



Department of Biodiversity,
Conservation and Attractions

BIODIVERSITY CONSERVATION REGULATIONS 2018

FACT SHEET

SANDALWOOD LICENCES

Key points

- The *Biodiversity Conservation Act 2016* (BC Act) and Biodiversity Conservation Regulations 2018 (Regulations) regulate the taking of sandalwood (*Santalum spicatum*) from Crown land and private land.
- These arrangements are necessary to ensure the legal origin of sandalwood can be tracked from harvest through to processing.
- Taking and supplying wild sandalwood may be authorised under a *Flora taking (sandalwood) licence* (taking licence).
- Other licences are required for supplying (including storing for supply) processing, dealing and exporting sandalwood.
- Licence applications and further information can be obtained by contacting DBCA's Wildlife Licensing Section.

Legislative basis

The taking (harvest) of sandalwood is regulated under the BC Act and Regulations. The *Sandalwood (Limitation of Removal of Sandalwood) Order (No.2) 2015*¹ sets limits for the amount of wild sandalwood (excluding plantation sandalwood) that may be taken per financial year in Western Australia.

Licensing arrangements are in place for **specifically controlled sandalwood** which is defined in the regulations as:

- (a) *wood of sandalwood if it has a diameter of greater than 25 millimeters at the smallest end when stripped of bark; or*
- (b) *roots of sandalwood.*

This definition applies to native sandalwood that is taken from the wild or from cultivated sources (including plantations).

¹ Transitional arrangements for the Order from the *Sandalwood Act 1929* are in regulation 173 of the Biodiversity Conservation Regulations 2018.

Taking (harvesting)

It is an offence under section 172 of the BC Act for a person to take sandalwood on Crown land or private land unless the person has a current form of lawful authority:

- a flora taking (sandalwood) licence issued by DBCA pursuant to the Regulations;
- an *Environmental Protection Act 1986* (EP Act) clearing permit or exemption (administered by the Department of Water and Environmental Regulation);
- a *Forest Products Act 2000* (FP Act) production contract (as a valid EP Act exemption) (administered by the Forest Products Commission); or
- Aboriginal persons taking sandalwood for non-commercial customary purposes.

Applications for taking licences are considered by DBCA on an annual basis through a process set out in the CEO Guideline – Sandalwood Licensing. Applications to take wild sandalwood are submitted through the *Flora Taking (Sandalwood) Licence Wild Stands Application Kit* for the relevant season (Application Kit).

The Application Kit has three parts to be completed.

- Document 1: Application form
- Document 2: Sandalwood establishment and sustainability plan
- Document 3 (for Crown land): Access to Land for Flora Taking (Sandalwood)

These documents are available by contacting Wildlife Licensing Section via wildlifelicensing@dbca.wa.gov.au.

A taking licence authorises the supply (sell, gift, send, deliver) of the sandalwood taken under that licence, and includes storing to supply.

A taking licence is not required to take plantation sandalwood, which is planted and grown as a commercial crop and is intended to be completely harvested.

Sandalwood that is intentionally sown or regenerated as a condition of a licence to take wild sandalwood is not *cultivated flora* and is considered wild sandalwood.

Supplying (including storing for supply)

A *Flora supplying (sandalwood) licence* (supplying licence) is required by a person who is:

- supplying (including storing for supply) specifically controlled sandalwood that has been taken by a lawful authority other than a taking licence;
- supplying (including storing for supply) cultivated (plantation) sandalwood; or
- storing lawfully taken specifically controlled sandalwood with an intent to supply at a later time (e.g. after their taking licence has expired).

A supplying licence must be current for the period the sandalwood is in storage. This ensures that the legal origin of sandalwood can be determined when the sandalwood is eventually supplied to another person.

An inspection of the place of storage by DBCA staff may be required before a supplying licence can be issued.

Processing

A *Flora processing (sandalwood) licence* (processing licence) is required to authorise the processing of sandalwood into oil, craft wood, chips or other products using a prescribed method (e.g. chipping, grinding, distilling/pressing).

Dealing (purchasing and/or supplying)

A *Flora dealing (sandalwood) licence* (dealing licence) is required in all situations where specifically controlled sandalwood is being purchased and/or supplied (sold).

A dealing licence is required when sandalwood is being bought from a person who has a licence to take or supply sandalwood from private land or Crown land or is being received from a Crown land harvesting operation or is being purchased from a licensed dealer.

Sandalwood dealers will be required to ensure that any sandalwood received or sold has an appropriate sandalwood tracking form to verify its lawful origin. A combined processing and dealing licence for sandalwood can be issued if required.

A processing licence can also authorise dealing in sandalwood to obtain the wood to be processed and supply the processed product.

Exporting

A *Flora exporting (sandalwood) licence* is required to export sandalwood from Western Australia. The Commonwealth government issues export permits when sandalwood is being exported overseas. No licence is required for the export of processed sandalwood, such as sawdust or oil.

Sandalwood tracking forms

Sandalwood tracking forms are required to authorise the transfer of specifically controlled sandalwood whenever it is moved from one location to another, such as when it is transported from the place of harvest to a storage location, a processor or a dealer. This enables suppliers, dealers and processors to confirm the legal origin of the sandalwood. Tracking forms may also be checked during compliance inspections by Authorised DBCA Officers.

Electronic forms are available at <https://www.dbca.wa.gov.au/licences-and-permits/flora/sandalwood-licences>.

EP Act clearing of sandalwood

Sandalwood that is taken under an EP Act clearing permit or exemption does not require a taking licence from DBCA. Clearing permits are administered by the Department of Water and Environmental Regulation with information provided at: [Native vegetation clearing permits | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au).

While a taking licence is not required, where a clearing permit authorises the taking of sandalwood, the following still applies:

- a supplying licence is required to allow the sandalwood to be supplied (and stored for supply); and through the supply chain;
- a processing licence is required to authorise processing;
- a dealing licence is required in all situations where the sandalwood is being purchased and/or supplied;
- an exporting licence is required for export; and
- sandalwood tracking forms are required when the sandalwood is moved.

FP Act production contracts

FP Act production contracts are administered by the Forest Products Commission (FPC). The FPC may be contacted at [Forest Products Commission \(www.wa.gov.au\)](http://www.wa.gov.au) or (08) 9363 4600.

Aboriginal involvement

As recognised by the report of the WA Sandalwood Taskforce entitled *Advancement of Aboriginal Economic Development Using Wild Harvest Sandalwood*, there is a substantial public interest in supporting Aboriginal economic development and greater Aboriginal involvement in the wild sandalwood industry.

Licences may be issued to native title holders for a period of up to three years where the applicant's sandalwood establishment and sustainability plan is assessed as meeting the sustainability criteria.

If a person or other entity other than a native title holder (either exclusive possession or non-exclusive possession) applies for a Licence over land where native title has been determined to exist, an Indigenous Land Use Agreement is required.

Licence fees

The following table sets out the fees applicable to sandalwood licences (application + licence fee). If an application does not result in a licence being issued, the licence fee component will be refunded.

Licence type	New application and licence fee	Renewal application and licence fee
Taking licence	\$415	n/a
Supplying licence	\$45	\$30
Processing licence	\$290	\$215
Dealing licence	\$290	\$215
Exporting licence	n/a	

Inspections fees for taking licences apply as per the Application Kit information. Inspection fees may apply where inspections are required to determine applications for other licence types.

More information

To find out more about the BC Act or its Regulations visit:

<https://www.legislation.wa.gov.au>

For further information about sandalwood management and sustainability visit:

<https://www.dbca.wa.gov.au/management/sandalwood> or email us at:

sandalwood@dbca.wa.gov.au

For further information about sandalwood licensing visit:

<https://www.dbca.wa.gov.au/licences-and-permits/flora/sandalwood-licences> or email

us at wildlifelicensing@dbca.wa.gov.au or phone (08) 9219 9000.

Disclaimer Discussion and mention of legislation throughout this document is intended for overview only. Legislation references and excerpts are not complete or verbatim. Readers should refer to the legislation for reference in the first instance and exercise their own skill and care in the use of the material.

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FURTHER INFORMATION

Contact your local office of the Department of Biodiversity, Conservation and Attractions. See the department's website for the latest information www.dbca.wa.gov.au



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