

## Guidance Note 1 : Relevant Acts and Regulations

ITEM	RELEVANCE
<b>STATE LEGISLATION</b>	
<i>Aboriginal Heritage Act 1972</i>	The protection of Aboriginal cultural material and heritage sites.
<i>Aerial Spraying Control Act 1966</i>	Any aerial spraying of herbicides is required to be undertaken by pilots holding a Chemical Rating Certificate issued under this Act.
<i>Agricultural and Veterinary Chemicals (Western Australia) Act 1995</i>	Regulates the use and control of pesticides.
<i>Agriculture and Related Resources Protection Act 1976</i>	Regulates the control of declared animals and plants.
<i>Biological Control Act 1986</i>	Makes provision for the biological control of pests in Western Australia
<i>The Bushfires Act 1954 (as amended by the Bushfires Amendment Act 2009)</i>	<p>Includes provisions with relevance to plantation design, compartment size and layout, firebreak design and minimum firebreak widths, water point requirements, fire equipment requirements, public utility firebreak easements, burning off, restricted and prohibited burning seasons, permit to set fire to bush, plantation pruning and overhang, planting within town site influence zones.</p> <p>Note that fire management strategies may require alteration through time to meet changing climatic, environment and land use needs. The provisions of the Bush Fires Act 1954 may still be enforced in addition those contained in Plantation Management Plans.</p>
<i>Carbon Rights Act 2003</i>	Provides the basis for recognising the property rights associated with plantation carbon sequestration.
<i>Country Areas Water Supply Act 1947</i>	The protection of water quality for country surface water and groundwater sources used for public drinking water supply.
<i>Dangerous Goods Safety Act 2004 and associated regulations 2007</i>	Includes provisions for the safe storage, handling and transport of dangerous goods.
<i>Dividing Fences Act 1961</i>	Describes processes for the erection and maintenance of dividing fences, including cost sharing arrangements.
<i>Environmental Protection Act 1986</i>	Provides measures for environmental impact assessment and for development proposals and measures for preventing pollution and environmental harm. This includes the regulation of vegetation clearing under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
<i>Exotic Diseases of Animals Act 1993</i>	Provides measures for the detection, containment and eradication of certain diseases affecting livestock and other animals.

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<i>Health Act 1911</i>	Regulates the use and application of pesticides, including licensing requirements for operators and restrictions on pesticide use.
<i>Health (Pesticides) Regulations 2011</i>	Herbicides are to be applied in accordance with registered product labels, unless a permit for off-label use has been obtained from the Australian Pesticides and Veterinary Medicines Authority (APVMA). Restrictions on the use pesticides in public drinking water source areas.
<i>Heritage of Western Australia Act 1990</i>	The protection of significant cultural heritage.
<i>Land Drainage Act 1925</i>	Provides for the drainage of land, the use of drains and drainage water, and the constitution of drainage districts for other purposes
<i>Local Government Act 1995</i>	Provides the legislative basis for local laws including those relating to land use and land management.
<i>Occupational Safety and Health Act 1984</i>	Employer and employee obligations and duties relating to safety, training and workplace practices.
<i>Occupational Safety and Health Regulations 1996</i>	These regulations provide for the definition and safe use of hazardous substances. It also prescribes actions in relation to the provision and uses of Material Safety Data Sheets (MSDS), maintaining chemical registers and the recogniz of chemicals. Other requirements include the conduct of risk assessments, health surveillance, workplace monitoring, and keeping certain records.
<i>Occupiers' Liability Act 1985</i>	Provides a statutory basis for a duty of care of occupiers of land.
<i>Planning and Development Act 2005</i>	Provides for a system of land use planning and development in Western Australia, including regional and local planning schemes/rural strategies, planning controls and subdivisions. Assessment of development applications for mallee establishment (where required under the district planning scheme) by Local Government Authorities.
<i>Plant Diseases Act 1914 and associated regulations</i>	Provides measures to prevent the introduction into Western Australia of diseases affecting plants, to provide for the eradication of such diseases and to prevent their spread.
<i>Poisons Act 1964 and associated regulations</i>	Regulates the possession, sale and use of poisons and other substances, including certain pesticides.

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<i>Rights in Water and Irrigation Act 1914</i>	Regulates the protection and management of water resources, including water extraction activities and disturbance to watercourses.
<i>Soil and Land Conservation Act 1945</i>	Includes provisions relating to the conservation of soil and land resources, and to the mitigation of the effects of erosion, salinity and flooding. This includes the restriction of prescribed activities on agricultural or pastoral land in order to prevent land degradation (in accordance with soil conservation notices issued under Section 32 of the Act).
<i>Tree Plantation Agreements Act 2003</i>	Provides for the making and effect of certain agreements, and for the creation and effect of certain interests in land, in relation to tree plantations.
<i>Waterways Conservation Act 1976 (WC Act) &amp; Swan and Canning Rivers Management Act 2006</i>	Under the provisions of these Acts, the Commission has a waterways management and protection function and associated powers in respect of designated waterways (Swan River, Avon River, Peel Inlet, Leschenault Inlet, Albany Waterways, Wilson Inlet) and adjoining land in management areas declared under the Acts. This adjoining land extends to the entire catchments of the Avon River, Albany Waterways and Wilson Inlet.
<i>Wildlife Conservation Act 1950</i>	Protection of declared flora or fauna, including those likely to become extinct, rare, or otherwise in need of special protection from adverse effects. Includes licensing provisions for seed collecting and harvesting of forest products.
<b>COMMONWEALTH LEGISLATION</b>	
<i>Agricultural and Veterinary Chemicals Act 1994</i>	This Act establishes the national framework for herbicide product registration requirements.
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Any plantation management activities with the potential to impact matters of national environmental significance (as defined in the DSEWPC <sup>1</sup> publication Matters of National Environmental Significance – Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999) must be referred to the Commonwealth under this Act.  <sup>1</sup> Commonwealth Department of Sustainability, Environment, Water, Population and Communities
<i>Native Title Act 1993</i>	Provides for the recognition and protection of native title, and structured process for dealing with native title.
<i>Renewable Energy (Electricity) Act 2000</i>	An Act for the establishment and administration of a scheme to encourage additional electricity generation from renewable energy sources, and for related purposes. Provides the conditions under which biofuels can be used for electricity generation.

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<i>Environment Protection and Biodiversity Conservation Amendment (Wildlife Protection) Act 2001</i>	Regulates the export and import of certain animals, plants and goods. This includes oil distilled or otherwise extracted from a plant other than a plant of the genus Eucalyptus.
<i>Quarantine Act 1908 Customs Act 1901</i>	Import of plants and forest products into Western Australia from overseas.
<b>STANDARDS AND CODES OF PRACTICE</b>	
<i>Code of Practice for Timber Plantations in Western Australia</i>	The purpose of the Code is to provide goals and guidelines to plantation managers so that plantation operations in Western Australia are conducted in a manner that is in accordance with accepted principles for good plantation management, whilst recognising that a primary aim of plantations is to be economically competitive and sustainable.
<i>The Fire and Emergency Services Authority (FESA) Guidelines for Plantation Fire Protection</i>	Includes provisions for planning the location of plantations and fire protection specifications for compartment size and layout, firebreak design and minimum firebreak widths, water point requirements, signage and maps, fire equipment requirements.
<i>Code of Practice for the Use of Agricultural and Veterinary Chemicals in WA (WA Department of Agriculture and Food Bulletin 4648)</i>	The Code provides practical guidance for the safe, responsible and effective use of agricultural and veterinary chemicals.
<i>National Competency Standards, Policy and Guidelines 1992 Forest and Forest Products Training Package – Forest Growing and Management (1999)</i>	Training and competency.
<b>LOCAL GOVERNMENT PLANNING POLICIES</b>	
<i>For example:</i>	<ul style="list-style-type: none"> <li>• South East Avon Voluntary Regional Organisation of Councils, Local Planning Policy - Tree Crops (May 2010); applicable to the Shires of Beverley, Brookton, Cunderdin, Quairading and York.</li> <li>• Shire of Jerramungup – Local Planning policy No. 10 Agroforestry and plantations</li> </ul>