

Factsheet

10. State forests and timber reserves

State forests and timber reserves account for approximately 1% of Western Australia's land area. These areas are used for a variety of uses, including harvesting timber, mining, water catchment protection and public recreation.

This Fact Sheet examines the controls that apply to the management of State forests and timber reserves. For information on the management of other types of reserves, see [Fact Sheet 17: Marine reserves](#), [Fact Sheet 11: Conservation reserves](#) and [Fact Sheet 12: Crown land management](#).

What are "State forests" and "timber reserves"?

"State forests" and "timber reserves" refer to areas of Crown land set aside for uses including timber production, conservation and recreation. It includes Crown land reserved as a State forest or timber reserve and used to grow non-native plantation species, but excludes private land being used for forestry purposes.

How are State Forests and timber reserves created?

State forests and most timber reserves are created under the *Conservation and Land Management Act 1984* ("the Act"). This is a different process from other forms of reserve, which are generally created under the *Land Administration Act 1997* (see [Fact Sheet 12: Crown land management](#)).

State forests

Any Crown land (including timber reserves) can be made a State forest by an order of the Governor published in the *Western Australian Government Gazette* ("Gazette").

The Minister for the Environment is required to lay a copy of the order creating a State forest before each House of Parliament. Where each House of Parliament passes a resolution that the order be disallowed, the order ceases to have effect.

Timber reserves

Any Crown land can be made a timber reserve by an order of the Governor published in the *Gazette*.

Can a State forest or timber reserve be altered or cancelled?

State forests

A State forest can only be abolished by an Act of Parliament or by both Houses of Parliament approving of the abolition.

Similarly, where the purpose of a particular State forest has been approved by the Environment Minister under a *forest management plan*, that purpose can only be changed by an Act of Parliament or by both Houses of Parliament approving the amendment of the purpose.

Timber reserves

Timber reserves created under the Act may be cancelled or amended, or have their purpose changed, by an order of the Governor published in the *Gazette*. Before recommending the Governor make such an order, the Minister for the Environment must: *(continued over)*

Important disclaimer:

This Fact Sheet is for general information purposes. Important legal details have been omitted to provide a brief overview of this area of the law. If you require legal advice relating to your specific circumstances you should contact the Environmental Defender's Office WA (Inc) or your solicitor. The EDO takes no responsibility for any loss or damage resulting from any error in this Fact Sheet.

- refer the proposal to the Conservation Commission and any associated body (which may include the Water and Rivers Commission in relation to a water catchment area) and obtain their advice; and
- obtain the consent of the Minister for Forest Products.

Who is responsible for managing State forests and timber reserves?

State forests and timber reserves are vested in the Conservation Commission of Western Australia (“the Commission”) and are managed by the Department of Conservation and Land Management (“CALM”).

How are State forests and timber reserves managed?

State forests and timber reserves are managed in accordance with the contents of an applicable management plan. Management plans are to be prepared as soon as reasonably practicable after the commencement of the Act. Management plans apply for a maximum period of 10 years. At the time of compiling this Fact Sheet (June 2005) there were management plans in Western Australia.

What is in a forest management plan?

A management plan is to contain a statement of policies and guidelines that are proposed to be followed and a summary of the operations proposed to be undertaken on the land.

In the case of an indigenous State forest or timber reserve, the management plan is to specify the purpose(s) for which the land will be used, being:

- Conservation;
- Recreation;
- Timber production on a sustained yield basis; or
- Water catchment protection.

For State forests and timber reserves planted with non-indigenous species, the management plan will be directed towards achieving an optimal production yield from that land.

What is the process for creating a management plan?

A management plan does not take effect until it has gone through a consultation process and is approved by the Minister for the Environment.

A proposed management plan for a State forest or timber reserve must be advertised for public comment in the *Gazette* and in two issues of a State and two issues of a local newspaper. Members of the public have at least two months to comment to the Executive Director of CALM on the proposed plan.

In addition to public consultation, the Conservation Commission must give a copy of the proposed plan and any public submissions to (amongst others):

- The local government of each district within which the reserve is located;
- The Minister for Forest Products; and
- The Minister for Water Resources where the land includes land within a public water catchment area.

Where the plan is approved, it takes effect from the date it is published in the *Government Gazette* or such later day as is specified in the plan.

In addition to this procedure, the preparation of forest management plans will normally be subject to the Environmental Protection Authority’s review of environmental impacts under the *Environmental Protection Act 1986*, see [Fact Sheet 5 – Environmental Impact Assessment in Western Australia](#).

Forest Management Plan 2004-2013

The Commission has prepared a forest management plan for the Swan, South-West and Warren regions of Western Australia. This is a significant document as the area covered includes most of the old-growth jarrah and karri forests in the State’s south-west. The forest management plan implements a number of important changes to conservation reserves, State forests and timber reserves in the area and sets annual yields for jarrah, karri, marri and wandoo timber. Copies of the Forest Management Plan 2004-2013 are available from the [Commission](#).

Are management plans legally binding?

Management plans have been held to be legally binding on CALM but in a directory rather than a mandatory way. That is, it is still left to CALM to decide how to implement any management plan (subject to a direction from the Minister) because they contain broad statements that can be interpreted with wide discretion. So, unless specific targets are set in the management plan, CALM may substantially comply with its terms without having to comply to the letter.

The commencement of the *Forest Management Plan 2004-2013* on 1 January 2004 illustrates the distinction. The key performance indicators relating to the maintenance of productive capacity include:

“Key performance indicator 4: The area of native vegetation and plantation.

Performance target: No permanent loss of net area of forested land.

Key performance indicator 5: Annual removal of wood products compared to the sustained yield determined by the plan.

Performance target: No more than 412,650 cubic metres of first and second grade jarrah sawlogs and 170,100 of first and second grade karri sawlogs to be removed in any three consecutive years. [KPI 5 includes a further four performance targets]”

It would be difficult to establish what is meant by ‘permanent loss’ or ‘net area of forested land’ in KPI 4. Given the discretion left to CALM in implementing the plan, it would be difficult to enforce the performance target for KPI 4 against CALM. By contrast, the numerical limit set for KPI 5 provides a distinct benchmark against which CALM’s performance can be assessed. CALM must meet this performance target.

Forest Products Commission

Since 2000, the power to enter contracts for the harvesting of forest produce transferred from CALM to the Forest Products Commission (“FPC”). Production contracts in respect of State forests and timber reserves do not exempt the FPC or the holder of the contract from the provisions of the *Wildlife Conservation Act 1950* unless the act is done under a production contract and in accordance with a management plan under the *Forest Products Act 2000*. Thus, before entering into a production contract relating to a State forest or timber reserve, the FPC is to ensure that the quantities and kinds of forest products and the location of the forest products proposed to be harvested are in accordance with the provisions of the relevant management plan.

Harvesting timber or other forest produce

To harvest timber from a State forest or timber reserve a contract with the FPC is required (see above). Timber harvesting may only be carried out by registered timber workers and trees cannot be harvested outside of a coupe without approval. A person who harvests timber from a State forest or timber reserve without authority commits an offence, and is liable to a maximum fine of \$10,000 and imprisonment for one year.

Provided there is a management plan in place for a State forest and timber reserve, the Executive Director of CALM may enter into contracts for a person to take forest produce from the land, other than timber. These contracts cannot be entered into without the approval of the Minister for the Environment.

How are State forests or timber reserves managed where there is no management plan?

Where a management plan in place for a State forest or timber reserve expires, the land continues to be managed in accordance with the terms of the expired plan until a new plan is prepared.

Where there has never been a plan in place for the State forest or timber reserve, CALM must manage the land in accordance with the purpose, or combination of purposes, for which the land was reserved. For indigenous State forests and timber reserves this purpose will be one or more of:

- a) Conservation;
- b) Recreation;
- c) Timber production on a sustained yield basis;
- d) Water catchment protection;
- e) Storage of water on the reserve or removal of water from the reserve; or
- f) Any other purpose prescribed by regulation.

Commercial purposes

The Executive Director of CALM may grant a licence to any person to sell goods or services, or to undertake an activity for a commercial purpose, in State forests and timber reserves. The Executive Director's power to issue licences is limited with regard to some other types of reserve vested in the Commission. In these cases, the Executive Director may not grant a licence to remove trees, parts of trees, other vegetation, honey, beeswax, rocks, stones and soil from the reserve.



Control of other activities in State forests and timber reserves

Access

As a general rule, a person may lawfully enter any publicly accessible area within a State forest or timber reserve. However, access can be restricted in a number of ways, for example to control forest diseases or for public safety.

Access by vehicles

It is an offence to use a vehicle (other than a bicycle) on a State forest or timber reserve unless the vehicle is on a made road and that road is not closed to traffic. It is also an offence to use an off-road vehicle (such as a trail bike) on a State forest or timber reserve without a permit under the *Control of Vehicles (Off-road Areas) Act 1978*.

Access by animals

As a general rule it is an offence to bring an animal onto a State forest or timber reserve. Horses and dogs can be brought onto "designated areas" within a State forest or timber reserve. A "designated area" can be declared by the Executive Director of CALM publishing a notice in the *Government Gazette*. It is also a specific offence for a person to graze cattle within a State forest or timber reserve.

Camping; lighting fires

Camping within a State forest or timber reserve is only permitted within designated camping areas. Camping fees are payable at camping sites where signs have been erected to that effect. It is also an offence to light a campfire (or any other type of fire) where flora or forest produce is in danger of being burnt.

Draining water into or from a State forest or timber reserve

It is an offence to drain water from or divert water onto a State forest or timber reserve without approval. Draining or pumping water for salinity control purposes may also be subject to other laws. For further information, refer to [Fact Sheet 33: Drainage of agricultural land](#).

Other restrictions within State forests and timber reserves

Under the *Conservation and Land Management Regulations 2002*, a person must not do any of the following things in a State forest or timber reserve without approval from CALM. Fines may be imposed for failure to comply. You may not:

- Plant, cultivate or abandon any plant;
- Remove any native flora, except firewood for camping or recreational purposes in designated areas;
- Place litter or other material on a reserve;
- Remove any naturally occurring feature (such as a fossil, marine shells, stromatolites etc);
- Abseil or sand-board down any slope; and
- Erect any structure or building.



General controls applying to all reserves

There are a number of other laws relating to the protection of the environment which impact on the management of conservation reserves. These laws are considered in other fact sheets, and include:

- **Clearing native vegetation** – clearing of native vegetation requires a permit from the Department of Environment unless the clearing is exempt. Clearing carried out in accordance with a production contract or road contract under the *Forest Products Act* is exempt (see [Fact Sheet 7: Clearing native vegetation](#));
- **Protection of native flora and fauna** – plants and animals native to Western Australia are protected on Crown land, including State forest and timber reserves (see [Fact Sheet 8: Biodiversity conservation in Western Australia](#)); and (*continued over*)

- **Making tracks, erecting structures, running stock etc** – general controls on interfering with Crown land are contained in the *Land Administration Act* (see [Fact Sheet 12: Crown land management](#)).



How can you become involved?

If you are concerned that unlawful activity is being undertaken on a State forest or timber reserve the body primarily responsible is CALM, otherwise report the matter to:

1. The Department of Environment in the case of clearing native vegetation (phone 9278 0300 for the native vegetation protection section); and/or
2. The Department of Planning and Infrastructure (phone 9264 7777 for coastal and environmental planning and policy).



Management of reserves – What you can do to help

To ensure reserves are managed appropriately, you can undertake the following steps:

1. Obtain a copy of the management plan (if any) applying to the land from CALM to ascertain the management options that apply;
2. Liaise with CALM to ensure the reserve is being managed in accordance with its purpose;
3. Report illegal activity on that reserve to CALM or an appropriate government body;
4. Monitor newspapers for proposals to change the boundaries or purposes of State forests; and
5. Encourage your local members of Parliament to keep you informed of proposals to amend the boundaries or purposes of State forests.