
Sustainable Forests (Timber Harvesting) Regulations 2006

S.R. No. /2006

1. Objectives

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

- (a) classes of timber harvesting operators licences;
- (b) activities or classes of activity for which a timber harvesting operator's licence is required;
- (c) an application fee for a timber harvesting operator's licence and renewal of a timber harvesting operator's licence;
- (d) a demerit points system in relation to timber harvesting operators licences, including—
 - (i) the circumstances in which demerit points are incurred; and
 - (ii) the procedures for notification to a holder of a timber harvesting operator's licence that demerit points have been incurred; and
 - (iii) the circumstances in which demerit points are cancelled; and
 - (iv) the process for reviewing a decision to give demerit points;
- (e) the maximum period for suspension of a timber harvesting operator's licence under Division 2 of Part 6;

(f) matters to be recorded by the Secretary in the register of timber harvesting operator's licences.

2. Authorising provisions

These Regulations are made under Division 2 of Part 6 and section 96 of the **Sustainable Forests (Timber) Act 2004**.

3. Commencement

These Regulations come into operation on 1 July 2006.

4. Revocation

The Timber Harvesting Regulations 2000 are **revoked**.

5. Definitions

In these Regulations—

"**Act**" means **Sustainable Forests (Timber) Act 2004**;

"**demerit points**" means points allocated in accordance with regulation 10;

"**timber harvesting operator**" means a person who is a holder of a timber harvesting operator's licence issued under Division 2 of Part 6 of the Act;

"**relevant State forest**" has the same meaning as reserved forest or protected forest in the **Forests Act 1958**.

6. Classes of timber harvesting operators

For the purposes of section 96(1)(c) and (d) of the Act, Column 1 of Schedule 1 sets out the prescribed classes of timber harvesting operators licences and Column 2 of Schedule 1 sets out the prescribed activities or classes of activity for

which a timber harvesting operator's licence is required.

7. Application fees

- (1) For the purposes of section 53(2)(c) of the Act, the application fee for a timber harvesting operator's licence is \$40 [*to be reviewed*].
- (2) For the purposes of section 55(2)(b) of the Act, the application fee for renewal of a timber harvesting operator's licence is \$40 [*to be reviewed*].

8. Circumstances in which demerit points are incurred

For the purposes of section 96(1)(a)(i) of the Act, the circumstances in which demerits points are incurred are when there has been a breach of any of the requirements of engagement in timber harvesting operations specified in Column 1 of Schedule 2.

9. Allocation of demerit points

Column 2 of Schedule 2 allocates demerit points in relation to breaches of the requirements of engagement in timber harvesting operations specified in Column 1 of Schedule 2.

10. Notice of Demerit Points Incurred

An authorised officer must notify a timber harvesting operator of the incurring of demerit points in the form of Schedule 3.

11. Notice of Request for Review of Demerit Points Incurred

If a licensed timber harvesting operator disputes the decision by an authorised officer to issue and serve on him or her a Notice of Demerit Points Incurred, he or she may send or deliver to the Secretary at the Regional Office of the Department of Sustainability and Environment

specified in the Notice not more than 5 days after the service of the Notice of Demerit Points Incurred, a Notice of Request for Review of Demerit Points Incurred in the form of Schedule 4.

12. Review of demerit points incurred to be completed in 14 days

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

13. Suspension of timber harvesting operators licences

For the purposes of section 61(1), the number of demerit points is the number of accumulated demerit points specified in Column 1 of Schedule 5 which correspond to the period of suspension in Column 2 of Schedule 5.

14. Notice of Suspension of Timber Harvesting Operator's Licence

For the purposes of section 61(3) of the Act, the Secretary must notify a timber harvesting operator of the suspension of his or her licence in the form of Schedule 6.

15. Notice of Cancellation of Timber Harvesting Operator's Licence

For the purposes of section 62(3) of the Act, the Secretary must notify a timber harvesting operator of the cancellation of his or her licence in the form of Schedule 7.

16. Notice of Request for Review of Suspension or Cancellation

For the purposes of section 63(2)(a) of the Act, the holder of a timber harvesting operator's licence whose licence is suspended or cancelled in accordance with the Act may send or deliver to the Secretary at the Regional Office of the Department of Sustainability and Environment specified in the Notice a Notice of Request for Review of Suspension or Cancellation in the form of Schedule 8.

17. Service of notices on timber harvesting operators

A Notice of Demerit Points Incurred or a Notice of Suspension or Notice of Cancellation must be served personally on the timber harvesting 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 timber harvesting operator's licence or the last address subsequently notified to the Secretary.

18. Certificate of service of notices to be completed

If a Notice of Demerit Points Incurred or a Notice of Suspension or a Notice of Cancellation has been served on a timber harvesting 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.

19. Secretary to review decision in relation to the incurring of demerit points and the suspension or cancellation of a timber harvesting operator's licence

In reviewing a decision in relation to the incurring of demerit points and the suspension or cancellation of a timber harvesting operator's licence, the Secretary may cancel, change or

confirm the decision by the authorised officer to issue and serve on the timber harvesting operator the Notice of Demerit Points Incurred or a Notice of Suspension or a Notice of Cancellation.

20. Notification by Secretary of result of review

When the Secretary has completed a review of the decision, the Secretary must notify the timber harvesting operator of the result of the review in the manner specified in regulation 16 for the service of a Notice of Demerit Points Incurred or a Notice of Suspension or a Notice of Cancellation.

21. Register of timber harvesting operators

The Secretary must ensure that the qualifications, competencies or experience of the holder of any timber harvesting operator's licence are recorded in the register established by the Secretary under section 68 of the Act.

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SCHEDULES

SCHEDULE 1

Regulation 6

<i>Column 1</i> <i>Prescribed classes of timber harvesting operator's licences</i>	<i>Column 2</i> <i>Prescribed activities or classes of activity</i>
1. Basic	Conduct timber harvesting operations other than those prescribed activities or classes of activity specified in the items numbered 2-7 of Column 2.
2. Chainsaw Operator	Trim and crosscut harvested trees by operation of a chainsaw.
3a. Manual Faller - Basic	Harvest small trees (<50cm in diameter and <20 m in height). Basic skills.
3b. Manual Faller - Intermediate	Harvest trees < 80 cm diameter and < 40 m high. Intermediate skills.
3c. Manual Faller - Advanced	Harvest trees, all sizes, species and conditions where safe to do so. Advanced skills.
4a. Machine Operator – Wheel Tractor	Conduct wheeled tractor timber harvesting operations.
4b. Machine Operator – Crawler Tractor	Conduct crawler tractor timber harvesting operations (bulldozer).
4c. Machine Operator – Skidder	Conduct skidder timber harvesting operations.
4d. Machine Operator – Loader	Conduct loader timber harvesting operations (wheeled or tracked).
4e. Machine Operator – Forwarder	Conduct forwarder timber harvesting operations.

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<i>Column 1</i> <i>Prescribed classes of timber harvesting operator's licences</i>	<i>Column 2</i> <i>Prescribed activities or classes of activity</i>
4f. Machine Operator – Feller Buncher	Conduct feller buncher timber harvesting operations (wheeled or tracked).
4g. Machine Operator – Mechanical Processor	Conduct mechanical processor timber harvesting operations (wheeled or tracked).
4h. Machine Operator – Excavator	Conduct excavator timber harvesting operations (with grabs).
4i. Trainee Machine Operator	Conduct machine operator timber harvesting operations under a trainee supervisor.
5. Truck Driver	Shift forestry logs using trucks.
6a. Tree Climber – Basic	Undertake small tree climbing with supervision.
6b. Tree Climber – Advanced	Undertake complex tree climbing with limited supervision
6c. Tree Climber – Chainsaw Operator Off-Ground	Use chainsaw in conjunction with tree climbing.
7. Supervisor	Supervise timber harvesting operations.

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SCHEDULE 2

Regulations 8 and 9

<i>Column 1</i> <i>Requirements of engagement in timber harvesting operations, breaches of which incur demerit points</i>	<i>Column 2</i> <i>Demerit Points</i>
1. 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
2. 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
3. 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
4. Except with the prior approval of the Secretary, a licensee must not operate a machine within an area marked for reservation.	4
5. A licensee must not carry on work contrary to the directions of the Secretary relating to working in wet conditions.	5
6. 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
7. A licensee who acts as a harvesting team leader must ensure the proper completion of the timber harvesting operations for which he or she is the harvesting 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
(c) closure, rehabilitation and prevention of erosion of roads, vehicle routes and snig tracks;	4
(d) removal of rubbish from the forest.	2
8. A licensee must comply with the directions of the	4

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<i>Column 1</i> <i>Requirements of engagement in timber harvesting operations, breaches of which incur demerit points</i>	<i>Column 2</i> <i>Demerit Points</i>
Secretary concerning the construction of vehicle routes, log landings or log dumps.	
9. 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
10. A licensee must maintain vehicle routes to the satisfaction of the Secretary.	2
11. A licensee must not cart timber contrary to the directions of the Secretary or a harvesting team leader.	4
12. 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
13. 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
14. A licensee must notify the Secretary of any change in his or her address within 14 days of the change occurring.	1
15. A licensee must not deposit litter, other than engine oil or other petroleum product, in the forest.	2
16. A licensee must not deposit engine oil or other petroleum product in the forest.	4
17. A licensee who is training a trainee machine operator must supervise that licence holder during timber harvesting operations.	4

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<i>Column 1</i>	<i>Column 2</i>
<i>Requirements of engagement in timber harvesting operations, breaches of which incur demerit points</i>	<i>Demerit Points</i>
18. A licensee must comply with the directions of the Secretary concerning the prevention of damage to retained trees.	2
19. A licensee must not commence initial timber harvesting operations in a new coupe unless the coupe plan has been approved by the Secretary.	2
20. A licensee must not breach a condition specified in that licensee's timber harvesting operator's licence.	2

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SC

SCHEDULE 3

Regulation 10

NOTICE OF DEMERIT POINTS INCURRED

Number

To: Mr/Mrs/Ms

(Full Name)

of

(Address)

holder of timber harvesting operator's licence numbered:

It is alleged that on (state date) you breached requirements of *engagement in timber harvesting operations* set out in the Sustainable Forests (Timber Harvesting) Regulations 2006 in the manner indicated below. By reason of those breaches, you have incurred the demerit points relating to those breaches indicated below:

<i>Requirements of engagement in timber harvesting operations</i>	<i>Number of breaches of requirements of engagement in timber harvesting operations</i>	<i>Demerit points incurred</i>	<i>Total number of demerit points</i>
1. 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>Requirements of engagement in timber harvesting operations</i>	<i>Number of breaches of requirements of engagement in timber harvesting operations</i>	<i>Demerit points incurred</i>	<i>Total number of demerit points</i>
2. 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	
3. Permitting a felled tree to fall or slide into an area marked for reservation without the prior approval of the Secretary.		2	
4. Operating a machine within an area marked for reservation without the prior approval of the Secretary.		4	
5. Carrying on work contrary to the directions of the Secretary relating to working in wet conditions.		5	
6. 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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<i>Requirements of engagement in timber harvesting operations</i>	<i>Number of breaches of requirements of engagement in timber harvesting operations</i>	<i>Demerit points incurred</i>	<i>Total number of demerit points</i>
9. 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	
10. Failing to maintain vehicle routes to the satisfaction of the Secretary.		2	
11. Carting timber contrary to the directions of the Secretary or of a harvesting team leader.		4	
12. 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	
13. 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>Requirements of engagement in timber harvesting operations</i>	<i>Number of breaches of requirements of engagement in timber harvesting operations</i>	<i>Demerit points incurred</i>	<i>Total number of demerit points</i>
14. Failing to notify the Secretary of change of address within 14 days of the change occurring.		1	
15. Depositing litter, other than engine oil or other petroleum product, in the forest.		2	
16. Depositing engine oil or other petroleum product in the forest.		4	
17. Failing to supervise a trainee machine operator.		4	
18. Failing to comply with the directions of the Secretary concerning the prevention of damage to retained trees.		2	
19. Commencing initial timber harvesting operations in a new coupe without the coupe plan being approved by the Secretary.		2	
20. Failing to comply with a specified licence condition.		2	
Total Demerit Points Incurred			

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Your incurring of the demerit points for the breaches of the requirements indicated above has resulted in the accumulation and recording of these demerit points in the Department's register of licensed timber harvesting operators. Accumulation of demerit points may result in the suspension of your licence for the period specified in Schedule 3 of the Sustainable Forests (Timber Harvesting) Regulations 2006, 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 of Demerit Points Incurred and deliver it to the Secretary at the Regional Office of the Department of Sustainability and Environment not more than 5 days after the date this Notice is served on you.

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 timber operator's licence holder at _____ a.m./p.m. _____ on (state date).

or

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

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

*the address subsequently notified to the Secretary.

(*delete whichever is inapplicable)

Date:

Signed: (Authorised Officer)

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SCHEDULE 4

Regulation 11

**NOTICE OF REQUEST FOR REVIEW OF DEMERIT POINTS
INCURRED**

The Secretary to the Department of Sustainability and Environment Regional
Office of the Department of Sustainability and Environment

I,

(Full Name)

of

(Address)

the holder of timber harvesting 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 Demerit Points Incurred.

The particulars relating to the alleged breaches are as follows:

- (a) Identification Number of Notice of Demerit Points Incurred.
- (b) Description of location where the requirements of the Sustainable
Forests (Timber Harvesting) Regulations 2006 were allegedly breached.
- (c) Requirements of the Sustainable Forests (Timber Harvesting)
Regulations 2006 allegedly breached.

The grounds of my request for review are as follows:

Date:

Signed:

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SCHEDULE 5

Regulation 13

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

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SCHEDULE 6

Regulation 14

**NOTICE OF SUSPENSION OF TIMBER HARVESTING
OPERATOR'S LICENCE**

To: Mr/Mrs/Ms

(Full Name)

of

(Address)

holder of timber harvesting operator's licence numbered

You are notified that the Secretary to the Department of Sustainability and Environment has suspended your licence on the basis that you have breached the requirements of the Sustainable Forests (Timber Harvesting) Regulations 2006, 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 cancelled.

Date:

Secretary to the
Department of Sustainability and Environment

Certificate of Service

(To be completed on the duplicate copy)

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

I personally served the original of the above Notice on the named timber harvesting 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 timber harvesting operator's licence holder at:

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

*the address subsequently notified to the Secretary.

(*delete whichever is inapplicable)

Date:

Signed: (Secretary)

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SCHEDULE 7

Regulation 15

**NOTICE OF CANCELLATION OF TIMBER HARVESTING
OPERATOR'S LICENCE**

To: Mr/Mrs/Ms

(Full Name)

of

(Address)

holder of timber harvesting operator's licence numbered

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

- (a) *you have failed to comply with a requirement of the Sustainable Forests (Timber Harvesting) Regulations 2006, namely (state ground);
or.
- (b) *you have carried out timber harvesting operations in relevant State forest during a period that your licence was suspended, namely (state date/s).

(*delete whichever is inapplicable)

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 Sustainability and Environment for a timber harvesting operator's licence and are issued with a licence.

Date:

Secretary to the
Department of Sustainability and Environment

Certificate of Service

(To be completed on duplicate copy)

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

I personally served the original of the above Notice on the named timber harvesting 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 timber harvesting operator's licence holder at:

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

*the address subsequently notified to the Secretary.

(*delete whichever is inapplicable)

Date:

Signed: (Secretary)

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SCHEDULE 8

Regulation 16

**NOTICE OF REQUEST FOR REVIEW OF SUSPENSION OR
CANCELLATION OF LICENCE**

The Secretary to the Department of Sustainability and Environment Regional
Office of the Department of Sustainability and Environment

I,

(Full Name)

of

(Address)

the holder of timber harvesting operator's licence numbered _____ give
notice that I request a review of your decision to:

*suspend my licence until (state date) by Notice of Suspension of Timber
Harvesting Operator's Licence dated (state date)

*cancel my licence by Notice of Cancellation of Timber Harvesting
Operator's Licence dated (state date)

(*delete whichever is inapplicable)

The grounds of my request for review are as follows:

Date:

Signed:

ENDNOTES

