

# **FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION (FORESTS AND FOREST RESOURCES) REGULATIONS, 2014**

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# FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION (FORESTS AND FOREST RESOURCES) REGULATIONS 2014

## MADE BY THE MINISTER UNDER SECTION 121 OF THE FORESTRY, PROTECTED AREAS AND WILDLIFE CONSERVATION ACT 2014

### Short title

1. These Regulations may be cited as the Forests and Forest Resources Regulations, 2014.

### Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Forestry, Protected Areas and Wildlife Act No.---of 2014;

“applicant” includes a person applying for –

- (i) a Private Timber Harvesting Permit Pursuant to regulation 3;
- (ii) a State Lands Timber Harvesting Permit Pursuant to regulation 5;
- (iii) a Concession Area Timber Harvesting Permit pursuant to regulation 7;
- (iv) a Timber Trading Permit pursuant to regulation 9;
- (v) a Log Haulage Permit pursuant to regulation 11;
- (vi) a Timber Transportation Permit pursuant to regulation 13;
- (vii) a Timber Collection Facility Permit pursuant to regulation 15;
- (viii) a Timber Export Permit pursuant to regulation 17;
- (ix) a Timber Import Permit pursuant to regulation 19;
- (x) a Sawmill Permit pursuant to regulation 21;
- (xi) a Furniture Manufacturing Permit pursuant to regulation 23 ;
- (xii) a Non-timber Forest Products Extraction, Removal and Transportation Permit pursuant to regulation 25; or
- (xiii) a Charcoal Permit pursuant to regulation 27.
- (xiv) asserting a claim for omission of a trade secret or confidential business information from the Forestry and Forest Resources Register pursuant to regulation 42

“application” shall refer to the written request made by the applicant for any of the various permits or a claim for omission;

"Authority" means the Forest and Protected Areas Management Authority established under the Act;

"Charcoal Permit" means a permit to produce charcoal pursuant to Section 51 of the Act;

"concession" means an invitation from the Minister to harvest timber in a concession area;

"concession area" means an area owned or controlled by the State designated for harvesting timber;

"Concession Area Timber Harvesting Permit" means a permit to harvest timber from a concession area pursuant to Section 40(4) of the Act;

" Department" means the Department of Natural Resources and Environment of the Tobago House of Assembly;

“effects” include direct and indirect, secondary, cumulative, short, medium, long-term, permanent, temporary, positive, negative and synergistic;

"Furniture Manufacturing Facility Permit" means a permit to operate and maintain a Furniture Manufacturing Facility pursuant to Section 49(1) of the Act;

“harvesting” means to pick, cut, take, possess or destroy;

"Log Haulage Permit" means a permit to transport logs or use equipment for the haulage of logs from place of harvest to the nearest roadway harvested pursuant to a State Lands Timber Harvesting Permit or a Concession Area Timber Harvesting Permit pursuant to Section 42(1) of the Act;

“permittee” means a person to whom a Private Timber Harvesting Permit, a State Lands Timber Harvesting Permit, a Concession Area Timber Harvesting Permit, a Timber Trading Permit, a Log Haulage Permit, a Timber Transportation Permit, a Timber Collection Facility Permit, a Timber Export Permit, a Timber Import Permit, a Sawmill Permit, a Furniture Manufacturing Permit, a Non-timber Forest Products Extraction, Removal and Transportation Permit, and a Charcoal Permit has been granted;

“permit” includes a Private Timber Harvesting Permit, a State Lands Timber Harvesting Permit, a Concession Area Timber Harvesting Permit, a Timber Trading Permit, a Log Haulage Permit, a Timber Transportation Permit, a Timber Collection Facility Permit, a Timber Export Permit, a Timber Import Permit, a Sawmill Permit, a Furniture Manufacturing Permit, a Non-timber Forest Products Extraction, Removal and Transportation Permit, or a Charcoal Permit;

“Phytosanitary Certificate” means a document, issued by an authorized entity that attests to the phytosanitary status of any timber or timber product;

“prescribed fee” means the fee prescribed by the Forestry, Protected Areas and Wildlife Conservation (Fees) Regulations, 2014

"Private Timber Harvesting Permit" means a permit to harvest timber listed in the Second Schedule of the Act on private or lands leased from the State pursuant to Section 38(1) of the Act;

“Sanitary Certificate” means a document, issued by an authorized entity that attests to the sanitary status of any timber or timber product;

“sawmill” includes every breakdown saw or mill designed and used to break down and convert logs into boards, planks or scantlings or to re-saw the boards, planks or scantlings into boards, planks or scantlings of small dimensions

"Sawmill Permit" means a permit to operate and maintain a sawmill pursuant to Section 48(1) of the Act;

"State Lands Timber Harvesting Permit" means a permit to harvest timber from State lands outside a protected area pursuant to Section 39(1) of the Act;

"Timber Collection Facility Permit" means a permit to store timber harvested pursuant to a Private Timber Harvesting Permit, a State Lands Timber Harvesting Permit, a Concession Area Timber Harvesting Permit, or a Protected Area Timber Harvest Permit pursuant to Section 45(2) of the Act;

"Timber Export Permit" means a permit to export any processed or unprocessed timber harvested pursuant to a Private Timber Harvesting Permit, a State Lands Timber Harvesting Permit, a Concession Area Timber Harvesting Permit, or a Protected Area Timber Harvest Permit pursuant to Section 46(1) of the Act;

"Timber Import Permit" means a permit to import any processed or unprocessed timber pursuant to Section 47(1) of the Act;

"Timber Trading Permit" means a permit to trade timber obtained pursuant to a Private Timber Harvesting Permit, a State Lands Timber Harvesting Permit, or a Concession Area Timber Harvesting Permit pursuant to Section 41(1) of the Act;

"Timber Transportation Permit" means a permit to transport timber harvested pursuant to a Private Timber Harvesting Permit, a State Lands Timber Harvesting Permit, or a Concession Area Timber Harvesting Permit by any means whatsoever along any roadway pursuant to Section 43(1) of the Act;

"Non-timber Forest Products Extraction, Removal and Transportation Permit" means a permit to extract non-timber forest products from, or cut for the purpose of extracting non-timber forest products, any tree growing on private land or remove and transport any non-timber forest products or tree cut for the purpose of extracting non-timber forest products pursuant to Section 50(2) of the Act;

### **Application for a Private Timber Harvesting Permit**

3. (1) An application for a Private Timber Harvesting Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Private Timber Harvesting Permit shall include the following –

- i. the species of timber to be harvested;
- ii. the location where the timber is to be harvested;
- iii. the quantity and sizes of timber to be harvested;
- iv. the purpose for harvesting that species of timber;

- v. details on disposition of the harvested timber; and
- vi. such other information that the Authority or Department may require.

(3) A person seeking to harvest species of timber not listed in the Second Schedule of the Act shall notify the Authority or Department in writing at least two (2) days before harvesting such timber, including the information listed in subregulation (2)(i)(v) above, and any other information which the applicant deems relevant.

(4) The Authority or Department may, upon receipt of a written notice under subregulation (3), require that that person apply for a Private Timber Harvesting Permit pursuant to subregulations (1) and (2).

(5) The Authority or Department may, during the determination of an application for a Private Timber Harvesting Permit, request oral or additional written information from an applicant within a specified time.

#### **Determination of Application for a Private Timber Harvesting Permit**

4. (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 3, grant with or without conditions or refuse to grant, a Private Timber Harvesting Permit to the applicant.

(2) A Private Timber Harvesting Permit shall include but not be limited to –

- i. the species of timber to be harvested;
- ii. quantity and sizes of timber to be harvested;
- iii. the location where the timber is to be harvested;
- iv. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the harvesting of the timber;
- v. conditions for minimizing the adverse environmental effect where avoidance is impractical;
- vi. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- vii. an undertaking of the permittee pursuant to Section 44 of the Act;
- viii. terms for retention of records of all harvesting activities; and
- ix. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Private Timber Harvesting Permit is effective until a fixed date as specified in the Private Timber Harvesting Permit.

(4) The holder of a Private Timber Harvesting Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the harvesting of timber including but not limited to quantity of timber collected, common and scientific names and methods of collection within thirty (30) days of the expiration of the Private Timber Harvesting Permit.

## **Application for a State Lands Timber Harvesting Permit**

5. (1) An application for a State Lands Timber Harvesting Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a State Lands Timber Harvesting Permit shall include the following –

- i. the species of timber to be harvested;
- ii. the location where the timber is to be harvested;
- iii. the quantity and sizes of timber to be harvested;
- iv. the purpose for harvesting that species of timber;
- v. details on disposition of the harvested timber;
- vi. an undertaking to pay royalties for timber harvested at a rate as determined by the Minister; and
- vii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a State Lands Timber Harvesting Permit, request oral or additional written information from an applicant within a specified time.

## **Determination of Application for a State Lands Timber Harvesting Permit**

6. (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 5, grant with or without conditions or refuse to grant, a State Lands Timber Harvesting Permit to the applicant.

(2) A State Lands Timber Harvesting Permit shall include but not be limited to –

- i. the species of timber to be harvested;
- ii. quantity and sizes of timber to be harvested;
- iii. the location where the timber is to be harvested;
- iv. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the harvesting of the timber;
- v. conditions for minimizing the adverse environmental effect where avoidance is impractical;
- vi. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- vii. an undertaking of the permittee pursuant to Section 44 of the Act;
- viii. terms for retention of records of all harvesting activities;
- ix. a requirement for the payment of royalties for timber to be harvested at a rate as determined by the Minister, to be paid into the Trinidad Fund or the Tobago Fund where appropriate; and
- x. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a State Lands Timber Harvesting Permit is effective until a fixed date as specified in the State Lands Timber Harvesting Permit.

(4) The holder of a State Lands Timber Harvesting Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the harvesting of timber including but not limited to quantity of timber collected, common and scientific names and methods of collection within thirty (30) days of the expiration of the State Lands Timber Harvesting Permit.

### **Application for a Concession Area Timber Harvesting Permit**

7. (1) An application for a Concession Area Timber Harvesting Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Concession Area Timber Harvesting Permit shall include the following –

- i. the species of timber to be harvested;
- ii. the location where the timber is to be harvested;
- iii. the quantity and sizes of timber to be harvested;
- iv. the purpose for harvesting that species of timber;
- v. details on disposition of the harvested timber;
- vi. an undertaking to pay royalties for timber harvested at a rate as determined by the Minister; and
- vii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Concession Area Timber Harvesting Permit, request oral or additional written information from an applicant within a specified time.

### **Determination of Application for a Concession Area Timber Harvesting Permit**

8. (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 7, grant with or without conditions or refuse to grant, a Concession Area Timber Harvesting Permit to the applicant.

(2) A Concession Area Timber Harvesting Permit shall include but not be limited to –

- i. the species of timber to be harvested;
- ii. quantity and sizes of timber to be harvested;
- iii. the location where the timber is to be harvested;
- iv. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the harvesting of the timber;
- v. conditions for minimizing the adverse environmental effect where avoidance is impractical;
- vi. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- vii. an undertaking of the permittee pursuant to Section 44 of the Act;
- viii. terms for retention of records of all harvesting activities;
- ix. a requirement for the payment of royalties for timber to be harvested at a rate as determined by the Minister, to be paid into the Trinidad Fund or the Tobago Fund where appropriate; and

- x. such other terms and conditions that may be deemed necessary, including but not limited to the rights listed under Section 40(2) of the Act.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Concession Area Timber Harvesting Permit is effective until a fixed date as specified in the Concession Area Timber Harvesting Permit.

(4) The holder of a Concession Area Timber Harvesting Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the harvesting of timber including but not limited to quantity of timber collected, common and scientific names and methods of collection within thirty (30) days of the expiration of the Concession Area Timber Harvesting Permit.

### **Application for a Timber Trading Permit**

9. (1) An application for a Timber Trading Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Timber Trading Permit shall include the following –

- i. true copies of the Private Timber Harvesting Permit, State Lands Timber Harvesting Permit, or Concession Area Timber Harvesting Permit under which the timber to be traded was obtained;
- ii. the species of timber to be traded;
- iii. the quantity and sizes of timber expected to be traded in a specified period;
- iv. the names and business addresses of any expected purchasers;
- v. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Timber Trading Permit, request oral or additional written information from an applicant within a specified time.

### **Determination of Application for a Timber Trading Permit**

10. (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 9, grant with or without conditions or refuse to grant, a Timber Trading Permit to the applicant.

(2) A Timber Trading Permit shall include but not be limited to –

- i. the species of timber to be traded;
- ii. the maximum quantity and sizes of timber to be traded in any transaction;
- iii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse health, safety, and environmental effects which could result from the trading of the timber;
- iv. conditions for minimizing the adverse health, safety, and environmental effect where avoidance is impractical;
- v. conditions for mitigating the consequences of adverse health, safety, and environmental effects where the effect cannot be avoided;
- vi. terms for retention of records of all trading activities; and

vii. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Timber Trading Permit is effective until a fixed date as specified in the Timber Trading Permit.

(4) The holder of a Timber Trading Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the trading of timber including but not limited to quantity and species of timber traded and the amount of timber traded under the Timber Trading Permit within thirty (30) days of the expiration of the Timber Trading Permit.

### **Application for a Log Haulage Permit**

11. (1) An application for a Log Haulage Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Log Haulage Permit shall include the following –

- i. true copies of the State Lands Timber Harvesting Permit or Concession Area Timber Harvesting Permit under which the timber to be hauled was harvested;
- ii. the species of timber to be hauled;
- iii. the quantity and sizes of timber expected to be hauled in a specified period;
- iv. the methods and equipment to be used to haul the timber;
- v. the proposed route or routes to haul the timber from the place of harvest to the nearest roadway;
- vi. the location of the Timber Collection Facility or Sawmill where the logs are to be removed;
- vii. true copies of the driver's permit and any other relevant permit of the driver of the vehicle or user of equipment on which timber are to be transported or hauled;
- viii. true copies of the vehicle registration and any other documentation related to the ownership of the vehicle or equipment on which timber are to be transported or hauled;
- ix. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Log Haulage Permit, request oral or additional written information from an applicant within a specified time.

### **Determination of Application for a Log Haulage Permit**

12. (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 11, grant with or without conditions or refuse to grant, a Log Haulage Permit to the applicant.

(2) A Log Haulage Permit shall include but not be limited to –

- i. the species of timber to be hauled;

- ii. the maximum number and sizes of logs to be hauled to the nearest roadway by a vehicle or equipment at any given time;
- iii. the methods and equipment to be used to haul the logs;
- iv. the route or routes to be used to haul the logs from the place of harvest to the nearest roadway;
- v. the location of the Timber Collection Facility or Sawmill where the logs are to be removed;
- vi. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse health, safety, and environmental effects which could result from the haulage of the timber;
- vii. conditions for minimizing the adverse health, safety, and environmental effect where avoidance is impractical;
- viii. conditions for mitigating the consequences of adverse health, safety, and environmental effects where the effect cannot be avoided;
- ix. an undertaking of the permittee pursuant to Section 44 of the Act;
- x. terms for retention of records of all haulage activities; and
- xi. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Log Haulage Permit is effective until a fixed date as specified in the Log Haulage Permit.

(4) The holder of a Log Haulage Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the haulage of logs including but not limited to quantity and species of timber hauled within thirty (30) days of the expiration of the Log Haulage Permit.

### **Application for a Timber Transportation Permit**

**13.** (1) An application for a Timber Transportation Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Timber Transportation Permit shall include the following –

- i. true copies of the Private Timber Harvesting Permit, State Lands Timber Harvesting Permit or Concession Area Timber Harvesting Permit under which the timber to be transported was harvested;
- ii. the species of timber to be transported;
- iii. the quantity and sizes of timber expected to be transported in a specified period;
- iv. the methods and equipment to be used to transport the timber;
- v. the location of the Timber Collection Facility or Sawmill where the timber are to be removed;
- vi. true copies of the driver's permit and any other relevant permit of the driver of the vehicle or user of equipment on which timber are to be transported;
- vii. true copies of the vehicle registration and any other documentation related to the ownership of the vehicle or equipment on which timber are to be transported;
- viii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Timber Transport Permit, request oral or additional written information from an applicant within a specified time.

### **Determination of Application for a Timber Transportation Permit**

**14.** (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 13, grant with or without conditions or refuse to grant, a Timber Transport Permit to the applicant.

(2) A Timber Transport Permit shall include but not be limited to –

- i. the species of timber to be transported;
- ii. the maximum number and sizes of logs to be transported on the roadway by a vehicle or equipment at any given time;
- iii. the methods and equipment to be used to transport the timber;
- iv. the location of the Timber Collection Facility or Sawmill where the timber are to be removed;
- v. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse health, safety, and environmental effects which could result from the haulage of the timber;
- vi. conditions for minimizing the adverse health, safety, and environmental effect where avoidance is impractical;
- vii. conditions for mitigating the consequences of adverse health, safety, and environmental effects where the effect cannot be avoided;
- viii. terms for retention of records of all transportation activities; and
- ix. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Timber Transportation Permit is effective until a fixed date as specified in the Timber Transportation Permit.

(4) The holder of a Timber Transportation Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the transport of timber including but not limited to quantity and species of timber transported within thirty (30) days of the expiration of the Timber Transportation Permit.

### **Application for a Timber Collection Facility Permit**

**15.** (1) An application for a Timber Collection Facility Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Timber Collection Facility Permit shall include the following –

- i. true copies of the Private Timber Harvesting Permit, State Lands Timber Harvesting Permit, Concession Area Timber Harvesting Permit, or Protected Area Timber Harvesting Permit under which the timber to be stored was harvested;
- ii. the location of the Timber Collection Facility;
- iii. true copies of all other relevant statutory and regulatory approvals for such a Timber Collection Facility, including but not limited to approvals from Town and Country

- Planning, Fire Services, the Water and Sewerage Authority, Occupational, Safety and Health Authority, and the relevant Regional Corporation;
- iv. a plan describing the layout of the Timber Collection Facility;
  - v. the storage capacity of the Timber Collection Facility;
  - vi. the species of timber to be stored;
  - vii. the methods and equipment to be used to store and manage the timber in the proposed Timber Collection Facility;
  - viii. true copies of the title documents related to the land and building which comprise the proposed Timber Collection Facility;
  - ix. such other information that the Authority or Department may require.

(3) A person seeking to store timber in any place other than a Timber Collection Facility shall apply for an exemption pursuant to Section 45(3) of the Act, such exemption including, but not limited to:

- i. true copies of any relevant Timber Harvesting Permit, State Lands Timber Harvesting Permit, Concession Area Timber Harvesting Permit, or Protected Area Timber Harvesting Permit under which the timber to be stored was harvested;
- ii. location of the storage site;
- iii. a plan describing the layout of the storage site;
- iv. the storage capacity of the storage site;
- v. the species of timber to be stored;
- vi. the quantity and sizes of timber to be stored; and
- vii. true copies of the title documents related to the land and building which comprise the storage site.

(4) The Authority or Department may, during the determination of an application for a Timber Collection Facility Permit or an exemption under subregulation (3), request oral or additional written information from an applicant within a specified time.

### **Determination of Application for a Timber Collection Facility Permit**

**16.** (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 15, grant with or without conditions or refuse to grant, a Timber Collection Facility Permit to the applicant.

(2) A Timber Collection Permit shall include but not be limited to –

- i. the species of timber to be stored;
- ii. the maximum number and sizes of logs to be stored in the Timber Collection Facility at any given time;
- iii. the methods and equipment to be used to store and manage the timber;
- iv. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse health, safety, and environmental effects which could result from the storage of the timber;
- v. conditions for minimizing the adverse health, safety, and environmental effect where avoidance is impractical;
- vi. conditions for mitigating the consequences of adverse health, safety, and environmental effects where the effect cannot be avoided;

- vii. terms for retention of records of all storage activities; and
- viii. such other terms and conditions that may be deemed necessary.

(3) The Authority or Department shall, within thirty (30) days of receipt of an application for an exemption under regulation 15(3), grant with or without conditions or refuse to grant such an exemption.

(4) Unless previously revoked, varied or suspended by the Authority or Department, a Timber Collection Facility Permit is effective until a fixed date as specified in the Timber Collection Facility Permit.

(5) The holder of a Timber Collection Facility Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the storage of timber including but not limited to quantity and species of timber stored within thirty (30) days of the expiration of the Timber Collection Facility Permit.

### **Application for Timber Export Permit**

**17.** (1) An application for a Timber Export Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Timber Export Permit shall include the following –

- i. true copies of the Private Timber Harvesting Permit, State Lands Timber Harvesting Permit, Concession Area Timber Harvesting Permit, or Protected Area Timber Harvesting Permit under which the timber to be exported was harvested
- ii. details of the exportation of the species of timber;
- iii. the quantity and sizes of timber to be exported;
- iv. the purpose of the exportation of the timber;
- v. details of the custody of the timber to be exported;
- vi. scientific data on any risks associated with the exportation of the timber;
- vii. copies of valid Phytosanitary certificates or sanitary certificates for the timber;
- viii. copies of permits and other documents from other countries that may be required for the exportation of the timber; and
- ix. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Timber Export Permit, request oral or additional written information from an applicant.

### **Determination of Application for a Timber Export Permit**

**18.** (1) The Authority or Department shall, within twenty (20) days of receipt of a completed application under regulation 17 above grant with or without conditions or refuse to grant a Timber Export Permit to the applicant.

(2) A Timber Export Permit shall include but not be limited to the following –

- i. the quantity and sizes of timber to be exported;
- ii. conditions for custody of the timber that is to be exported;
- iii. use for which timber is to be made;
- iv. requirements for obtaining approvals and permits from third countries that may be required for the exportation of the timber;
- v. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects associated with the exportation of the timber;
- vi. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- vii. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- viii. terms for retention of records of all permit activities; and
- ix. such other terms and conditions that are deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Timber Export Permit is effective until the fixed date specified in the Timber Export Permit.

### **Application for Timber Import Permit**

**19.** (1) An application for a Timber Import Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Timber Import Permit shall include the following –

- i. details of the importation of the timber;
- ii. the quantity and sizes of the timber to be imported;
- iii. the purpose of the importation of the timber;
- iv. details of the custody of timber that is to be imported;
- v. scientific data on any risks associated with the importation of the timber;
- vi. copies of valid Phytosanitary certificates or sanitary certificates for the timber;
- vii. copies of permits and other documents from other countries that may be required for the importation of the timber; and
- viii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Timber Import Permit, request oral or additional written information from an applicant.

### **Determination of Application for a Timber Import Permit**

**20.** (1) The Authority or Department shall, within twenty (20) days of receipt of a completed application under regulation 19 above grant with or without conditions or refuse to grant a Timber Import Permit to the applicant.

(2) A Timber Import Permit shall include but not be limited to the following –

- i. the quantity and sizes of timber to be imported;
- ii. conditions for custody of timber to be imported;

- iii. use for which the timber is to be made;
- iv. requirements for obtaining approvals and permits from third countries that may be required for the importation of the timber;
- v. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects associated with the importation of the timber;
- vi. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- vii. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- viii. terms for retention of records of all permit activities; and
- ix. such other terms and conditions that are deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Timber Import Permit is effective until the fixed date specified in the Timber Import Permit.

### **Application for a Sawmill Permit**

**21.** (1) An application for a Sawmill Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Sawmill Permit shall include the following –

- i. the location of the sawmill;
- ii. true copies of all other relevant statutory and regulatory approvals for such a sawmill, including but not limited to approvals from Town and Country Planning, Fire Services, the Water and Sewerage Authority, Occupational, Safety and Health Authority, and the relevant Regional Corporation;
- iii. a plan describing the layout of the sawmill;
- iv. a full description of the sawmill activities;
- v. information as to the source of materials to be used in the sawmill activities;
- vi. true copies of the title documents related to the land and building which comprise the sawmill;
- vii. such other information that the Authority or Department may require.

(3) A person seeking to store or process timber in any place other than a sawmill shall apply for an exemption pursuant to Section 45(3) of the Act, such exemption including, but not limited to:

- i. true copies of any relevant Timber Harvesting Permit, State Lands Timber Harvesting Permit, Concession Area Timber Harvesting Permit, or Protected Area Timber Harvesting Permit under which the timber to be stored and/or processed was harvested;
- ii. location of the storage and/or processing site;
- iii. a plan describing the layout of the storage and/or processing site;
- iv. a full description of the storage and/or processing activities;
- v. the storage and/or processing capacity of the storage and/or processing site;
- vi. information as to the source of materials to be stored and/or processed; and
- vii. true copies of the title documents related to the land and building which comprise the storage and/or processing facility.

(4) The Authority or Department may, during the determination of an application for a sawmill or an exemption under subregulation (3), request oral or additional written information from an applicant within a specified time.

### **Determination of Application for a Sawmill Permit**

**22.** (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 21 above, grant with or without conditions or refuse to grant, a Sawmill Permit to the applicant.

(2) A Sawmill Permit shall include but not be limited to –

- i. the location of the sawmill;
- ii. a full description of the sawmill activities;
- iii. information as to the source of materials to be used in the sawmill;
- iv. the maximum number and sizes of logs to be stored and/or processed in the sawmill at any given time;
- v. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse health, safety, and environmental effects which could result from the storage and/or processing of the timber;
- vi. conditions for minimizing the adverse health, safety, and environmental effect where avoidance is impractical;
- vii. conditions for mitigating the consequences of adverse health, safety, and environmental effects where the effect cannot be avoided;
- viii. terms for retention of records of all storage and/or processing activities; and
- ix. such other terms and conditions that may be deemed necessary.

(3) The Authority or Department shall, within thirty (30) days of receipt of an application for an exemption under regulation 21(3), grant with or without conditions or refuse to grant such an exemption.

(4) Unless previously revoked, varied or suspended by the Authority or Department, a Sawmill Permit is effective until a fixed date as specified in the Sawmill Permit.

(5) The holder of a Sawmill Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the storage and/or processing of timber including but not limited to quantity and species of timber stored and/or processed within thirty (30) days of the expiration of the Sawmill Permit.

### **Application for a Furniture Manufacturing Facility Permit**

**23.** (1) An application for a Furniture Manufacturing Facility Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Furniture Manufacturing Facility Permit shall include the following –

- i. the location of the Furniture Manufacturing Facility;

- ii. a plan describing the layout of the Furniture Manufacturing Facility;
- iii. a full description of the furniture manufacturing activities;
- iv. information as to the source of materials to be used in the furniture manufacturing;
- v. the storage and/or processing capacity of the Furniture Manufacturing Facility;
- vi. true copies of the title documents related to the land and building which comprise the Furniture Manufacturing Facility;
- vii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Furniture Manufacturing Facility, request oral or additional written information from an applicant within a specified time.

### **Determination of Application for a Furniture Manufacturing Facility Permit**

**24.** (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 23 above, grant with or without conditions or refuse to grant, a Furniture Manufacturing Facility Permit to the applicant.

(2) A Furniture Manufacturing Facility Permit shall include but not be limited to –

- i. the location where furniture is to be manufactured;
- ii. a full description of the furniture manufacturing activities;
- iii. information as to the source of materials to be used in the furniture manufacturing;
- iv. terms for retention of records of all storage and/or processing activities; and
- v. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Furniture Manufacturing Facility Permit is effective until a fixed date as specified in the Furniture Manufacturing Facility Permit.

(4) The holder of a Furniture Manufacturing Facility Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the processing of timber into furniture including but not limited to quantity and species of timber processed within thirty (30) days of the expiration of the Furniture Manufacturing Facility Permit.

### **Application for a Non-Timber Forest Products Extraction, Removal and Transportation Permit**

**25.** (1) An application for a Non-Timber Forest Products Extraction, Removal and Transportation Permit shall be completed in the form provided by the Authority or Department and submitted together with the prescribed fee.

(2) An application for a Non-Timber Forest Products Extraction, Removal and Transportation Permit shall include the following –

- i. full details of the non-timber forest product to be extracted or cut, including but not limited to the species of tree and the part or parts of the tree to be extracted or cut;
- ii. the location where the non-timber forest product is to be extracted or cut from;

- iii. the quantity and sizes of non-timber forest product to be extracted or cut, removed and transported;
- iv. the methods and equipment to be used for the extraction or cutting, removal and transport of the non-timber forest product;
- v. the location where the non-timber forest product is to be transported to;
- vi. the purpose of the extraction or cutting of the non-timber forest product;
- vii. any other details on disposition of the extracted or cut non-forest product; and
- viii. such other information that the Authority or Department may require.

(3) The Authority or Department may, during the determination of an application for a Non-Timber Forest Products Extraction, Removal and Transportation Permit, request oral or additional written information from an applicant within a specified time.

**Determination of Application for a Non-Timber Forest Products Extraction, Removal and Transportation Permit**

**26.** (1) The Authority or Department shall, within thirty (30) days of receipt of a completed application under regulation 25, grant with or without conditions or refuse to grant, a Non-Timber Forest Products Extraction, Removal and Transportation Permit to the applicant.

(2) A Non-Timber Forest Products Extraction, Removal and Transportation Permit shall include but not be limited to –

- i. full details of the non-timber forest product to be extracted or cut;
- ii. the location where the non-timber forest product is to be extracted or cut from;
- iii. the quantity and sizes of non-timber forest product to be extracted or cut, removed and transported;
- iv. the methods and equipment to be used for the extraction or cutting, removal and transport of the non-timber forest product;
- v. the location where the non-timber forest product is to be transported to;
- vi. the purpose of the extraction or cutting of that non-timber forest product;
- vii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the harvesting of the non-timber forest product;
- viii. conditions for minimizing the adverse environmental effect where avoidance is impractical;
- ix. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- x. terms for retention of records of all extraction, cutting, removal and transport activities; and
- xi. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Non-Timber Forest Products Extraction, Removal and Transportation Permit is effective until a fixed date as specified in the Non-Timber Forest Products Extraction, Removal and Transportation Permit.

(4) The holder of a Non-Timber Forest Products Extraction, Removal and Transportation Permit shall be required to submit to the Authority or Department, in accordance with the form provided, information on the extraction, removal and transport of non-timber forest

products including but not limited to quantity of non-forest product extracted, removed and transported, common and scientific names and methods of extraction, removal and transportation within thirty (30) days of the expiration of the Non-Timber Forest Products Extraction, Removal and Transportation Permit.

### **Application for a Charcoal Permit**

27. (1) An application for a Charcoal Permit shall be completed in the form provided by the Authority or Department and submitted to the Authority or Department together with the prescribed fee.

(2) An application for a Charcoal Permit shall include the following –

- i. the specific area where the charcoal is to be produced;
- ii. a full description of the charcoal producing activity;
- iii. information as to the source of materials to be used in the charcoal producing activity;
- iv. proposals for dealing with the release of pollutants from the charcoal producing activity;
- v. mechanisms for disposal of waste generated from the charcoal producing activity; and
- vi. such other information that the Chief Fire Officer may require.

(3) The Authority or Department may, during the determination of an application for a Charcoal Permit request oral or additional written information from an applicant within a specified time.

### **Determination of Charcoal Permit**

28. (1) The Authority or Department shall within thirty (30) days of receipt of a completed application under regulations 27, grant with or without conditions or refuse to grant a Charcoal Permit to the applicant.

(2) The Charcoal Permit shall include but not be limited to -

- i. the specific area where the charcoal is to be produced;
- ii. conditions to ensure that the permittee shall take all reasonable steps to avoid adverse environmental effects which could result from the charcoal producing activity;
- iii. conditions for minimizing the adverse environmental effect where the avoidance is impractical;
- iv. conditions for mitigating the effect of adverse environmental effect where the effect cannot be avoided;
- v. terms for retention of records of the charcoal producing activity; and
- vi. such other terms and conditions that may be deemed necessary.

(3) Unless previously revoked, varied or suspended by the Authority or Department, a Charcoal Permit is effective until a fixed date specified in the Charcoal Permit.

(4) The Authority or Department shall forward to the Chief Fire Officer, a copy of every Charcoal Permit issued or refusal to grant a Charcoal Permit within seven days of such issuance or refusal.

## **Responsibilities of Permittee**

**29.** (1) The permittee shall at all times properly act to achieve compliance with any permit and shall furnish the Authority or Department with any information which the Authority or Department considers necessary to determine whether cause exists for varying, suspending, revoking or renewing the permit or to determine compliance with any permit.

(2) The permittee shall furnish to the Authority or Department, upon request, copies of records required to be kept by the permittee.

(3) The permittee shall report all instances of anticipated non-compliance to the Authority or Department and shall give reasonable notice of any activity which may result in non-compliance with the requirements of any permit.

(4) Where there has been non-compliance with the requirements of any permit, the permittee shall –

- i. report to the Authority or Department, within forty-eight hours of the time the permittee becomes aware of the circumstances of the non-compliance, the anticipated manner in which it may endanger health or the environment; and
- ii. within five (5) days, submit to the Authority or Department a report containing a description of the non-compliance, its cause and the period of non-compliance, including exact dates and time and the response of the permittee to the non-compliance.

(5) If the non-compliance in subregulation (4) has not been corrected, the permittee shall –

- i. submit a report to the Authority or Department indicating the anticipated duration of the continued non-compliance; and
- ii. state whether the permittee considers that the non-compliance was due to an emergency and the reasons for such a belief.

(6) The permittee shall allow an authorised officer upon the presentation of identification to –

- i. inspect at reasonable times any practices or operations regulated or required under the permit;
- ii. copy any records that must be kept under the conditions of the permit; and
- iii. monitor at reasonable times, for the purposes of ensuring compliance with the permit.

## **Requirement to act in a timely manner**

**30.** Where the Authority or Department requires the information to be submitted under these Regulations, the applicant or permittee, where applicable, shall submit such information in a reasonable and timely manner.

## **Changes in Permitting Conditions**

**31.** (1) A permittee shall, within twenty one (21) days of the following events, give the Authority or Department notice in writing of:

- i. a change affecting the accuracy of any particulars provided in an application for a permit; or
- ii. the cessation of the activity for which a permit has been issued.

(2) Where a permittee -

- i. dies;
- ii. becomes bankrupt;
- iii. transfers ownership;
- iv. goes into liquidation or receivership; or
- v. becomes a party to an amalgamation,

that person or the person responsible for his affairs shall, within twenty one (21) days of the event, give the Authority or Department notice in writing thereof.

## **Variation of Permit**

**32.** (1) The Authority or Department may:

- i. on its own initiative vary the conditions of a permit; or
- ii. on the application of the permittee vary the conditions of a permit.

(2) The Authority or Department may vary a permit under subregulation (1)(i) –

- i. where it appears to the Authority or Department that a situation specified in regulation 31 has occurred; or
- ii. where it appears to the Authority or Department that an emergency has occurred; or
- iii. where it appears to the Authority or Department that any other change, situation or activity relating to the use of the permit has occurred that is not consistent with these Regulations.

## **Issuance of Amended Permit**

**33.** (1) Where the Authority or Department varies a permit pursuant to regulation 32(1)(i), it shall issue an amended permit within thirty (30) days of its decision to vary the permit.

(2) Where the Authority or Department receives an application under regulation 32(1)(ii) for a variation of a permit, the Director shall, within thirty (30) days of receipt of the completed application and payment of the prescribed fee issue to the applicant an amended permit or refuse to grant a variation.

## **Transfer of Permit**

**34.** (1) No permit is assignable or transferable to any person without the consent of the Authority or Department.

(2) The Authority or Department may, on the application of a permittee, transfer a permit to another person.

(3) An application for a transfer of a permit shall be in accordance with the form, as determined by the Authority or Department, and be submitted together with the prescribed fee.

(4) An application for a transfer shall contain –

- i. the name and address of the proposed transferee;
- ii. the signatures of the proposed transferee and the applicant; and
- iii. the original copy of the permit to be transferred.

(5) Where the Authority or Department approves an application under subregulation (2), the Director shall –

- i. endorse the transfer on the permit submitted under subregulation (4);
- ii. substitute the name of the applicant on the permit for that of the transferee; and
- iii. endorse the date on which the application was approved.

### **Renewal of permit**

**35.** (1) Where a permittee desires to continue an activity beyond the expiration of a Permit, the permittee shall submit an application for the renewal of the Permit to the Authority or Department, in accordance with the form provided by the Authority or Department, together with the prescribed fee.

(2) An application for renewal of a Permit shall apply only where any such Permit is for a period in excess of one year and shall be made at least thirty (30) days before the expiration of the Permit.

(3) The Authority or Department during the determination of an application for the renewal of a Permit may request oral or additional written information from an applicant within a specified time.

(4) The Authority or Department shall within thirty (30) days of receipt of a completed application under subregulations (2) and (3) above, grant with or without conditions or refuse to grant a renewed Permit to the applicant.

(5) Where a permittee has submitted an application for the renewal of a Permit pursuant to subregulations (1) and (2), the current Permit shall continue in force until the determination of the application to renew the Permit pursuant to subregulation (4).

(6) Unless previously revoked, varied or suspended by the Authority or Department, a renewed Permit is effective until a fixed date specified in the renewed Permit.

## **Revocation of permit**

**36.** (1) The Authority or Department may revoke a permit if it appears to the Authority or Department that-

- i. the continuation of the activity authorised by the permit would cause serious harm to the environment or serious harm to human health that cannot be avoided by varying the conditions of the permit;
- ii. the permittee has made a misrepresentation or wilful omission in obtaining the permit or in any report submitted to the Authority or Department;
- iii. the permittee has violated any fundamental condition of the permit; or
- iv. there has been a change in circumstances relating to the permit that requires a revocation of the permit.

## **Suspension of Permit**

**37.** (1) The Authority or Department may suspend a permit if it appears to the Authority or Department that-

- i. the permittee has violated any condition in the permit; or
- ii. there has been any other change in circumstances relating to the permit that requires a temporary cessation of the activity for which a permit has been granted.

(2) A permit suspended under subregulation (1) shall be of no effect to authorise the activity allowed in the permit.

(3) Where a permit is suspended under subregulation (1), the Authority or Department, in suspending it or at any time while it is suspended, may require the permittee to take such measures as it deems necessary.

## **Procedure for the Revocation, Suspension and Variation of a permit and Rejection of Claims**

**38.** The Authority or Department shall not revoke, suspend or vary a permit unless it has –

- i. given written notice to the permittee or applicant that it intends to do so;
- ii. specified in the notice the reasons for its intention to do so;
- iii. given the permittee or applicant a reasonable opportunity to make submissions in relation to the revocation, suspension, variation or rejection; and
- iv. taken into consideration any submissions made by the permittee or applicant.

(2) Notwithstanding subregulation (1) above, the Authority or Department may suspend a permit in cases of national emergency or in the public interest or where the continuation of the activity authorised by the permit during the period of suspension would cause serious harm to the environment or serious harm to human health.

## **Notification of Decisions of the Authority or Department**

**39.** The Authority or Department shall, by written notice, inform the applicant or the permittee, as the case may be, of the following decisions in relation to a permit or an application made under regulation 15(3) or 21(3) –

- i. issue of a Timber Harvesting Permit with or without conditions under regulation 4;
- ii. refusal of a grant of a Timber Harvesting Permit under regulation 4;
- iii. issue of a State Lands Timber Harvesting Permit with or without conditions under regulation 6;
- iv. refusal of a grant of a State Lands Timber Harvesting Permit under regulation 6;
- v. issue of a Concession Area Timber Harvesting Permit with or without conditions under regulation 8;
- vi. refusal of a grant of a Concession Area Timber Harvesting Permit with or without conditions under regulation 8;
- vii. issue of a Timber Trading Permit with or without conditions under regulation 10;
- viii. refusal of a grant of a Timber Trading Permit under regulation 10;
- ix. issue of a Log Haulage Permit with or without conditions under regulation 12;
- x. refusal of a grant of a Log Haulage Permit under regulation 12;
- xi. issue of a Timber Transportation Permit with or without conditions under regulation 14;
- xii. refusal of a grant of a Timber Transportation Permit under regulation 14;
- xiii. issue of a Timber Collection Facility Permit with or without conditions under regulation 16;
- xiv. refusal of a grant of a Timber Collection Facility Permit under regulation 16;
- xv. issue of Timber Export Permit with or without conditions under regulation 18;
- xvi. refusal of a grant of a Timber Export Permit under regulation 18;
- xvii. issue of Timber Import Permit with or without conditions under regulation 20;
- xviii. refusal of a grant of a Timber Import Permit under regulation 20;
- xix. issue of Sawmill Permit with or without conditions under regulation 22;
- xx. refusal of a grant of a Sawmill Permit under regulation 22;
- xxi. issue of a Furniture Manufacturing Facility Permit with or without conditions under regulation 24;
- xxii. refusal of a grant of a Furniture Manufacturing Facility Permit under regulation 24;
- xxiii. issue of a Non-Timber Forest Products Extraction, Removal and Transportation Permit with or without conditions under regulation 26;
- xxiv. refusal of a Non-Timber Forest Products Extraction, Removal and Transportation Permit under regulation 26;
- xxv. issue of a Charcoal Permit with or without conditions under regulation 28;
- xxvi. refusal of a Charcoal Permit under regulation 28;
- xxvii. a variation of a permit under regulation 32;
- xxviii. issuance or refusal to issue an amended permit under regulation 33;
- xxix. refusal of an application for a transfer of a permit under regulation 34;
- xxx. refusal of an application for a renewal of a permit under regulation 35;
- xxxi. a revocation of a permit under regulation 36;
- xxxii. a suspension of a permit under regulation 37;
- xxxiii. issue of an exemption with or without conditions under regulation 16(3);
- xxxiv. refusal to grant an exemption under regulation 16(3);
- xxxv. issue of an exemption with or without conditions under regulation 22(3); or
- xxxvi. refusal to grant an exemption under regulation 22(3); or
- xxxvii. rejection of a claim under regulation 42.

## **Appeals to the Environmental Commission**

**40.** A decision of the Authority or Department mentioned in regulation 39 is subject to appeal to the Environmental Commission.

## **Forestry and Forest Resources Register**

**41.(1)** The Authority or Department shall specify and maintain a Forestry and Forest Resources Register which shall be in any form and be part of the NBIS established pursuant to section 35(1) of the Act.

(2) The Forestry and Forest Resources Register shall be open to the public for inspection at the Authority or Department's principal office during working hours.

(3) Subject to regulation 42, the Forestry and Forest Resources Register shall contain particulars of, or relating to –

- i. every application for a permit and relevant information forming part of the application;
- ii. a refusal of a grant of a permit;
- iii. issue of a permit with conditions;
- iv. a variation of a permit under regulation 32;
- v. issuance or refusal to issue an amended permit under regulation 33;
- vi. refusal of an application for a transfer of a permit under regulation 34;
- vii. refusal of an application for a renewal of a permit under regulation 35;
- viii. a revocation of a permit under regulation 36;
- ix. a suspension of a permit under regulation 37;
- x. a rejection of a claim under regulation 42;
- xi. inspection and monitoring reports, notices, administrative orders, administrative civil assessments, appeals, applications, civil actions, claims, and applications for enforcements issued or made pursuant to the Act and these Regulations; and
- xii. any other information considered by the Authority or Department as necessary to be placed in the public domain.

(4) An extract from the Forestry and Forest Resources Register shall be supplied at the request of any person on payment of the prescribed fee.

## **Trade Secrets and confidential business information**

**42.(1)** An applicant, upon payment of the prescribed fee, may assert a claim in accordance with the form as determined by the Authority or Department, that any of the information supplied to the Authority or Department under these Regulations is a trade secret or confidential business information and that it be omitted from the Forestry and Forest Resources Register.

(2) The Authority or Department may reject the claim for the reason -

- i. that the applicant has not disclosed the basis for the claim;
- ii. that the basis thereof is invalid; or
- iii. that the public interest in disclosing the information clearly outweighs any prejudice to the applicant.

(3) The Authority or Department shall omit the information from the Forestry and Forest Resources Register where -

- i. the Authority or Department does not contest the claim; or
- ii. the Authority or Department rejects the claim under subregulation (2) but the claim is upheld on an appeal pursuant to regulation 40.

### **Offences**

**43.** It shall be an offence for any person to contravene the provisions of these Regulations or any permit