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**CODE OF CONDUCT
FOR THE HARVESTING OF
FOREST PRODUCE OR FLORA
AND FOR APIARY SITE PERMITS
ON PASTORAL LEASES**



DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT

1 September 1998

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INTRODUCTION

The aim of this Code is to provide a set of guidelines that allow pastoral leaseholders and persons authorised to harvest forest produce or protected flora or keep bees on pastoral leases to conduct their respective operations in a cooperative spirit.

The Code provides a point of reference for both pastoralists and harvesters. Both parties should refer to the *Conservation and Land Management Act*, *Wildlife Conservation Act* and the *Land Administration Act* for specific legal responsibilities in addition to the licences or other authorities granted under these Acts.

The Code recognises that land leased for pastoral purposes remains the property of the Crown (the Western Australian Government) as does the forest produce and protected flora thereon.

Pastoral leaseholders have a long term investment in their lease through the improvements they have constructed and through their commitment to protect biological diversity and maintain ecological processes which can support their activities.

The adherence to this Code by the relevant parties will ensure that a positive working relationship is developed that will promote the successful and ecologically sustainable development of a range of industries that rely on the natural resources found within the pastoral areas of the State, to the benefit of all stakeholders involved, while concurrently ensuring conservation values are not detrimentally affected.

For the purpose of this Code the following terms have been defined:

CALM – means the Department of Conservation and Land Management

CALM Act – means the Conservation and Land Management Act 1984

flora – means any plant (including any wildflower, palm, shrub, tree, fern, creeper or vine) which is

- (a) native to the State; or
- (b) declared to be flora pursuant to subsection (4) of section (6) of the Wildlife Conservation Act

and includes any part of flora and all seeds and spores thereof.

forest produce – includes trees, parts of trees, timber, sawdust, chips, firewood, charcoal, honey, beeswax, gum, kino, resin, sap, pollen, and seeds.

harvester – any person legally entitled to take forest produce in accordance with a permit, licence or contract, or protected flora in accordance with a Commercial Purposes Licence granted by the Executive Director, CALM.

protected flora – means any flora for the time being declared to be protected flora for the purposes of the Wildlife Conservation Act, which currently includes all native flowering plants, conifers, cycads, ferns, fern allies, mosses, liverworts, algae, fungi and lichens.

1. GENERAL PRINCIPLES

- 1.1 All persons legally entitled to harvest forest produce or protected flora or keep bees on or adjacent to pastoral leases, including employees of harvesters and subcontractors should be given a copy of and made familiar with this Code.
 - 1.2 It shall be a condition of any Forest Produce Licence, Apiary Site permit, contract or licence issued under the Sandalwood Act that authorises the harvesting of forest produce from a pastoral lease or keeping bees on a pastoral lease, that the holder of the licence, permit or contract will abide by this Code.
 - 1.3 All persons holding a licence, permit or contract authorising the harvesting of forest produce or flora from a pastoral lease or keeping bees on a pastoral lease, will contact the leaseholder, prior to commencing operations, and nominate his or her contact person who will maintain close liaison with the pastoral leaseholder.
 - 1.4 Access roads within the pastoral lease are the responsibilities of the lessee, so harvesters must discuss his/her movements, especially during or after wet conditions.
 - 1.5 Harvesters will use all reasonable endeavours to avoid any damage to pastoral improvements.
 - 1.6 Harvesters will use all reasonable endeavours to avoid disturbance to the management of the pastoral lease and to livestock on that lease.
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- 1.7 All sites must be kept clean and tidy at all times and all rubbish must be removed from the area and correctly disposed of outside the pastoral lease.

- 1.8 Any damage caused to pastoral improvements by harvesters should be reported to the pastoral leaseholder without delay.

It is suggested that arrangements regarding specific repairs for damages to pastoral improvements or payment in lieu of repairs should be made in writing setting out obligations, quantities, payments and completion dates.

In the case of damages relating to the operations of a CALM contractor the Officer in Charge of the contractor must also be informed without delay.

- 1.9 Harvesters will at all times comply with the requirements of the Wildlife Conservation Act, the CALM Act and Regulations as may be applicable.
- 1.10 Harvesters will produce their licence, permit or contract or a copy thereof to the pastoral leaseholder for inspection if requested.
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2. PRE HARVEST

- 2.1 CALM will seek comment from the pastoral leaseholder prior to issuing a Forest Produce Licence, Apiary Site permit, contract or licence issued under the Sandalwood Act.
 - 2.2 The harvester should arrange for his or her nominated representative to contact the pastoral leaseholder on whose property the harvesting will take place. This should be effected at a reasonable time before commencement of harvesting operations. Issues which should be discussed include: area of lease affected, duration, type of operation and equipment to be used, and for the pastoral leaseholder to specify areas of concern.
 - 2.3 Prior to harvesting commencing the harvester and the pastoral leaseholder should discuss the pastoral improvements located on the lease.
 - 2.4 As far as practicable within the constraints of the CALM Act, the Wildlife Conservation Act and work commitments, the harvester will consider the pastoral leaseholders programs, for example, mustering, calving, lambing, shearing, rangeland regeneration programs, when planning operations.
 - 2.5 The pastoral leaseholder should register areas subject to specific management required by the Pastoral Lands Board with the CALM Sandalwood Business Unit. These areas must be avoided. Grazing by domestic animals will be excluded from any environmentally sensitive areas registered with the Sandalwood Business Unit.
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3. DURING HARVESTING

- 3.1 With the exclusion of operations under a Commercial Purposes Licence, the pastoral leaseholder will be advised by the nominated CALM representative of any significant changes to the harvesting program where these are likely to disturb pastoral programs or livestock.
- 3.2 The location of temporary or semi-permanent campsites should be discussed and agreed upon with the pastoral leaseholder prior to their establishment.

Access

- 3.3 Entry routes and access to sites required for harvesting operations should be jointly defined and adhered to on a best endeavour basis, unless physical circumstances make compliance impossible (for example wash outs).

It is understood that certain harvesting operations are required to use station roads where possible. However, where usage is likely to be regular or constant, or to provide passage for heavy vehicles, agreement should be reached with the pastoral leaseholder as to the most suitable road to be used. Any damage caused through such use will be repaired by the licence holder.

- 3.4 The pastoral leaseholder's permission must be obtained before using any airstrips located on the station.
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- 3.5 To reduce dust nuisance and disturbance of livestock extra caution should be taken when driving near homesteads, water points, dams and areas where people are working.
- 3.6 Where possible, vehicles routes should be chosen to avoid environmentally sensitive areas such as creek banks and locations subject to erosion.
- 3.7 In wet conditions vehicle movement will be restricted to avoid undue damage to roads. Any damage caused by wet weather movement will be repaired as soon as possible by the licence holder.
- 3.8 Gates will be used where possible and they should be left opened or closed as found. Fences must not be opened without the consent of the pastoral leaseholder except in the event of an emergency.

Livestock and Property Improvements

- 3.9 Stock disturbance should be kept to a minimum, particularly when watering, lambing, calving or mustering is in progress.
- 3.10 Water from natural pools, springs, soaks, lakes, streams etc should be used with discretion; if large quantities are to be drawn from these sources, the pastoral leaseholder must be informed.

Water must not be taken from the pastoral leaseholder's bores, dams, troughs or other improvements without the prior agreement of the pastoral leaseholder.

Environment

- 3.11 No domestic animals or firearms are to be brought onto the pastoral lease by the licence holder without the pastoral leaseholder's permission.
 - 3.12 Harvesters will not interfere with any activities taking place to control feral animals.
 - 3.13 The harvester will avoid pollution of water or soil through any means such as oil, fuel, rubbish or detergents.
 - 3.14 The harvester will avoid spreading declared plants and be familiar with requirements for the control of declared plants applying in the district. Harvesters will liaise with the pastoral leaseholder to obtain information on the location of existing infestations of declared plants subject to the Agriculture and Related Resources Protection Act.

Harvesters will take precautions to prevent the further spread of such plants during their harvesting operations.
 - 3.15 Removal of forest produce and protected flora is only to be carried out in accordance with contract and licence conditions. Precautions should be taken to avoid undue damage to existing vegetation and soil disturbance must be minimised.
 - 3.16 Worksites and campsites will be kept clean and tidy at all times. Littering is to be avoided at all times.
 - 3.17 Fire prevention is essential. Harvesters will consult the local authority and abide by any fire bans in force.
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4. POST HARVESTING

- 4.1 With the exclusion of operations under a Commercial Purposes Licence, upon completion of harvesting operations the nominated CALM representative will ensure that all matters relating to this Code and any undertakings are finalised.
- 4.2 The closing and rehabilitation of roads constructed during the operations should be discussed and rehabilitation commenced unless the pastoral leaseholder wishes to continue using them.
- 4.3 If the pastoral leaseholder requests, a final joint inspection of all relevant sites should be made to ensure that they have all been left in satisfactory condition.

5. BEEKEEPING

- 5.1 The permit holder must discuss with the lessee the distance for hives to be placed from water troughs and wells. The permit holder may also need to discuss with the lessee the supply of water to the hives.
 - 5.2 Apiarists camping or extracting honey on site must consult with the lessee prior to doing so.
 - 5.3 The permit holder shall give prior notification to the lessee or station manager of the length of time the apiary site will be in use before placing hives on the apiary site.
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6. THE PASTORAL LEASEHOLDER

- 6.1 The pastoral leaseholder, or the leaseholder's agent, will respond with a minimum of delay to requests for information or to official notices from CALM officers.
- 6.2 The pastoral leaseholder will abide by understandings given to harvesters and advise harvesters of any changes to stock or other management programs.
- 6.3 The pastoral leaseholder will advise the harvester of the responsible contact when the leaseholder is absent from the station

7. CONSULTATION

This document has been prepared in consultation with the Pastoral Lands Board, Pastoralists and Graziers Association and industry. CALM acknowledges input from these parties and their support in developing a cooperative approach to land use.

8. REVIEW

This document will be reviewed in twelve months. Comment will be sought from relevant industry groups and representative bodies.

Syd Shea
EXECUTIVE DIRECTOR

