

## **GUIDANCE NOTE ON COMPLIANCE OBLIGATIONS** **APPLICABLE TO FOREST MANAGERS UNDER** **AS/NZS 4708:2021 IN AUSTRALIA AND NEW ZEALAND**

### **Background**

Detailed in the table below is a list of compliance obligations applicable to forest management in Australia and New Zealand and as legally required shall be applied in conjunction with AS/NZS 4708:2021.

| Jurisdiction            | Legislation   | Purpose  |
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| National<br>(Australia) |   |  |
|                         | <i>Environment Protection and Biodiversity Conservation Act 1999</i>      | To provide a legal framework to protect and manage, among other things, nationally and internationally important flora, fauna, ecological communities and heritage places – defined in the Act as matters of national environmental significance.  |
|                         | <i>Regional Forest Agreements Act 2002</i>                                | To give effect to Commonwealth obligations under Regional Forest Agreements, which are 20-year plans for the conservation and sustainable management of Australia's native forests in the regions in which they apply. The legislation also requires the establishment of a comprehensive and publicly available source of information for national and regional monitoring and reporting in relation to all of Australia's forests, to support decision-making in relation to all of Australia's forests. |
|                         | <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> | To provide for the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters, being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition.  |
|                         | <i>Illegal Logging Prohibition Act 2012</i>                               | To support the domestic and international trade in legally harvested wood and wood products by giving consumers and businesses greater certainty about the legality of the wood products they purchase. Includes illegally harvesting timber in Australia,   |

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|                              |   | such as the conversion of native forest to another land use.  |
|                              | <i>National Health Act 1953</i>   | Makes provision for pharmaceutical, sickness and hospital benefits, and of medical and dental services. It contains extensive provisions about the operation of nursing homes.  |
|                              | <i>Fair Work Act 2009</i>   | It provides the minimum terms and conditions for the majority of employees in Australia that are covered by the national workplace relations system. The National Employment Standards (NES), contained in the <i>Fair Work Act 2009</i> set out 10 minimum entitlements which apply to most employees in the private sector. |
|                              | <i>Work Health and Safety Act 2011</i>  | The main object of this Act is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces. Noting the Commonwealth, states and territories are responsible for implementing, regulating and enforcing WHS laws in their jurisdictions.                           |
|                              | <i>Commonwealth Criminal Code Act 1995</i>  | Contains provisions concerning anti-corruption and anti-bribery   |
|                              | <i>Income Tax Assessment Act 1936 (ITAA 1936) and the Income Tax Assessment Act 1997 (ITAA 1997), and the Fringe Benefits Tax Assessment Act 1986</i> | The principal national legislation that concerns the payment of income tax by individuals and companies   |
| Jurisdiction                 | Legislation   | Purpose   |
| Australian Capital Territory |   |   |
|                              | <i>Nature Conservation Act 2014 (replaced Nature Conservation Act 1980)</i>   | To make provision for the protection, conservation, enhancement and management of nature in the ACT, and for the management of reserves.  |
|                              | <i>Environment Protection Act 1997</i>  | To establish an environmental duty of care in relation to water quality and other environmental pressures, and to protect soil and water quality during harvesting through the application of a pollution control licence.  |
|                              | <i>Public Unleased Land Act 2013</i>  | To protect the amenity and natural value of, and to facilitate use of, unleased territory land that the public is entitled to use or is open to, or used by, the public, including nature conservation reserves and wilderness areas.   |

|                 | <i>Civil Law (Property) Act 2006</i>   | Governs the various forms of ownership in real property and personal property.  |
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| Jurisdiction    | Legislation  | Purpose   |
| New South Wales |  |   |
|                 | <i>Forestry Act 2012<sup>a</sup></i><br>(replaced <i>Forestry Act 1916</i> and <i>Forestry and National Park Estate Act 1998</i> ) | To provide for the dedication, management and use of State forests and other Crown-timber land for forestry; to constitute the Forestry Corporation of New South Wales as a statutory State-owned corporation and to specify its objectives and functions; to provide for forest agreements; and to provide for integrated forestry operations approvals for licensing operations in State forests and other Crown-timber lands for a period not exceeding 20 years.  |
|                 | <i>National Parks and Wildlife Act 1974,</i><br><i>as amended<sup>b</sup></i>  | To conserve nature, including threatened species; conserve objects, places and features of cultural value; and foster public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation.  |
|                 | <i>Environmental Planning and Assessment Act 1979</i>  | To encourage the proper management, development and conservation of natural and artificial resources, for the social and economic welfare of the community and a better environment; to promote and co-ordinate the orderly and economic use and development of land; to protect the environment, including the protection and conservation of native animals and plants, including threatened species and ecological communities, and their habitats; ecologically sustainable development; to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and to provide increased opportunity for public involvement and participation in environmental planning and assessment. |
|                 | <i>Native Vegetation Act 2003<sup>c</sup></i>  | To provide for, encourage and promote the management of native vegetation on a regional basis in the social, economic and environmental interests of the State, and to prevent broad-scale clearing unless it improves or maintains environmental outcomes, protect native vegetation of high conservation value,   |

|                    |  | improve the condition of existing native vegetation, encourage the revegetation of land, and the rehabilitation of land, with appropriate native vegetation, in accordance with the principles of ecologically sustainable development.   |
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|                    | <i>Protection of the Environment Operations Act 1997<sup>d</sup></i> | To protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development.  |
|                    | <i>Plantations and Reforestation Act 1999</i>                        | To facilitate the reforestation of land, and to promote and facilitate development for timber plantations on essentially cleared land, and to codify best practice environmental standards, and provide a streamlined and integrated scheme, for the establishment, management and harvesting of timber and other forest plantations. |
|                    | <i>Real Property Act 1900</i>  | Provides for the declaration of titles to land and the facilitation of its transfer   |
| Jurisdiction       | Legislation  | Purpose   |
| Northern Territory |  |   |
|                    | <i>Environment Assessment Act 1994</i>                               | To provide for the assessment of the environmental effects of development proposals and for the protection of the environment.  |
|                    | <i>Territory Parks and Wildlife Conservation Act 2006</i>            | To provide for the establishment and management of parks and reserves (including sanctuaries and joint management parks or reserves), and the study, protection, conservation and sustainable use of wildlife. Also controls commercial harvesting of native vegetation throughout NT, not just in national parks and reserves.       |
|                    | <i>Pastoral Land Act 1992, as amended<sup>e</sup></i>                | To make provision for the conversion and granting of title to pastoral land and the administration, management and conservation of pastoral land.   |
|                    | <i>Planning Act 1999</i>   | To provide for appropriate and orderly planning and control of the use and development of land. Also establishes the NT Planning Scheme, which specifies  |

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|                 |   | performance criteria for the clearing on native vegetation.  |
|                 | <i>Law of Property Act 2000</i>             | Governs the ownership and the sale and transfer of ownership of land and property.   |
| Queensland      |   |  |
|                 | <i>Forestry Act 1959</i>                    | To provide for forest reservations; the management, silvicultural treatment and protection of state forests; the sale and disposal of forest products and quarry material, which are the property of the Crown in state forests and timber reserves, and on other lands; and to grant exclusive rights to state plantation forests through a plantation licence. |
|                 | <i>Nature Conservation Act 1992</i>         | To conserve nature using an integrated and comprehensive conservation strategy for the whole state while allowing for the involvement of indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.  |
|                 | <i>Vegetation Management Act 1999</i>       | To regulate the clearing of vegetation in a way that conserves remnant vegetation, conserves vegetation in declared areas, ensures that clearing does not cause land degradation, prevents the loss of biodiversity, maintains ecological processes, manages the environmental effects of clearing and reduces greenhouse gas emissions.                         |
|                 | <i>Property Law Act 1974</i>                | Governs landowners, householders and developers, including native title, land resumption, access for mining.   |
| Jurisdiction    | Legislation                                 | Purpose  |
| South Australia |   |  |
|                 | <i>Forestry Act 1950</i>                    | To provide for the creation, management and protection of state forest reserves, including the conservation, development and management of native forest reserves.   |
|                 | <i>National Parks and Wildlife Act 1972</i> | To provide protection measures for endangered and vulnerable plants and animals, and to provide for the establishment of reserves for public benefit and recreation.   |
|                 | <i>Native Vegetation Act 1991</i>           | To preserve native vegetation, including through legislative controls on native vegetation clearance.  |

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|              | <i>Natural Resources Management Act 2004<sup>f</sup></i>  | To promote the sustainable and integrated management of the state's natural resources and make provision for the protection of the state's natural resources, including the control of significant plantation water use through licensing or a forest permit system.                                       |
|              | <i>Environment Protection Act 1993</i>  | To promote the principles of ecologically sustainable development based on sound environmental practices and policies that protect, restore and enhance the quality of the environment.  |
|              | <i>Law of Property Act 1936 and the Land and Business (Sale and Conveyancing) Act 1994</i>                | Governs the ownership and the sale and transfer of ownership of land and property.   |
| Jurisdiction | Legislation   | Purpose  |
| Tasmania     |   |  |
|              | <i>Forest Management Act 2013 (replaced Forestry Act 1920)</i>  | To provide for the declaration of Crown land as permanent timber production zone land required for the supply of forest products, and its management.  |
|              | <i>Forest Practices Act 1985</i>  | To establish the Forest Practices Code and forest practices system to provide for the sustainable management of forests on any land subject to forest operations; and to enable the establishment of private timber reserves on private land to provide security of long-term forestry use for landowners. |
|              | <i>Nature Conservation Act 2002</i>   | To provide for the declaration of national parks and other reserved land, and set out the values and purposes of each reserve class with respect to the conservation and protection of fauna, flora and geological diversity.  |
|              | <i>National Parks and Reserves Management Act 2002</i>  | To provide for the management of national parks and reserves under the Nature Conservation Act 2002, according to management objectives for each reserve class.  |
|              | <i>Forestry (Rebuilding the Forest Industry) Act 2014 (replaced Tasmanian Forests Agreement Act 2013)</i> | To provide for future potential production forest land and its possible conversion to permanent timber production zone land, and to provide for special species timber harvesting, including requiring the preparation of a special species management plan within three years of commencement of the Act. |

|                   | <i>Property Agents and Land Transactions Act 2016</i>                    | An Act to regulate certain auction and real estate practices, to regulate property agents, and governs the transfer of land.   |
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| Jurisdiction      | Legislation  | Purpose  |
| Victoria          |  |  |
|                   | <i>Forests Act 1958, as amended<sup>g</sup></i>                          | To provide for the management of state forests, including timber harvesting and fire management; for timber harvesting to comply with a code of practice; and for the protection of state forests and forest produce as property of the Crown. |
|                   | <i>National Parks Act 1975, as amended<sup>h</sup></i>                   | To provide a framework for the establishment and management of national parks, and to make provision for certain other parks, including harvesting in selected parks.  |
|                   | <i>Conservation, Forests and Lands Act 1987</i>                          | To provide a framework for a land-management system and to make necessary administrative, financial and enforcement provisions.  |
|                   | <i>Flora and Fauna Guarantee Act 1988</i>                                | To provide the framework for the conservation of threatened species and ecological communities and management of processes threatening Victoria's native flora and fauna <sup>i</sup> .  |
|                   | <i>Catchment and Land Protection Act 1994</i>                            | To set up a framework for the integrated management and protection of catchments, including forested catchments.   |
|                   | <i>Sustainable Forests (Timber) Act 2004<sup>j</sup></i>                 | To provide a framework for sustainable forest management and sustainable timber harvesting in state forests.   |
|                   | <i>Property Law Act 1958</i>   | Governs property rights and the transfer and ownership of land.  |
| Jurisdiction      | Legislation  | Purpose  |
| Western Australia |  |  |
|                   | <i>Conservation and Land Management Act 1984, as amended<sup>k</sup></i> | To make provision for the use, protection and management of certain public lands and waters, and their flora and fauna, and to establish responsible authorities.  |
|                   | <i>Forest Products Act 2000</i>  | To provide for the harvesting and sale of forest products from native forests and plantations on state forest and timber reserves, and their regeneration or replanting, in specified areas in the south west of the state.                    |
|                   | <i>Environmental Protection Act 1986</i>                                 | To provide for the assessment of the environmental impacts of forest management proposals, and to set  |

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|                        |   | conditions on implementation of proposals to moderate adverse impacts; and to provide offences for unlawful environmental harm, including the clearing of native vegetation.  |
|                        | <i>Sandalwood Act 1929<sup>i</sup></i>            | To regulate the quantity of sandalwood to be pulled or removed from Crown and other land, with sandalwood being the wood of any tree of the genera <i>Santalum</i> or <i>Fusanus</i> , and any other species of aromatic wood which is or may be used as a substitute for sandalwood.   |
|                        | <i>Wildlife Conservation Act 1950<sup>i</sup></i> | To provide for the conservation and protection of wildlife, with wildlife being flora and fauna native to the state.  |
|                        | <i>Property Law Act 1969</i>                      | Governs the ownership and the sale and transfer of ownership of land and property.  |
| Jurisdiction           | Legislation                                       | Purpose   |
| National (New Zealand) |   |   |
|                        | <i>Resource Management Act 1991 (RMA)</i>         | The primary legislation promoting the sustainable management of natural and physical resources, including the land, air and water. The RMA is not specific to the forestry sector. It is administered by the Ministry for the Environment (MfE) but is largely implemented by local government (regional, unitary and local councils) through regional and district plans, regional policy statements as well as the standards and policy statements of New Zealand government. |
|                        | <i>Forests Act 1949</i>                           | Control of logging, milling and export of indigenous timber. Providing standards for sustainable logging. Granting sustainable forest management plans and permits  |
|                        | <i>Property Law Act 1952 and Crimes Act 1961</i>  | Legal framework for the identification and protection of property rights  |
|                        | <i>Wildlife Act 1953</i>                          | Protecting a range of identified wildlife. Establishing wildlife sanctuaries, refuges and management reserves. Providing for population management plans to address fishing-related mortality.  |
|                        | <i>Trade in Endangered Species Act 1989</i>       | Requiring permits for import and export of endangered species   |
|                        | <i>Native Plants Protection Act 1934</i>          | Enabling native plant species to be protected   |

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|  | <i>Te Urewera Act 2014</i>                                       | Establish and preserve in perpetuity a legal identity and protected status for Te Urewera  |
|  | <i>Te Awa Tupua (Whanganui River Claims Settlement) Act 2017</i> | Declares Te Awa Tupua (Whanganui River) to be a legal person and establishes Te Pou Tupua to act and speak for Te Awa Tupua  |
|  | <i>Health Act 1956</i>   | Contains provisions for improving, promoting and protecting public health  |
|  | <i>Employment Relations Act 2000</i>                             | Provides the legal backdrop for all relationships between employees, employers and unions  |
|  | <i>Health and Safety at Work Act 2015</i>                        | New Zealand's key work health and safety legislation   |
|  | <i>Crimes Act 1961</i>   | Includes punishments; anti-corruption provisions; defences; crimes against public order; crimes against the administration of law and justice; sex crimes; crimes against the person; crimes against privacy; property crimes; and conspiracies. |
|  | <i>Income Tax Act 2007</i>                                       | Is a comprehensive statute that focuses on the different rules and regulations that govern taxation in New Zealand.  |

<sup>a</sup> The NSW *Forestry Regulation 2012* also replaced the *Forestry Regulation 2009* when the *Forestry Act 2012* replaced the *Forestry Act 1916*.

<sup>b</sup> Amended in (October) 2011, to amend the *National Park Estate (South-Western Cypress Reservations) Act 2010*, to delay the commencement of certain reservations.

<sup>c</sup> The NSW *Native Vegetation Regulation 2013* commenced on 23 September 2013.

<sup>d</sup> The NSW *Protection of the Environment Operations (General) Regulations 2009* was amended in March 2014 to allow residues from authorised clearing and timber harvesting to be burnt for electricity generation, consistent with other states.

<sup>e</sup> Amended in 2016 to allow parts of the lease to be used for non-pastoral uses such as agriculture, horticulture, aquaculture, tourism or forestry, while also subject to land clearing guidelines specified in this Act and the NT *Planning Act 1999*.

<sup>f</sup> Amended in 2014 to provide for the introduction of forest water licencing in the south-east of the state.

<sup>g</sup> Amended in 2012 to provide for cutting and taking away fallen or felled trees in State forest and certain regional parks for domestic use as firewood without a licence or permit.

<sup>h</sup> Amendments in 2013, 2015, 2016 relating to leasing powers and terms, environmental assessments, and prohibiting cattle grazing.

<sup>i</sup> An Action Statement must be prepared for each species, ecological community, and potentially threatening process, following a listing under this Act.

<sup>j</sup> Amended in 2013 in relation to allocation orders, the management of timber resources, and the management and conduct of timber harvesting.

<sup>k</sup> Various amendments from 2011 to 2016, including replacing the Conservation Commission of Western Australia with the Conservation and Parks Commission.

<sup>l</sup> The *Sandalwood Act 1929* and the *Wildlife Conservation Act 1950* were both replaced by the *Biodiversity Conservation Act 2016*, which received assent on 21 September 2016 and provides for the conservation and protection of biodiversity and biodiversity components, and the ecologically sustainable use of biodiversity components in Western Australia.

Source: State, territory and Australian Government agencies.

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