



Department of Biodiversity,
Conservation and Attractions

Scope of works for the review of the *Sandalwood (Limitation of Removal of Sandalwood) Order (No. 2) 2015*

2024



Department of Biodiversity, Conservation and Attractions
17 Dick Perry Avenue
KENSINGTON WA 6151

dbca.wa.gov.au

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This publication was prepared by the Department of Biodiversity, Conservation and Attractions.

Questions regarding the use of this material should be directed to:

Department of Biodiversity, Conservation and Attractions

Locked Bag 104

Bentley Delivery Centre WA 6983

Phone: (08) 9219 9000

Email: sandalwood@dbca.wa.gov.au

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Front cover Sandalwood. *Photo – DBCA.*

Acknowledgement

The Department of Biodiversity, Conservation and Attractions (DBCA) acknowledges the Aboriginal peoples who were the first custodians of sandalwood and the Traditional Owners of the lands and deserts where sandalwood originated and thrived. We respect the connection and knowledge of their Elders past, present and emerging.

1. Background

The maximum quantities of wild sandalwood (*Santalum spicatum*) that may be taken in specified periods in Western Australia are set in the *Sandalwood (Limitation of Removal of Sandalwood) Order (No. 2) 2015* (2015 Sandalwood Order). The 2015 Sandalwood Order was made by the Governor in Executive Council under the now repealed *Sandalwood Act 1929*. The 2015 Sandalwood Order continues to have effect until 31 December 2026 under the transitional arrangements made by regulation 173 of the Biodiversity Conservation Regulations 2018 (BC Regulations).

Under section 187 of the *Biodiversity Conservation Act 2016* (BC Act), the Minister for Environment (Minister) may, by order fix the maximum quantity of sandalwood that can be taken in a specified period and fix the maximum quantity of sandalwood that can be taken in a specified part of the specified period. Before making such an order, the Minister must consult with the Minister responsible for the administration of the *Forest Products Act 2000*, which is the Minister for Forestry.

It is intended the Minister will make a new Sandalwood Order to take effect from no later than 1 January 2027, which will repeal and replace the 2015 Sandalwood Order and will establish maximum quantities of living and dead wild sandalwood that may be taken from Crown and private (freehold) land.

Prior to the Minister making a new Sandalwood Order, a review of existing arrangements will be undertaken using best available information to ensure future management will be in accordance with the objectives of the BC Act. In particular, the quantities of wild sandalwood that may be taken, must ensure the conservation of the species and will likely adopt a cautionary approach. Consideration of any sociological factors that will impact the conservation of the species will be important. Thus, this review will need to consider the relationship between humans and the natural environment, including any impact the wild sandalwood industry has on conservation outcomes. An inclusive consultation process will allow for input from Traditional Owners, existing industry participants, other stakeholders and the broader community to support sound and transparent decision-making in regard to a new Sandalwood Order.

In 2021, *S. spicatum* was listed on the International Union for Conservation of Nature (IUCN) Red List as a threatened species, with a ranking of vulnerable. In addition, at the time of writing, *S. spicatum* is subject to review of its conservation status under the *Environment Protection and Biodiversity Conservation Act 1999* by the Commonwealth Government. Should the Commonwealth decide to list *S. spicatum* as a threatened species, the WA Government will need to determine whether to also list the species under the BC Act. The review of the Sandalwood Order needs to commence concurrent to this assessment process to meet timeframes for the review (to complete it well ahead of the 2027 calendar year). It is anticipated that information gathered through the review will provide critical information for the

conservation of the species regardless of the outcomes of any determination on conservation status.

Western Australia's [Sandalwood Biodiversity Management Programme](#) (Sandalwood BMP) was developed to meet the requirements of the BC Act. The Sandalwood BMP provides for the conservation, protection, and management of wild sandalwood. Consistent with the principles for ecologically sustainable development in section 4 of the BC Act, the Sandalwood BMP includes objectives, strategies and actions that seek to stabilise wild populations. This is to be achieved through information gathering, identifying and mitigating threats, establishing regeneration programs, and limiting the quantities that may be harvested through a Sandalwood Order review.

References to wild sandalwood in this document are to *S. spicatum* that is not cultivated flora (refer to BC Act section 5(1) and regulation 4(a) of the BC Regulations). Sandalwood that is sown or regenerated in connection with sandalwood being lawfully taken (either at the same place or another place) in the wild is not cultivated flora and is included in the maximum quantities set in the Order. Plantation sandalwood, which is sandalwood planted and grown on previously cleared lands or deliberately sown amongst remnant vegetation as a commercial crop, is not affected by limits fixed by the Sandalwood Order.

2. Purpose

The purpose of this document is to outline a scope of works to ensure the review process for the current Sandalwood Order enables the Minister to make an informed decision (in line with the objects of the BC Act), in setting a new Sandalwood Order that will take effect no later than 1 January 2027. As stated in section 3(1) the objects of the BC Act are:

- (a) to conserve and protect biodiversity and biodiversity components in the State; and
- (b) to promote the ecologically sustainable use of biodiversity components in the State.

In the pursuit of the objects of the Act, regard must also be had to the principles of ecologically sustainable development as specified in section 4 of the Act.

This document aims to provide information about the process and governance for the review of the Sandalwood Order. Decisions on setting maximum quantities of wild sandalwood that may be taken will need to be based on ensuring ecologically sustainable use of wild sandalwood that enables species conservation and the stabilisation of wild populations. The review will use best available information and opportunities will be provided for Traditional Owners and stakeholders to contribute data and information to the review as well as provide feedback on draft recommendations.

3. Requirements and scope

The scope of works has been developed to ensure the setting of a new Sandalwood Order meets the requirements in the BC Act. Considerations have been included as appropriate to help meet objects of the BC Act and to have regard for the principles of Ecologically Sustainable Development.

a. Legislative context

The Sandalwood BMP provides more information and an overview of the legislative framework that applies to the management of wild sandalwood.

b. Within scope

The Sandalwood BMP contains a number of management actions which are relevant to the scope for review of the Sandalwood Order (see Appendix 1).

The review will apply to wild sandalwood (living and dead wood) that is available to be taken from Crown and private lands within Western Australia.

Primary task

The primary task to be delivered through the Sandalwood Order review is to determine and recommend to the Minister the content of a new Sandalwood Order to be made under section 187 of the BC Act. A new Order will need to specify maximum quantities of wild sandalwood that may be taken from Crown and private land. The Sandalwood Order review and recommendations will be undertaken in accordance with Strategy 2(a) of the Sandalwood BMP which states:

- Review and potentially revise lawful sandalwood take quantities to maintain productive capacity of sandalwood populations and associated ecosystems.
 - a) DBCA will determine and recommend a sandalwood take quantity for the Minister to issue an order that will replace the Sandalwood Order in 2027. In limiting the sandalwood take, recommendations will account for:
 - i. strategic inventory, resource and population modelling;
 - ii. risk analysis of the species potential for persistence within and across its distribution;
 - iii. scale and effectiveness of sandalwood establishment operations;
 - iv. living (green) sandalwood having distinct sustainability factors and management requirements to dead sandalwood;
 - v. regional licence protocols for sandalwood conservation, protection and management (to be developed); and
 - vi. principles of ecologically sustainable development as defined in Section 4 of the BC Act.

In consideration of the above, the take quantities recommended, need to ensure the objects of the BC Act are met (section 3). That is, that sandalwood (a biodiversity component in the State), is protected and conserved and ecologically sustainable use is promoted.

Secondary tasks

The review will also consider:

- All other relevant management actions within the Sandalwood BMP as listed in Appendix 1.
- How the quota should be allocated (although the new Sandalwood Order itself may not specify the allocation) based on socio-economic and environmental considerations.
- The quantities of wild sandalwood taken by means other than through DBCA flora taking (sandalwood) licences.
- Where relevant to the scope of the review:
 - recommendations made in the WA sandalwood taskforce report (Advancement of Aboriginal Economic Development Using Wild Harvested Sandalwood);

- stakeholder feedback received during preparation of the Sandalwood BMP; and
- recommendations made in the 2015 report '*Review of the Sandalwood (Limitation of Removal of Sandalwood) Order 1996*'.

Minimum size permitted for take of living sandalwood will also be reviewed, as per Strategy 2(b) of the Sandalwood BMP which states:

- b) DBCA will review regulation 67(3)(c) (that prescribes the minimum size permitted for take of sandalwood) and recommend changes if considered necessary to maintain best practice consistent with contemporary species biology and population knowledge.

c. Out of scope

The following matters will not be considered during the review:

- Sandalwood licensing arrangements, which are regularly reviewed through other mechanisms. Amendments to licensing arrangements may be made while the Sandalwood Order review is underway or in response to recommendations made through the review.
- Amendments to the BC Act or BC regulations, with the exception of BC regulation 67(3)(c).

d. Best available information

A wide range of information will be used during the review of the current Sandalwood Order to inform the setting of a new Sandalwood Order. This includes, but may not be limited to:

- Socio-economic information related to the sandalwood industry.
- Best available information on the illegal harvest of sandalwood.
- Sandalwood condition assessment data providing information on rates of regeneration in both harvested and non-harvested areas. Data will be collated from a range of regions subject to a range of conditions.
- Sandalwood regeneration data from external stakeholders, including information from the FPC's Operational Woylie program.
- Best available information on the impact of threatening processes, that vary across the sandalwood distribution and over time, such as:
 - invasive predators, which impact local populations of ground dwelling marsupials important for sandalwood seed dispersal and recruitment;
 - introduced herbivores that forage on sandalwood seedlings and trees; and
 - infestation of pests and weeds, which in turn can impact biodiversity.
- Peer-reviewed research and the knowledge gap study undertaken as part of management action 12 of the Sandalwood BMP.
- CSIRO climate projections.
- Impacts of bushfires and prescribed burning, as moderate to high intensity fire or repeated short return fire intervals may result in sandalwood mortality and have a negative impact on regeneration.
- Relevant information from the State of the Forests Report (2023).
- Information on the Forest Products Commission's (FPC's) operations and certification.

- Indigenous knowledge and cultural heritage values where available and permitted for use, adhering to Indigenous Cultural and Intellectual Property (ICIP) rights.

The Sandalwood Order review will consider a range of scenarios to better understand the impacts of management decisions on the conservation of wild sandalwood.

4. Governance

The new Sandalwood Order will be made by the Minister. A review of the current Sandalwood Order will have Ministerial oversight and be supported by a DBCA working group, stakeholder feedback, and independent review.

a. Ministerial oversight

The Minister will:

- Consult as required with the Minister for Forestry, other Ministers and stakeholders.
- Approve the Sandalwood Order review report.
- Set a Sandalwood Order to take effect from no later than January 2027.

b. Working group

The Sandalwood Order review will be coordinated by an internal working group of DBCA staff with expertise in sandalwood species, biodiversity conservation, data modelling, stakeholder consultation and Traditional Owner engagement.

The working group will necessarily consult with Traditional Owners and a range of stakeholders including relevant government departments.

The working group will produce a draft report which will be independently reviewed and released for public consultation for a period of six to eight weeks. There will be a further independent review of the report, following consideration of stakeholder feedback and incorporation of any changes to the review report.

The Sandalwood Order review report will be provided to the Minister for consideration for making a new Sandalwood Order.

c. Independent review

Independent review will be undertaken at several stages in the Sandalwood Order review process. It will be conducted by independent reviewers with a combined expertise in biodiversity conservation, population modelling and Traditional Owner engagement. A Terms of Reference for the independent reviewers is available at Appendix 2.

d. Stakeholder and public input and feedback

Information, data and feedback will be important inputs to the Sandalwood Order review. Information and data, including scientific research findings, unpublished data, traditional knowledge or other forms relevant to the scope of the review, can be provided to DBCA prior to the public consultation period by emailing sandalwood@dbca.wa.gov.au. Information or data gathered and/or utilised for the Sandalwood Order review will be utilised and stored, as

appropriate, in accordance with the *State Records Act 2000* and DBCA policies and procedures. Where Indigenous knowledge is used, it will be acknowledged appropriately and subject to ICIP.

A draft report on the review of the Sandalwood Order will be released for a public consultation period of six to eight weeks. Multiple means of engagement will occur to help ensure a wide range of stakeholders are supported to provide input. Feedback received during this period may influence changes to the final Sandalwood Order review report, if it is within the scope of the review. Submitters can choose to keep their submissions anonymous, otherwise their submission may be published, along with their name.

A summary report of feedback received and responses will be made publicly available with the final report.

5. Indicative timeline

Noting the current Sandalwood Order is in effect until 31 December 2026, an indicative timeline for the review needs to enable finalisation of a new Order ahead of the 2027 calendar year. To provide sufficient time for stakeholders impacted by any changes brought about by the new Order and to support continued planning for the ongoing conservation of the species, the indicative timeline outlined below provides for the review and recommendations to be finalised by early 2026. It is therefore of critical importance that the review process timeframes are achieved. However, timelines may be subject to change.

An indicative timeline is as follows:

Action	Indicative timeline
Continue to collect and collate sandalwood population condition data and best available information to inform the Sandalwood Order review.	Ongoing until December 2024
DBCA working group established.	May 2024
Finalise scope of works for the Sandalwood Order review.	November 2024
Independent reviewers for the Sandalwood Order review are appointed to provide input into the process and methods.	October 2024 and ongoing
Draft methodology for population modelling for the Sandalwood Order review developed.	December 2024
Complete draft Sandalwood Order review using best available information.	March 2025
Draft Sandalwood Order review report is reviewed by independent reviewers and amendments made as necessary.	March 2025
Draft Sandalwood Order review report is released for public consultation for a period of six to eight weeks. Additional information materials will also be released to assist with consultation.	April to May 2025
Stakeholder feedback is considered by the DBCA working group and independent reviewers. Amendments are made to the Sandalwood Order review report as appropriate.	July 2025
The Minister announces the limits proposed to be made in the Sandalwood Order.	January 2026
Guidance documents are prepared to support the Sandalwood Order.	March 2026
New Sandalwood Order to take effect.	From January 2027

Appendix 1 – Sandalwood BMP management actions relevant to the Sandalwood Order review

Notwithstanding Strategy 2 of the Sandalwood BMP and the associated management actions, the Sandalwood Order review will also consider other relevant management actions (and their status of progress) including, but not limited to:

- Strategy 4. a) In assessing applications to take living (green) sandalwood, DBCA will apply Sandalwood Licensing Guidelines with specific criteria for locations subject to agricultural sheep or goat enterprises.
- Strategy 6. b) When recommending future limits on the amount of sandalwood that can be harvested from the wild, DBCA may consider previous and potential impacts of bushfire derived from relevant monitoring and modelling data.
- Strategy 7. a) DBCA will maintain currency in knowledge and contemporary management approaches in relation to climate change and its possible impacts on sandalwood.
- Strategy 7. b) Future planning for the management of sandalwood, particularly establishment programs, will adapt to authoritative climate change predictions and data generated from the species response to actual conditions.
- Strategy 8. e) All public authorities (including the FPC) with lawful authority to take sandalwood other than under a flora taking (sandalwood) licence will liaise with DBCA to ensure that the sandalwood is taken in an ecologically sustainable manner and consistently with the limits in the Sandalwood Order.
- Strategy 8. f) DBCA will produce and promote a sandalwood guidance paper for development regulators and proponents, summarising processes for sandalwood conservation through investigation (survey) and planning; involvement of traditional owners; and the importance of resource utilisation where disturbance is unavoidable.
- Strategy 8. g) DBCA will seek to provide advice, where appropriate, in relation to development proposals where sandalwood has been identified (including, but not limited to, proposals for infrastructure development, exploration and/or extraction of minerals and petroleum resources), with a view to:
 - vii. minimise the impact on sandalwood populations, sandalwood scientific plots and sandalwood monitoring sites as a result of disturbance; and
 - viii. advise the proponent, the FPC and/or licence holders of opportunities to remove sandalwood from approved disturbance locations.
- Strategy 11. a) DBCA will formulate regional protocols for sandalwood conservation, protection and management that set requirements for establishment and protection as well as licence restrictions for sandalwood take in each IBRA region or sub-region within the sandalwood distribution.
- Strategy 11. b) When issuing licences to take or supply sandalwood, DBCA will apply the regional protocols for sandalwood conservation, protection and management.
- Strategy 11. c) Proponents of sandalwood operations will be required to submit a sandalwood establishment and sustainability plan for DBCA approval prior to the issue of a licence or commencement of operations. DBCA will develop a 'sandalwood establishment and sustainability plan' template.
- Strategy 12. b) Respecting principles of free, prior and informed consent, DBCA will seek and integrate available traditional knowledge of sandalwood biology and ecologically sustainable use in decision making processes.

- Strategy 13. a) To broaden sandalwood population understanding and inventory sources, DBCA will require licence applicants' to submit sandalwood inventory as prescribed by the Sandalwood Licensing Guidelines.
- Strategy 13. b) DBCA will seek to undertake periodic strategic inventory of wild sandalwood populations on lands managed for conservation and/or other lands to confirm conservation status improvement or decline of the species.
- Strategy 13. c) DBCA will build its database on sandalwood population health for reviews of the Programme and regional protocols for sandalwood conservation, protection and management, and inform future limits on amounts of sandalwood that can be harvested from the wild.
- Strategy 13. d) DBCA with traditional owners, may prepare inventory protocols supported by materials and tools to assist Aboriginal communities in their sandalwood management and application of traditional knowledge.
- Strategy 13. e) Tools and technologies associated with remote sensing will be explored for application to sandalwood inventory and population condition monitoring.
- Strategy 14. b) DBCA will seek opportunities to consult, partner with and empower Traditional Owners in on-Country sandalwood management and joint land management.

Appendix 2 – Terms of Reference for the independent review

The independent reviewers are required to:

1. Review and provide advice to DBCA on the methodology and process for the review of the Sandalwood Order outlined in the Scope of Works for the Review of the Sandalwood (Limitation of Removal of Sandalwood) Order (No. 2) 2015.
2. Review and provide advice to DBCA on the draft Sandalwood Order review report prior to its release for public consultation.
3. Consult with Traditional Owners and stakeholders as necessary to clarify or follow up on any feedback received.
4. Following public consultation, consider stakeholder feedback and review and provide advice to DBCA on the final draft Sandalwood Order review.
5. Provide a summary of how stakeholder feedback was considered.

Timing

- The reviewers will have a maximum of six weeks to provide input into the methodology for the population data modelling to be used in the review.
- The reviewers will have a maximum of four weeks to review the draft Sandalwood Order review report before it is released for public consultation.
- The reviewers will have approximately three weeks to consider stakeholder feedback on the draft Sandalwood Order review report, review the final draft and provide recommendations.

