides direction to the managing authority, harvesting entities and operators to deliver sound environmental performance when planning for and conducting commercial timber harvesting operations, whether in publicly-owned State forests, plantations or private native forests.
- The <u>Flora and Fauna Guarantee Act 1988</u> establishes a legal and administrative structure to enable and promote the conservation of Victoria's native flora and fauna, and to provide for the conservation, management or control of flora and fauna and the management of potentially threatening processes. The *Flora and Fauna Guarantee Act 1988* applies across all land tenures, including private land.
- The <u>Planning and Environment Act 1987</u> (PE Act) establishes a framework for planning the use, development, and protection of all land in Victoria. It sets out requirements for the Victoria Planning Provisions which forms a template for all local government planning schemes. Planning schemes are subordinate instruments made under the PE Act, setting out policies and requirements for the use, development, and protection of land, including private forests and plantations.
- The <u>Sustainable Forests (Timber) Act 2004</u> provides a framework for the sustainable management of timber harvesting in State forests. This act includes provision for the Allocation Order which provides for the sustainable allocation and harvesting and sale; or harvesting or sale, of timber resources from State forests and sets conditions for those activities.

For a full list of State legislation relevant to Victoria's Forest Management System see Appendix A of the <u>Code of Practice for Timber Production 2014</u> (as amended 2022).

#### 4.5 Forest management agencies and responsibilities

The <u>Victorian Forest Management System</u> spans different land use categories, activities and legislative components. Therefore, it involves various government departments and affiliated agencies, and ministerial portfolios. The roles of the larger agencies regarding timber harvesting are detailed below:

- The <u>Department of Environment, Land, Water and Planning (DELWP)</u> manages State forest
  where timber harvesting occurs, and is the department that regulates the environmental
  performance of timber harvesting in state forests.
  - The Office of the Conservation Regulator was established by DELWP in 2019 to regulate timber harvesting on public land, amongst other things. It does this through:
    - Preventing harm for example, conducting the Forest Protection Survey
       Program, setting clear expectations on how to comply with legal obligations
       and managing threatened species reports.
    - Monitoring compliance with the law for example, conducting independent audit programs and proactive compliance inspections.
    - Enforcing the law for example, investigating alleged breaches of the law and taking enforcement action.
- The <u>Department of Jobs, Precincts and Regions</u> administers the <u>Allocation Order 2013</u> (amended in 2014 and 2019) which identifies the timber resources allocated to VicForests.
- <u>VicForests</u> is a government agency that manages the commercial harvest and sale of timber from public native forests and the regeneration of that forest after harvesting.
   VicForests undertake the strategic planning (including producing Timber Release Plans (TRP) and Timber Utilisation Plans (TUP) and the tactical planning (producing Forest Coupe Plans) of the harvesting for the timber resources allocated to it.
- Local government is generally responsible for regulating timber harvesting and associated management activities in native forests and plantations on private land.

Other land management agencies and partners include Parks Victoria, Melbourne Water, the Environment Protection Authority and catchment management authorities.

#### 4.6 Plantations in Victoria

Victoria has Australia's largest commercial plantation timber estate. The plantation estate is made up of both softwood and hardwood commercial tree species.

The softwood plantation estate is dominated by Radiata Pine which is managed for sawlog production, with timber produced from thinnings directed to lower value uses. The hardwood plantation estate is dominated by short-rotation blue gum plantations with the overwhelming

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majority of this hardwood resource destined for export markets. Other species such as Shining gum are also grown, as well as comparatively small volumes of other hardwood tree species.

In 2019, VicForests commenced some plantation establishment on the State's behalf, as part of the Victorian Government's \$110 million plantation commitment. Beyond this, plantations in Victoria are privately owned, with activity occurring on licensed/leased crown land or private land.

#### 5. Laws and regulations governing timber harvesting

Victoria has a range of laws and regulations to govern timber harvesting. Different regulations apply to timber harvesting depending on whether the forest being harvested is located on public or private land (private land includes leased or licenced Crown land). There are also laws associated with regulating where and when timber harvesting can occur; and laws to govern how timber harvesting is conducted.

#### 5.1 Regulating the areas where harvesting is permitted

#### 5.1.1 Native timber harvesting on public land

Most of the native timber commercial timber production in Victoria occurs in eastern Victoria i.e., east of the Hume Highway. The native timber resources on public land available for harvest in eastern Victoria are allocated to VicForests, for it to manage the sustainable harvest and sale of these resources. The <u>Allocation Order 2013 (amended in 2014 and 2019)</u> identifies the timber resources allocated to VicForests.

VicForests manage the sustainable harvest and sale of commercial timber resources, and firewood available for harvest on public land in western Victoria.

Other timber resources on public land not allocated to VicForests may only be harvested with the authorisation of the relevant land manager e.g., timber produced as a by-product of the construction of fire breaks.

#### 5.1.2 Harvesting on private land

Timber harvesting is permitted on private land in Victoria. Local government is generally responsible for regulating timber harvesting and associated management activities in native forests and plantations on private land.

All timber harvesting will need to comply with the relevant <u>Local government planning scheme</u>. Local planning schemes set out the policies and requirements for the use, development, and protection of land, including private forests and plantations, and are administered by local government (subject to some exceptions).

Before carrying out any operation involving native vegetation, the landowner must gain approval from the relevant local government authority in the form of a planning permit, which may include conditions such as the requirement to purchase registered offsets. The <u>Guidelines for the removal</u>, <u>destruction or lopping of native vegetation 2017</u> incorporate the <u>Victoria Planning Provisions</u>, and govern the assessment of permit applications and how permitted native vegetation removal is offset.

Private native forest and plantation operators must prepare a Timber Harvesting Plan under parts three and four of the <u>Code of Practice for Timber Production 2014</u> (as amended 2022) (the Code) and submit it to the relevant local government authority not less than 28 days before the commencement of any harvesting operations. The 28 day minimum lodgement time may be waived with the agreement of the local government. All timber harvesting, including thinning, must comply with the Timber Harvesting Plan developed by the private forest or plantation owner in line with the Code and approved by the local government authority.

#### 5.2 Regulating timber harvesting operations

Timber harvesting in Victoria is regulated by various legislation, regulations and policies which outline the legal obligations the managing authority, harvesting entities and operators must comply with during the planning, and conducting of operations.

#### 5.2.1 Timber harvesting standards

The <u>Code of Practice for Timber Production 2014 (as amended 2022)</u> (the Code) is the key instrument for regulating timber harvesting operations in all Victoria's forests. This includes Victoria's publicly owned State forests, private native forests, and plantations. The Code was last revised on 6 June 2022.

Within the Code are the <u>Management Standards and Procedures for timber harvesting operations in Victoria's State Forests.</u> This document provides the detailed instructions to assist any person undertaking commercial timber harvesting in Victoria's State forests to comply with the Code.

The Code does not apply to:

- domestic firewood collection or production, agroforestry, windbreaks or other amenity plantings, or to the occasional felling of trees for local uses on the same property or by the same landowner or manager
- small plantations and woodlots of five ha or less (total area existing or proposed on contiguous land which is in the same ownership)
- plantings established for non-commercial purposes
- revegetation conducted for the purposes of erosion or salinity control.

#### 6. Identifying legal raw logs from Victoria

#### 6.1 Public land native forest timber harvesting

Processors should be able to demonstrate that the wood was harvested from an authorised coupe which is identified on a Timber Release Plan or a Timber Utilisation Plan.

Documentation that could be required to determine this includes:

- a VicForests' delivery docket identifying the coupe of origin which could be crossreferenced against an approved Timber Release Plan – see <u>Attachment A</u>. The VicForests' Timber Release Plan can be viewed on VicForests' <u>website</u>.
- a **docket** identifying the coupe of origin which could be cross-referenced against an approved Timber Utilisation Plan see <u>Attachment B</u>. The VicForests' Timber Utilisation Plan can be viewed on VicForests' <u>website</u>.

#### 6.2 Private land (inc. leased or licenced crown land) timber harvesting

Processors should be able to demonstrate that the timber was harvested as part of an authorised operation under the local planning scheme.

Documentation that could be used to demonstrate this includes:

- a plantation delivery docket (see example at <u>Attachment C</u>) and a copy of the Timber Harvesting Plan or permit from local government; or
- a **private native forest delivery docket** (see example at <u>Attachment C</u>) and a copy of the Timber Harvesting Plan or permit from local government.

While the format and appearance of such documents will vary depending on the harvesting operator and the local government area, the objective is to match an identifier of a delivered log product (e.g. a coupe/operation number) with a common identifier on a local government Timber Harvesting Plan (THP) or permit.

#### 7. Documents to identify legal raw logs from Victoria

#### **Native Forests**

#### **Plantations**

# **Public Land**

 A VicForests delivery docket and Timber Release Plan, or

 A VicForests delivery docket and Timber Utilisation Plan Where plantations occur on public land, this land is leased or licensed, and regulated as private land

# Which documents are required?

# Private Land (incl. leased and licensed

- A Private native forest delivery docket and:
  - A copy of a Timber Harvesting Plan, or a
  - Planning permit.

- A Plantation delivery docket and:
  - A copy of a Timber Harvesting Plan, or a
  - Planning permit (where required as specified in the local planning scheme).
- \*No regulations for agroforestry and small plantations or woodlots of 5ha or less

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





#### **Australian Government**

Department of Agriculture, Fisheries and Forestry

GPO Box 858 Canberra ACT 2601

Phone: +61 (0) 2 6272 3933

Email: illegallogging@agriculture.gov.au

www.awe.gov.au/illegallogging

#### **Victorian Government**

Department of Jobs, Precincts and Regions

GPO Box 4509 Melbourne VICTORIA 3001

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

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

# Attachment A: VicForests delivery docket minimum requirements (for areas of State forest harvested in eastern Victoria as outlined in the Allocation Order).

Sawlog Dockets	Pulplog dockets
Docket number	Docket number
Date and time of Dispatch	Date and time of dispatch
Destination	Destination
Harvest unit (coupe number)	Harvest unit (coupe number)
Harvesting Operator/Contractor	Harvesting Operator/Contractor
Haulage operator	Haulage operator
Driver name	Driver name
Truck registration	Truck registration
Trailer type	Trailer type
Legal GVM (ton)	Legal GVM (ton)
Scale weight (ton) – if applicable	Scale weight (ton) – if applicable
Log details:	• Species
<ul> <li>Tag number</li> </ul>	Sawlog Grade
<ul> <li>Segment number</li> </ul>	
<ul> <li>Species</li> </ul>	
<ul> <li>Sawlog Grade</li> </ul>	
<ul><li>Length (m)</li></ul>	
<ul><li>Diameter (cm)</li></ul>	
o Volume	
Total log count on truck	
Total volume on truck	

<sup>\*</sup>Harvest unit/coupe number can be cross-referenced with VicForests' Timber Resource Plan (TRP) which is available on the VicForests' website

## Attachment B: Victorian Government delivery docket minimum requirements (for public land areas in western Victoria)

#### All logs

- Docket number
- Date and time of Dispatch
- Supervising work centre
- Harvest unit name (coupe name)
- Harvest unit number (coupe number)\*
- Forest Produce Licence (FPL) number
- Licensee name
- Destination
- Harvesting Operator/Contractor
- Log Grader registration number
- Haulage operator
- Driver name
- Truck registration
- Log details:
  - o Tag number
  - o Species
  - Sawlog Grade
  - o Length (m)
  - Diameter (cm)
  - Volume
- Total log count on truck
- Total volume on truck

<sup>\*</sup>Harvest unit/coupe number can be cross-referenced with the address listed in the Wood Utilisation/Timber Utilisation Plan

# Attachment C: Plantation/Private native forest delivery docket minimum requirements (applicable across all Victoria)

All logs	All logs continued
General	Contractor details
Plantation owner	Harvesting Contractor/Operator
Docket number	Loading Contractor/Operator
Tree farm/plantation name	Delivery Contractor
Coupe name - if applicable	Driver name
<ul> <li>Coupe/operation number*</li> </ul>	Truck registration
Customer name	Trailer type
• Destination	
Product/log grade	
Delivery details	
Date and time of Dispatch	
Date and time of Delivery	
Forest Produce Licence (FPL) number	
Licensee name	
• Destination	
Harvesting Operator/Contractor	
Gross weight	
Tare weight	
Net weight	

<sup>\*</sup>Coupe number can be cross referenced with the Timber Harvesting Plan or permit number.