

Forest products and quarry materials on State lands

This fact sheet applies to State lands where the ownership of natural grown forest products and quarry material has been retained under the *Forestry Act 1959* (Forestry Act) and is the absolute property of the State of Queensland. The fact sheet is not applicable to forest products derived from tree species planted and maintained for timber production (i.e. plantations) or to quarry material below sea level or within a watercourse/lake.

What does 'State lands' mean?

State lands mean all Crown land including Crown holdings. A Crown holding is land held under the *Land Act 1994* (Land Act) including pastoral leases, stud holdings, grazing homestead perpetual leases, special leases, development leases (issued on or after 31 December 1991), term leases, perpetual leases, permit to occupy, occupation licences or road licences.

For information regarding forest products and quarry material on other State tenures, including State forests, timber reserves, forest entitlement areas, roads or other reserves, licence or permit areas, contact a Department of Environment and Resource Management (DERM) Forest Products office. Refer to the back of this fact sheet for office locations.

What does 'forest products' mean for State lands?

Under the Forestry Act, forest products means all vegetable growth and material of vegetable origin whether living or dead, standing or fallen, including timber, but does not include grasses (native or introduced) or crops grown on a Crown holding by the leaseholder.

The main forest products are sourced from the following:

- white cypress pine trees (*Callitris glaucophylla*) including any contained log timber
- hardwood tree species capable of producing round or sawn timber products
- wildflowers, foliage, seed and propagative material
- sandalwood (*Santalum lanceolatum*).

What does 'quarry material' mean on State lands?

Under the Forestry Act, quarry material includes any stone, gravel, sand, rock, clay, earth and soil not being a mineral as defined under the *Mineral Resources Act 1989*.

Ownership of forest products and quarry material

Under the Forestry Act, all forest products and quarry material on all Crown lands are the absolute property of the Crown. All forest products and quarry material on all Crown holdings at all times are the property of the Crown (except where otherwise expressly provided by some other Act) unless and until the contrary is proven.

Why are forest products and quarry materials important?

The allocation and orderly marketing of forest products and quarry material supports regional industry and promotes development and employment opportunities.

Powers to sell forest products and quarry material on State lands

DERM Forest Products is responsible for managing the sale of forest products and quarry material on State lands (and other relevant State-controlled lands).

Under the Forestry Act, the chief executive of DERM or a delegated officer may sell any forest products and quarry material that is the absolute property of the Crown. The chief executive may issue permits, licences or other authorities, and enter into agreements or contracts to sell forest products and quarry material. Where such a permit has been granted to a person, the person is referred to as 'the permittee'.

Where a permit has been issued to get forest products or quarry material, the permittee is responsible for harvesting the forest products or extracting the quarry material in accordance with the permit conditions.

Local government authorities may obtain quarry material from State lands via the issue of a permit.

The Department of Transport and Main Roads can also access quarry materials on State lands, via the issue of a quarry licence, for the development of road infrastructure.

The leaseholder of State lands has no authority to sell forest products or quarry material unless purchased from the State.

Access to harvest forest products or extract quarry material on State lands

The permittee (and necessary agents, assistants, plant, vehicles and equipment) has, under the Forestry Act, a right of entry onto and through State lands in relation to which a permit is granted. The permittee is liable for any

damage to cultivated land, crops or other improvements on any land that is entered onto or passed over.

The leaseholder of the State land being accessed, other than the land in relation to which the permit is granted, may give directions regarding the route or track by which the permittee can pass.

DERM Forest Products will consult with the leaseholder during the planning phase of any proposed forest products harvesting or quarry material extraction, to develop cooperative working arrangements and minimise the potential for adverse impacts. The leaseholder can access dispute resolution procedures if required.

Codes of practice to harvest forest products

All timber harvesting operations conducted on State lands under the Forestry Act must comply with the *Code of practice for native forest timber production on State lands 2007*. This code aims to minimise environmental impacts and prescribes the specific criteria including those relating to road construction and maintenance, drainage requirements, watercourse protection and habitat retention requirements. Harvesting operations are planned and monitored in accordance with this code and other supporting procedures. Any proposed variation from the code is subject to specific approval.

All timber harvesting operations must also be conducted in accordance with the *Forest Harvesting Code of Practice 2007*—a safety code under the *Workplace Health and Safety Act 1995*. It aims to minimise exposure to risks relating to planning, preparing and conducting work in connection with harvesting, snagging, loading and transporting forest products. It also covers the risks to anyone visiting a harvesting area.

Commercial quarry operations

Establishing and operating a commercial quarrying operation on State lands is considered an environmentally relevant activity under the *Environmental Protection Act 1994* and requires registration and development approval. This approval process sets conditions to mitigate impacts and prevent environmental harm.

Use of forest products by the leaseholder

Under the Forestry Act, the leaseholder may use forest products provided they are not removed from the State land area (i.e. individual Lot on Plan) where they are being harvested, and are used in line with the purpose of the granted lease.

For example, a leaseholder of a pastoral holding may use or cut fence posts (i.e. forest products) from trees within the lease to construct, maintain and repair fences on the lease, to manage stock consistent with the purpose of the

granted lease. An application for authority to use forest products for such purposes can be obtained by contacting DERM Forest Products. Details of the lease, contact details and the type, species and quantity of forest products to be utilised need to be provided in a written application.

Using forest products for any other purpose may require authorisation and a permit. Harvesting forest products without permission is an offence under the Forestry Act.

Use of quarry material by the leaseholder

Quarry material may be used by the leaseholder, provided the quarry material is not removed from the State land area, and is used for the construction, maintenance or repair of essential land management infrastructure, consistent with the purpose or intent of the granted lease.

Use of quarry material for any other purpose may require authorisation and issue of a permit to get quarry material under the Forestry Act. Extraction of quarry material without authorisation is an offence under the Forestry Act.

Other relevant legislation

Vegetation Management Act 1999

The *Vegetation Management Act 1999* (VMA) regulates the clearing of native vegetation in Queensland—what clearing can be done, and how. It regulates clearing of remnant and some non-remnant vegetation on most State land and freehold tenures. Regardless of whether the vegetation is remnant or non-remnant, the forest products on State lands remain the property of the State.

A leaseholder can apply for a permit to clear native remnant vegetation for certain relevant activities. However, where commercial timber stands are proposed to be cleared or thinned, the permit will consider potential impacts under the Forestry Act.

For more information about the vegetation management framework, visit DERM's website <www.derm.qld.gov.au> or visit your nearest DERM business centre.

Nature Conservation Act 1992—nature refuges

This Act protects and maintains nature while allowing for its ecologically sustainable use. This objective is achieved by dedicating and managing protected areas, protecting wildlife and its habitat, and cooperative involvement of landholders.

Nature refuges are voluntary agreements between landholders and the State—acknowledging a commitment to preserve land in perpetuity that has significant natural and/or cultural heritage values. Each nature refuge agreement is negotiated directly with the landholder/leaseholder, and tailored to suit management

needs, including the State's native forest log timber supply commitments.

Pursuant to the *Nature Conservation Act 1992*, the management principles of a nature refuge does not exclude the controlled use of an area's natural resources in parallel with conserving its natural and/or cultural heritage values. Selectively harvesting forest products is a legitimate management use within most nature refuges.

To protect the State's interests, a standard clause is included in relevant nature refuge agreements acknowledging forest products and quarry materials remain the property of the State, to be harvested or extracted, and sold under the terms of the Forestry Act.

For more information on nature refuges, contact DERM by:

- phone: 13 74 68
- email: naturerefuge@derm.qld.gov.au
- web: <www.derm.qld.gov.au> and search 'nature refuge'.

Land Act—freeholding State lands

Some Land Act leases (i.e. grazing homestead perpetual leases, certain special leases and term leases) may be converted to freehold tenure upon application to DERM. As part of this process, the value of any commercial timber (the property of the Crown) is determined by the Minister responsible for administering the Land Act, or the Land Court, and offered to the leaseholder. Conversion to freehold can only proceed when the leaseholder formally accepts either the Minister's or Land Court's determination for timber and land values.

For State lands containing hardwood, DERM Forest Products prefers to harvest to a 'nil' value prior to conversion to freehold. This allows DERM Forest Products to meet the State native forest log timber supply commitments under the South East Queensland Forests Agreement and Statewide Forests Process, and reduces the freeholding value offer to the leaseholder.

For State lands containing cypress, good stands of cypress may also be recommended to be retained as a suitable tenure to allow ongoing access to meet wood supply commitments.

Where State land is converted to freehold tenure, the ownership of the quarry material is reserved to the State, and use of this material is subject to the same provisions of the Forestry Act that relate to State lands.

Water Act 2000—Quarry material in water ways

Quarry material within a watercourse or lake and associated beds and banks is regulated via the *Water Act 2000*. For more information about quarry material in water ways, visit DERM's website <www.derm.qld.gov.au> or visit your nearest DERM business centre.

Coastal Protection and Management Act 1995

Quarry material below the high water mark is administered via the *Coastal Protection and Management Act 1995*. For more information about quarry material below the high water mark, visit DERM's website <www.derm.qld.gov.au> or visit your nearest DERM business centre.

DERM Forest Products has four forest management areas (FMAs) within Queensland and a number of other smaller officers where Forest Rangers are stationed.

Contact details for the FMA offices are:

Manager, Cypress FMA

Level 3
30 Marble Street
Dalby QLD 4405

PO Box 589
Dalby QLD 4405

Phone: (07) 4672 4830
Fax: (07) 4672 4850

Manager, North FMA

25 Mabel Street
Atherton QLD 4883

PO Box 1138
Atherton QLD 4883

Phone: (07) 4095 7050
Fax: (07) 4091 5211

Manager, South East FMA

27 O'Connell Street
Gympie QLD 4570

LMB 383
Gympie QLD 4570

Phone: (07) 5480 5355
Fax: (07) 5480 5302

Manager, Western FMA

13 Rutherford Street
Monto QLD 4630

PO Box 219
Monto QLD 4630

Phone: (07) 4166 1433
Fax: (07) 4166 1871

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For general enquiries contact the
Queensland Government call centre 13 74 68 (13 QGOV)
or visit www.derm.qld.gov.au