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FORESTERS'
MANUAL

ACTS and REGULATIONS

FORESTS DEPARTMENT
PERTH
WESTERN AUSTRALIA

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FORESTERS' MANUAL

ACTS and REGULATIONS

Prepared under the direction of
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Issued under the authority of the
Hon. W. S. BOVELL, M.L.A., Minister for Forests

PERTH: 1960

INTRODUCTION.

The Foresters' Manual was first issued in 1926 and at that time consisted of two parts—Bulletins 36 and 39. The first revision was undertaken in 1950 and comprised a series of pamphlets known as Bulletin 58.

The change to pamphlet form was considered advisable as this enabled the addition of other subjects and the revision of individual units with the minimum of trouble.

The Manual aims to keep abreast of the progress of the Department over the years and is a document to which all officers, by their reports and experience finally contribute through head office records. All officers are invited to assist directly by calling attention to errors, omissions and changing conditions. While the Manual remains a sound guide to both professional and field staff, it is not a static document of "do's and don'ts" for senior officers.

In the early editions paragraphs were numbered consecutively. This has caused some difficulty when amendments have been necessary and the later pamphlets have been numbered individually. Some older sections will, however, retain the old form of numbering until they are reprinted.

As in the past, the Manual will be amended as required by the issue of Circulars from head office, but it is intended in future to have all amendments printed once each year so that the appropriate paragraphs can be more readily and more neatly inserted in the document.

It is the duty of every officer to become fully acquainted with the provisions of the Foresters' Manual and to see that his personal copy is kept up to date.

In its completed form the Manual will cover:

- Pamphlet No. 1—Acts and Regulations.
- Pamphlet No. 2—The Timber Trade.
- Pamphlet No. 3—Staff and Accounts.
- Pamphlet No. 4—Field Administration.
- Pamphlet No. 5—Afforestation with Pines.
- Pamphlet No. 6—Reforestation and Silvicultural Operations.
- Pamphlet No. 7—Fire Control.
- Pamphlet No. 8—Communications—Telephone.
- Pamphlet No. 9—Communications—Radio.
- Pamphlet No. 10—Forest Engineering.
- Pamphlet No. 11—Sample Plots and Assessment.

In the event of any instruction not being clearly understood by an officer, he should refer the matter to head office quoting the Pamphlet and paragraph number in question. Further advice on the subject will then be given.

A. C. HARRIS,
Conservator of Forests.

ACTS AND REGULATIONS.

Forest Officers to be conversant with Acts and Regulations.

1. Every forest officer is required to be thoroughly conversant with the provisions of the Forests Act and Regulations and the Bush Fires Act and Regulations and should have a working knowledge of the Timber Industry Regulation Act and Regulations, the Native Flora Protection Act, and the Fauna Protection Act. Forest officers are "ex-officio" wardens under the last two Acts.

Amendment to Acts and Regulations.

2. Every forest officer should see that his copies of the various Acts and Regulations are kept up to date and that the amendments forwarded to him from time to time are correctly inserted and affixed in their respective places.

Breaches of the Forests Act and Regulations to be reported.

3. A forest officer should forward, through the Divisional Forest Officer to head office, immediately any breach of the Forests Act or Regulations comes under his notice, a full report on Form F.D. 259 stating the extent of the damage sustained by the Crown and setting out concisely the full facts of the case, with a recommendation as to whether it is considered the offender should be prosecuted. It is important to state how the offence was first detected and whether it was reported by the offender. In the case of a first offence, it is not always advisable to take legal proceedings, and it may be decided by head office to meet the case by a warning only.

In cases where a permit holder, through an act of omission or otherwise, may be considered responsible for an offence committed by a timber worker, the forest officer should recommend whether action be taken against one or both the offenders. If forest produce has been seized, full particulars of such should be supplied, and the best method for effecting a sale (if necessary) suggested. The quantity and value of any forest produce illegally felled or obtained should be stated. Where offences relate to the illegal felling of trees and the number of trees is not considerable, they should be tallied and measured by the forest officer and details furnished in his report. Measurements should give the underbark girth of the stump and crown and length of logs, if the log itself is not available for measuring. When the full length of the log is not utilised, the report submitted should give the measurements of the full length as well as those of the length taken. If the operations have been on an extensive scale, and the work involved in measuring up the trees is likely to take several days, this fact should be mentioned in the report, and the officer should await instructions from the Divisional Forest Officer or head office before proceeding.

Interviews and signed statements.

4. Immediately after interviewing any person regarding a forest offence, and whilst the facts are fresh in his memory, a forest officer should record in his note book the date and place of interview and details of conversation. Where possible, signed statements should be obtained from witnesses and persons concerned in the commitment of the offence.

Instructions for prosecution issued by head office.

5. When a prosecution is decided upon the divisional office will be notified from head office of the action that is to be taken. Either the complaint and summons will be prepared in head office, or instructions issued to the local officer concerning the section of the Act or Regulation under which the charge is to be laid. Head office will also advise whether the case is to be taken by a local forest officer or whether arrangements will be made for a special officer of the Department or a solicitor to conduct the case. A local forest officer will rarely be called upon to conduct a case and if required to do so he will receive detailed instructions from head office covering the procedure necessary.

Seizure of Forest Produce.

6. Any forest produce which a forest officer may have cause to believe has been illegally obtained in whole or in part may be seized. The onus of proving that the whole or any part of such forest produce was lawfully obtained then rests upon the reputed owner.

7. In order that the provisions of Section 55 of the Forests Act, 1918-1954, may be complied with, any forest produce which has been seized on behalf of the Crown must be stamped or marked in a distinctive manner, by the use of:—

Procedure for seizure.

- (a) A broad arrow punch;
 - (b) timber crayon;
 - (c) labels, on which will be printed the following:—
- F.D. 148.

Forests Department.

NOTICE OF SEIZURE.

The forest produce contained in this.....has been seized by the undersigned authorised officer on behalf of the Crown this.....day of.....19.....

(Signature).....
Forester.

When a forest officer is on patrol and has not the above equipment available, it may be advisable to seize forest produce without delay. In such case, the officer should mark the forest produce with charcoal, pencil, etc., to indicate that it has been seized, and notify in writing, if possible, all persons likely to be interested in its removal, of the fact that seizure has been effected. Early steps should then be taken to comply with the following instructions:—

8. When seizing a stack, or truck of timber or other forest produce, the officer in question will—

Labelling seized forest products.

- (1) Attach a label, duly completed, to some conspicuous piece of timber (or as the case may be) on the stack or truck;
- (2) make broad arrow crayon marks distinctly on as many of the pieces of forest produce as may be considered necessary, writing also, where practicable, the word "Seized," and his signature and date; and,
- (3) make broad arrow punch marks on as many of the pieces of forest produce as may seem desirable.

The label should be written with black lead pencil or timber crayon, not with indelible pencil or ink. It may be dispensed with if the crayon markings can be made adequate.

9. Seizure of forest produce on private property, unless the timber on the property is reserved to the Crown, may be effected in the same manner as on Crown land, **only with the holder's consent**. Otherwise a complaint must be made before a justice of the peace by the forest officer, stating his belief that forest produce, liable to the payment of royalty, dues or charges, is secreted on the private property in question. The justice may issue a warrant to the police to search for such produce, and the forest officer should accompany the police officer, but in this case the police officer, not the forest officer, must seize the forest produce. Plant (e.g. power saw) belonging to an illegal operator may not be seized.

Seizure of forest produce on private property (section 61).

10. In the event of any forest produce being seized in cases where—

Sale of seized forest produce.

- (a) costs, such as demurrage, will not accumulate through holding;
- (b) no serious deterioration is likely to take place through holding;
- (c) the risk of loss through pilfering is not serious;

the forest produce so seized should be held until after the offence is finally dealt with, unless otherwise instructed by head office. On the other hand, if forest produce cannot be held where seized for any of the above reasons, advice should be despatched to head office by telegraph if necessary, together with recommendations as to method of disposal and offers obtained, if any, or alternatively measures recommended for safe storage pending further investigation. Only in cases where the private ownership of seized forest produce has been established beyond further doubt may a forest officer release any seized forest produce without head office authority.

Disposal of forest produce seized for non-payment of royalty (section 60).

Head office approval for sale necessary.

Loss or damage caused by an offence (section 53 (b)).

Timber may not be released when damages paid.

Proceedings for recovery of royalty, fees, etc. (section 57).

Timber Industry Regulation Act.

Inspection of mill machinery plant, etc.

Field officers to assist inspectors under Timber Industry Regulation Act.

11. Persons from whom forest produce has been seized for non-payment of royalty dues or charges must be given at least 10 days in which to pay such dues or charges. In default of payment within this period, the forest produce may then be disposed of, as directed by the Conservator.

12. Officers shall not sell forest produce until they have received authority from head office. On receipt of such authority, the forest produce should be disposed of according to the instructions issued. An official receipt should be given for any payments received, and the proceeds of such sales must, of course, be accounted for with other revenue on the cash abstract in the usual manner. A record of all confiscations will be kept at head office, and sufficient information must be given on the cash abstract to enable the payment to be reconciled to the respective item.

13. If damages to be claimed are assessed at over £50, application should not be made to have these awarded by the magistrate, but the matter must be referred to head office, when the advisability of starting an action to recover such damage by civil process will be considered. Damages can equitably be claimed at the value to be obtained for timber when worked up by the most economical process and sold in the best market, less the cost of preparing and placing it on the market.

14. Forest produce unlawfully obtained remains the property of the Crown and may not under any circumstances be handed over to the defendant without head office authority. If a forest officer considers that the defendant has been sufficiently penalised by the Court proceedings he may recommend that the forest produce concerned be released. In other cases a recommendation should be forwarded concerning method of disposal and probable value.

15. The Conservator may sue for and recover royalties, fees, and charges due and payable under the Forests Act. When it is decided to take proceedings for the recovery of an outstanding debt, the matter is placed in the hands of the Crown Law Department, and all subsequent payments or arrangements in connection therewith must be made direct with officers of that department.

16. The Timber Industry Regulation Act, 1926-1950, provides for the inspection and regulation of the timber industry with a view to securing the safety of the workers engaged therein. It covers all operations of felling, hewing, sawing, splitting, cutting, removing and treating timber on timber holdings which are defined as meaning and including the area of any sawmilling permit granted under the Forests Act or any land, freehold or other tenure, used for a similar purpose to Crown land held under permit.

17. A District Inspector and a Workmen's Inspector appointed under the Act, examine, inquire into, and report on the condition of mills, mill gearing, machinery, plant and appliances, tram lines and rolling stock, bush and mill landings, bush operations and generally all matters and things relating to the safety or well being of the persons employed in the timber industry. Any unsatisfactory features in this connection coming under the notice of a forest officer, which he considers are likely to lead to accidents, should be immediately reported to the Controlling Officer (the Conservator of Forests) or the District Inspector in order that any necessary action under the Timber Industry Regulation Act may be taken to have the matters remedied.

18. The District Inspector and Workmen's Inspector have been authorised to enlist the assistance of field officers in securing satisfactory and prompt compliance with the provisions of the Timber Industry Regulation Act. Every forest officer is required to give such assistance, provided it will not cause undue interference with the performance of his ordinary duties.