



## Ministry of Agriculture & Food, Forests and Fisheries

# Operating Procedures for Forestry Officers for the Regulation of the Sandalwood Trade in Tonga

Sandalwood Regulations 2016

[version 8 December 2016]



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## 1 Background

Sandalwood (ahi) has been a very high value commodity for the land owners and the economy of Tonga. The international demand for sandalwood is likely to continue to be strong. However, the resource in Tonga is now severely depleted due to unsustainable practices, including- overcutting and insufficient replanting; ‘checking’ of immature stems causing wind throw and decay; and the theft of trees which discourages many land owners from planting sandalwood.

Sandalwood has the potential to make a substantial, ongoing socio-economic contribution to the landowners and the Tongan community, but only if an effective policy and regulatory framework is implemented to promote plantings, control theft and achieve sustainable management of the resource.

The Sandalwood Regulations 2016 were introduced in June 2016 to provide a framework for the sustainable management of sandalwood in Tonga. The objectives of the regulations are to-

- (a) ensure the sustainable management of the sandalwood resource in Tonga for current and future generations; and
- (b) promote the planting of sandalwood in Tonga to substantially increase the size and value of the resource and maximise its contribution to the economy of Tonga.

## 2 Purpose of these procedures

These operating procedures are provided to assist forestry officers interpret and apply the *Sandalwood Regulations 2016*. As such, these procedures are not to be used to override, ignore or alter any provision of the regulations or other relevant legislation. If any apparent conflict or ambiguity arises between the application of these procedures and the provisions of the regulations, then these procedures must be set aside and advice must be sought on the correct implementation of the regulations.

## 3 Roles and responsibilities

The roles and responsibilities of all persons under the Sandalwood Regulations are summarised in Appendix 1. The regulations of immediate relevance to forestry officers are listed below.

Part 5 of these procedures provides guidance to assist forestry officers carry out their responsibilities under the regulations. Other elements of the regulations and administrative process will be covered by additional procedures as noted in Appendix 1 and Part 2 above.

## 4 Overview of the regulatory process for sandalwood

The key stages of the regulatory process for the growing, harvesting, trading and exporting of sandalwood that are of immediate relevance to forestry officers are summarised in Figure 1. These key stages are covered in the following parts of these procedures.

### Forestry Division and Ministry

Registering a person as a “registered trader” for the purposes of the Regulations	Reg 6(2)
Registering a Declaration of Sandalwood Ownership submitted by a grower	Reg 8(4)
Confirming that the person who has submitted a Declaration of Sandalwood Ownership is a registered trader under regulation 6(2) and that no other Declaration has been registered for the same property	Reg 9
Lodging a copy of the Sandalwood Harvest Docket to the CEO of the Ministry in relation to an application by a trader for a Sandalwood Export License	Reg 5(a)
Providing tree and billet tags for purchase by sandalwood growers or traders and ensuring that the tags are available throughout Tongatapu and the outer islands	Reg 11
Maintaining registers, including information on- the sandalwood resource; Sandalwood Harvest Dockets; and sandalwood tags and income.	Reg 32

### Sandalwood Grower

Signing a Declaration of Sandalwood Ownership and lodging it with the Forestry Division	Reg 8
Signing the Sandalwood Harvest Docket	Reg 10(4)
Maintaining a record of Sandalwood Harvest Dockets for a period of 5 years after the date of signature	Reg 10 (6)

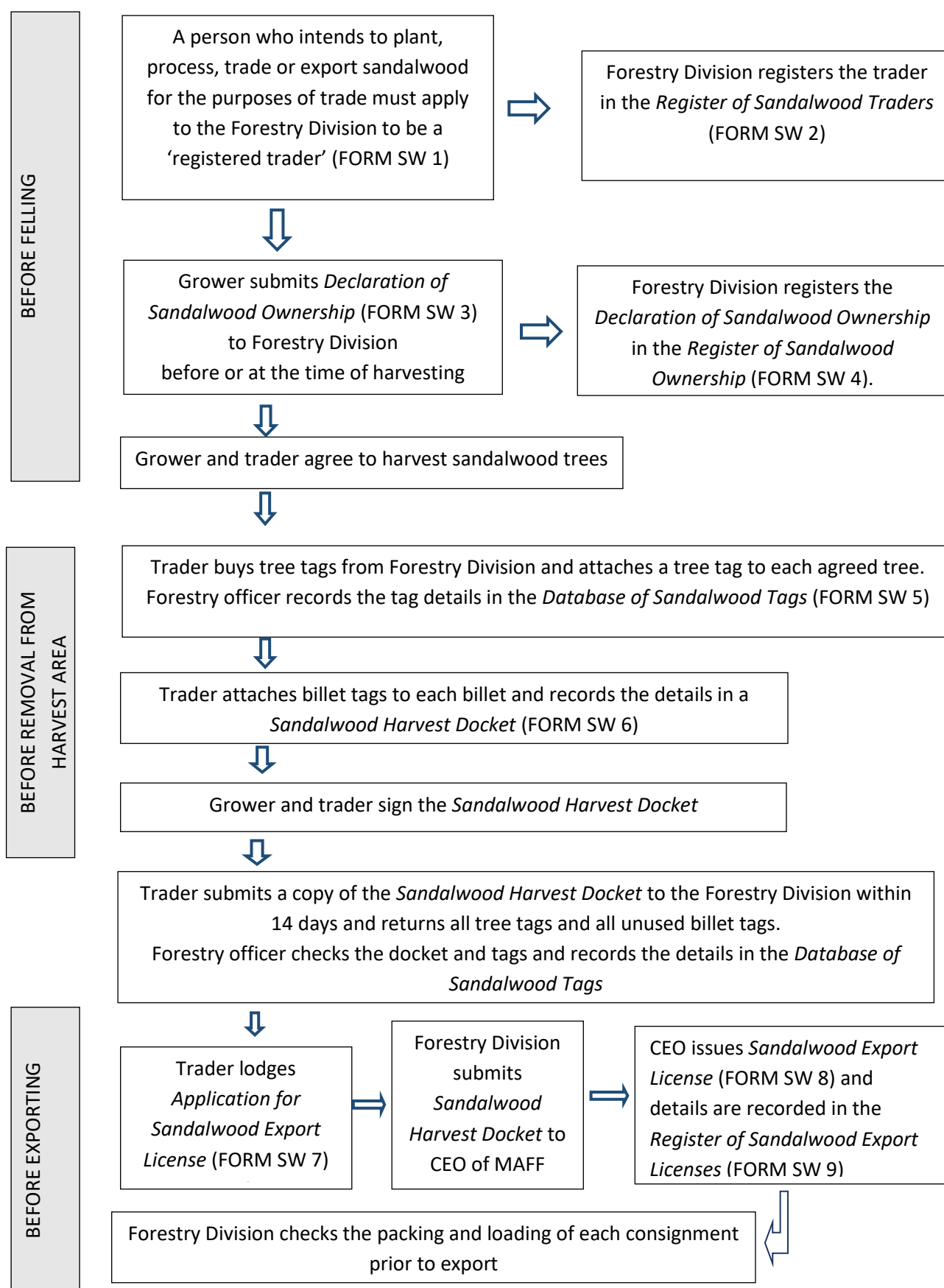
### Sandalwood Trader/Exporter

Holding a valid business license under the <i>Business Licenses Act 2002</i> and a valid tax identification number issued by the Ministry responsible for Revenue. If a foreigner, holding a Foreign Investment Registration Certificate under the <i>Foreign Investment Act 2002</i> and Business Licenses Act.	Reg 6
Registering as a “registered trader” for the purposes of these Regulations	Reg 6(2)
Attaching a tree tag to each sandalwood tree agreed with the grower to be harvested	Reg 10(1)
Attaching a billet tag to each harvested sandalwood billet prior to removal of the sandalwood from the place of harvest	Reg 10(2)
Accurately recording the details of the harvested sandalwood in the Sandalwood Harvest Docket	Reg 10(3)
Signing the Sandalwood Harvest Docket	Reg 10(4)
Lodging a copy of the Sandalwood Harvest Docket with the Forestry Division within 14 days of harvest	Reg 10(5)
If the trader intends to export, obtaining a tax clearance certificate from Ministry responsible for Revenue before applying for and obtaining a Sandalwood Export License from CEO MAFF	Reg 7
Maintaining a record of every Sandalwood Harvest Docket for a period of 5 years after the date of signature	Reg 10(6)

### Sandalwood Processor

Maintaining a record of sandalwood acquired and processed for a period of five years from the date of processing or manufacture	Reg 10(7)
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**Figure 1. Summary of the regulatory process for sandalwood**



## 5 Key roles for forestry officers

### 5.1 Registration of Sandalwood Traders

#### 5.1.1 Regulations

##### **6 General Requirements for a person trading in sandalwood**

(1) A person who intends to plant, process, trade or export sandalwood for the purposes of trade shall hold or obtain the following –

- (a) a valid business license issued in accordance with the Business Licenses Act 2002;
- (b) a valid tax identification number issued by the Ministry responsible for Revenue;
- (c) in the case of a foreigner, a Foreign Investment Registration Certificate issued in accordance with the Foreign Investment Act 2002 and Business Licenses Act 2002.

(2) On the submission of the approvals in sub-regulation (1) to the Ministry, a person shall be deemed to be a registered trader for the purposes of these regulations.

#### 5.1.2 Relevant documents

*Registration as a Sandalwood Trader* (FORM SW 1).

*Register of Sandalwood Traders* (FORM SW 2).

#### 5.1.3 Procedures for forestry officers

1. Ensure that the person has lodged a completed *Registration as a Sandalwood Trader* form (FORM SW 1) with the following details-
  - (a) a valid business license issued in accordance with the Business Licenses Act;
  - (b) a valid tax identification number issued by the Ministry responsible for Revenue and Customs; and
  - (c) in the case of a foreigner, a Foreign Investment Registration Certificate issued in accordance with the Foreign Investment Business Licenses Act.
2. Register the trader once all of the above requirements have been satisfied by entering the details into the *Register of Sandalwood Traders* (FORM SW 2).
3. Assign a registration number to the trader in the form: Trader (last 2 digits of year)/(sequential number), e.g. Trader 16/1, Trader 16/2 etc. for registrations in 2016; Trader 17/1, Trader 17/2 etc. for registrations in 2017.
4. Once the trader is registered, formally write to the person to advise his/her registration number.

## 5.2 Declaration of Sandalwood Ownership

### 5.2.1 Regulations

#### **8 Sandalwood grower to sign a Declaration of Sandalwood Ownership**

- (1) A person who intends to, or is planting sandalwood trees for the purposes of trade must sign a Declaration of Sandalwood Ownership form.
- (2) A Declaration must be in the prescribed form and shall clearly state the following –
  - (a) name of the landholder;
  - (b) name of the grower;
  - (c) location and identification of the property on which the sandalwood trees are grown, planted or cultivated;
  - (d) if the grower is not the landholder, the nature of the timber right granted by the landholder to the grower; and
  - (e) commencement and duration of the timber right.
- (3) A Declaration must be signed and submitted by the grower to the Forestry Division before or at the time of harvesting a sandalwood tree on the land to which the Declaration relates.
- (4) The Forestry Division shall register the Declaration submitted by the grower in accordance with regulation 9.

#### **9 Registration of a Declaration of Sandalwood Ownership**

- (1) The Forestry Division shall register a Declaration of Sandalwood Ownership form submitted by a person after the following –
  - (a) confirmation that the person is a registered trader under regulation 6(2);
  - (b) confirmation that no other Declaration has been registered in respect of the same property.
- (2) The Ministry shall be justified in relying on information provided in a Declaration submitted under regulation 8(2) and as to the truth of its contents.

#### **32 Chief Executive Officer to maintain registers**

- (1) The Chief Executive Officer is responsible for establishing and maintaining the following registers-
  - (b) register of growers in which information relating to a sandalwood grower is recorded
  - (c) register of landholders in which information relating to known properties or land on which sandalwood trees are planted for the sandalwood trade is recorded.

### 5.2.2 Relevant documents

*Declaration of Sandalwood Ownership* (FORM SW 3).

*Register of Sandalwood Ownership* (FORM SW 4).

### 5.2.3 Procedures for forestry officers

1. Check the *Register of Sandalwood Traders* (FORM SW 2) to verify that the person is a registered trader.
2. Check that a *Declaration of Sandalwood Ownership* (FORM SW 3) has been lodged and registered before issuing any sandalwood tags to a grower or trader.
3. Upon receiving a completed *Declaration of Sandalwood Ownership* form check that the details on the form have been correctly filled in and the form has been signed by the grower<sup>1</sup> and a Justice of the Peace (JP) or Law Practitioner.
4. Check the *Register of Sandalwood Ownership* (FORM SW 4) to confirm that no other Declaration has been registered for the same property.
5. Register the Declaration once all the above requirements have been satisfied by entering the details into the *Register of Sandalwood Ownership* (FORM SW 4).
6. Assign a registration number in the form: (year)/(sequential number), e.g. 2016/1, 2016/2 etc. for registrations in 2016; 2017/1, 2017/2 etc. for registrations in 2017.
7. Once the Declaration is registered, formally write to the person to advise the registration number for the land covered by the declaration.

<sup>1</sup>Where the grower is not the land holder the *Declaration of Sandalwood Ownership* must specify the nature of the timber right granted to the grower, such as-

- A simple document signed by the two parties with the nature and duration of the timber right outlined; or
- a lease agreement (note that for a lease agreement to be enforceable under the law, the Land Act requires that it be registered with the Ministry of Lands).



## 5.3 Sandalwood tags

### 5.3.1 Regulations

#### **11 Forestry Division to provide tags**

- (1) *The Forestry Division shall be responsible for the following –*
  - (a) *providing durable tree and billet tags to be purchased by sandalwood growers or traders; and*
  - (b) *ensuring that the purchase of tree and billet tags is accessible throughout Tongatapu and the outer islands.*
- (2) *The Minister shall approve the form and content of the tags referred to in sub-regulation (1).*
- (3) *The Ministry may impose a fee for the sale of tags, which shall be set out in Schedule 1.*

#### **10 Tagging and recording of harvested sandalwood trees**

- (1) *At the time of an agreement between the grower and trader to harvest a sandalwood tree, the trader must ensure that he firmly attaches a tree tag to each sandalwood tree that has been agreed for harvest.*
- (2) *At the time of harvesting a sandalwood tree the trader must firmly attach a billet tag to each billet, including any harvested section of root, stump, stem, branch or any other part of the sandalwood tree.*

#### **32 Chief Executive Officer to maintain registers**

- (1) *The Chief Executive Officer is responsible for establishing and maintaining the following registers-*
  - (e) *register of harvested sandalwood trees by collating all Sandalwood Harvest Dockets*
  - (f) *register of tags sold by the Forestry Division and income generated.*

### 5.3.2 Relevant documents

*Sandalwood Tags (Figure 2)*

*Database of Sandalwood Tags (FORM SW 5)*

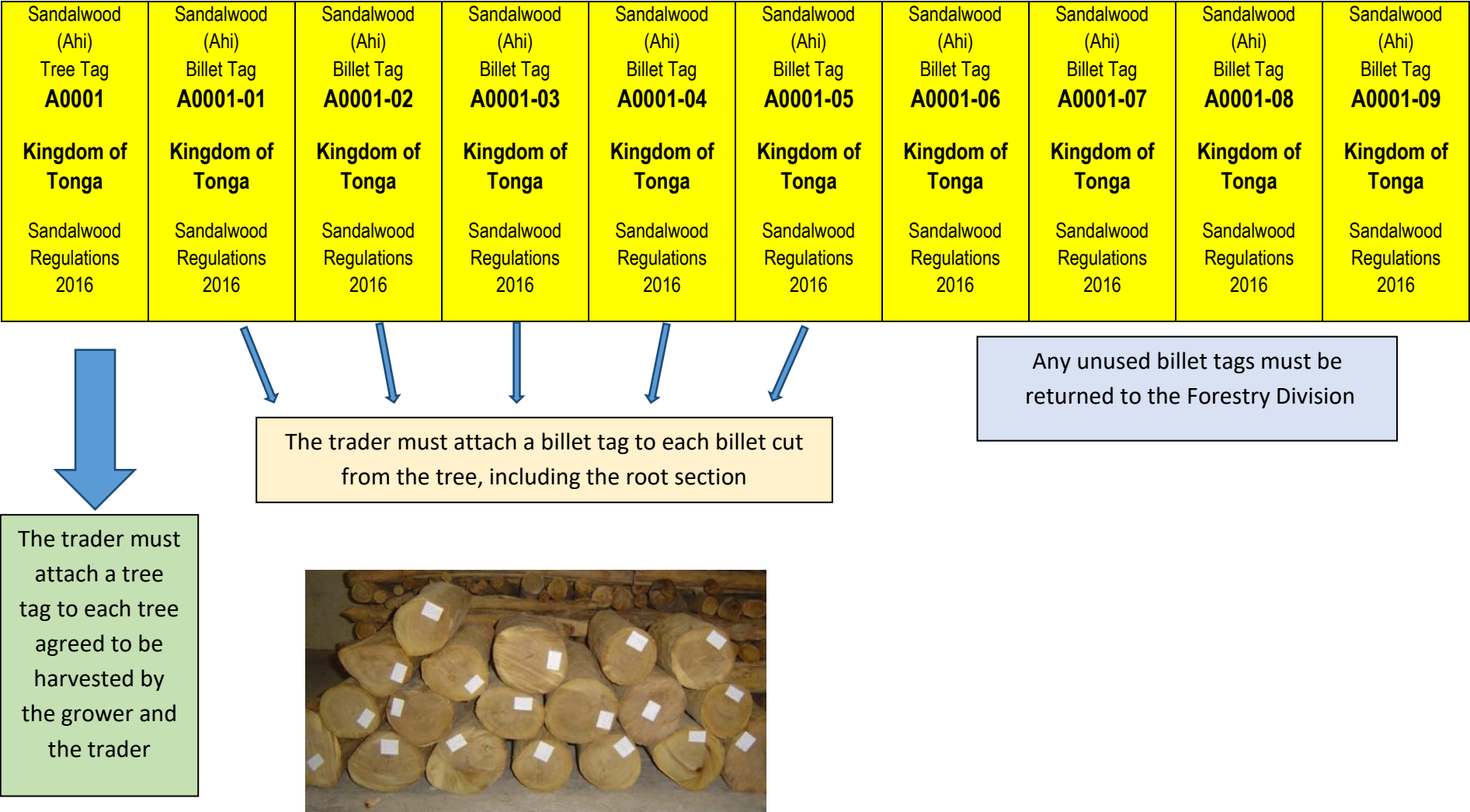
### 5.3.3 Procedures for forestry officers

1. Sandalwood tags are accountable items. Each tag is sequentially numbered, comprising a strip containing a tree tag and nine billet tags (Figure 2). Sandalwood tags must be stored and transported in a secure manner at all times. The main repository is the forestry office in Tongatapu, which will keep a record of tags that are despatched to regional forestry offices.
2. When a person requests tags, check that the person is a registered Sandalwood trader (see section 5.1.3) and that the land has a registered Declaration of Sandalwood Ownership by consulting the *Register of Sandalwood Ownership* (FORM SW 4).
3. Tags must be sold strictly in accordance with the fee schedule in the regulations. The fee as at June 2016 is TOP \$10 per tree. Receipts must be issued by the Forestry Division for the sale of all tags.

4. Issue the requested number of tags and record the serial number of each tree tag and other details as laid down in the *Database of Sandalwood Tags* (FORM SW 5). For regional centres, an electronic or hard copy of the register must be forwarded to head office for entry into the central electronic *Database of Sandalwood Tags*.
5. Provide the person with a *Sandalwood Harvest Docket* (FORM SW 6) and remind them that it must be completed and returned to the Forestry Division within 14 days of harvesting together with all tree tags and all unused billet tags.
6. The tree tag must be attached to each sandalwood tree that has been agreed for harvest by the grower and the trader. Once the tree is harvested the tree tag must be removed and returned to the Forestry Division at the time that the *Sandalwood Harvest Docket* is lodged.
7. Billet tags must be attached to each sandalwood billet as soon as the tree is felled and cross-cut. The billet tags should be securely attached to the butt end of each billet, for example with a nail or staple, in a manner that ensures that the tags will not be dislodged during handling and transportation. Unused billet tags must be returned to the Forestry Division together with the tree tags at the time that the *Sandalwood Harvest Docket* is lodged.
8. Upon receipt of the Sandalwood Harvest Docket the docket must be reconciled with the tag numbers that were issued as recorded in the *Database of Sandalwood Tags* (FORM SW 5), as follows-
  - a. The Sandalwood Harvest Docket must contain all the tag numbers issued for the subject land as recorded in the *Database of Sandalwood Tags* other than those tree tags and billet tags that were not used; and
  - b. The docket must not contain any tree or billet tag numbers that were not issued for the subject land.
9. The returned tree tags and unused billet tags must be destroyed by the forest officer by cutting each tag into shreds in a manner that precludes the re-use of the tags. The shreds should be taken to a secure disposal facility for burial or incineration. The details of the destroyed tags must be recorded in the *Database of Sandalwood Tags* (FORM SW 5).
10. Where a person who acquired the tree tags does not return the used tree tags and the unused billet tags at the completion of harvesting an appropriate note must be recorded in the *Database of Sandalwood Tags* and that person should be advised that no further tags will be issued to them until the previous tags are returned or a reasonable explanation is given as to the loss of the tags. Forestry officers must be vigilant to ensure that unused billet tags do not subsequently appear in other Sandalwood Harvest Dockets or in any consignments of sandalwood.
11. Forestry officers should carry out regular field checks where sandalwood harvesting is suspected, or is in progress or completed, to monitor compliance with the regulations.
12. Where a forestry officer has reason to suspect that a grower and trader are not following the tagging requirements under the Regulations, or are harvesting trees illegally, the officer should follow the procedures laid down in the *Investigation and Enforcement Protocols* (in preparation).

Figure 2. Sandalwood Tag

The tag strip has perforated margins to allow each individual section to be detached



## 5.4 Sandalwood Harvest Docket

### 5.4.1 Regulations

#### **10 Tagging and recording of harvested sandalwood trees**

- (3) *Once the billet tags are attached and before the sandalwood is removed from the harvesting place, the trader must accurately record the following details into a Sandalwood Harvest Docket –*
- (a) name of the grower and TIN;*
  - (b) name of the trader and TIN;*
  - (c) name of landholder or timber rights granted;*
  - (d) identification of the land or property;*
  - (e) date of harvest;*
  - (f) number of trees harvested;*
  - (g) number, type, length and weight of each billet, including the root, stump, stem and branches; and*
  - (h) tree and billet tag numbers.*
- (4) *On confirmation of the details provided in sub-regulation (3), the grower and trader must sign the Sandalwood Harvest Docket and the trader must provide a copy of the Docket to the Forestry Division within 14 calendar days of the date of harvest.*
- (5) *The Forestry Division will provide a copy of the Sandalwood Harvest Docket to –*
- (a) the Chief Executive Officer in relation to the application by a trader for a Sandalwood Export License; and*
  - (b) any other Government Ministry approved by the Chief Executive Officer from time to time for the enforcement of a statutory responsibility.*
- (6) *A grower and trader must keep and maintain a record of every Sandalwood Harvest Docket signed under sub-regulation (4) for a period of 5 years after the date of signature. If requested by a Government Ministry, it shall be the responsibility of the trader to provide a copy of the relevant Sandalwood Harvest Docket.*
- (7) *A person who engages in or directs the processing of a sandalwood product must maintain a record of the following –*
- (a) date on which the sandalwood used in production was acquired;*
  - (b) billet tag numbers; and*
  - (c) type and quantity of products that were processed from the sandalwood acquired, for a period of 5 years from the date of processing or manufacture.*

#### **32 Chief Executive Officer to maintain registers**

- (1) *The Chief Executive Officer is responsible for establishing and maintaining the following registers-*
- (e) register of harvested sandalwood trees by collating all Sandalwood Harvest Dockets*
  - (f) register of tags sold by the Forestry Division and income generated.*

### 5.4.2 Relevant documents

*Sandalwood Harvest Docket (FORM SW 6)*

*Database of Sandalwood Tags (FORM SW 5)*

### 5.4.3 Procedures for forestry officers

1. It is the responsibility of the trader to complete a *Sandalwood Harvest Docket* (FORM SW 6) prior to the removal of sandalwood from a harvest area. Forestry officers should ensure that sufficient dockets are on hand for issue to traders and that the traders can accurately fill out all the required details on the form.
2. Upon receipt of the completed docket the forestry officer must check that it contains the required details and the docket has been signed and dated by both the grower and trader.
3. The sandalwood tags recorded on the docket must be checked against the *Database of Sandalwood Tags* (FORM SW 5) as laid down in section 5.3.3 of these procedures.
4. Once the forestry officer is satisfied that the details in the *Sandalwood Harvest Docket* are correct the officer must enter the relevant details into the *Database of Sandalwood Tags*.
5. Where requested by the CEO of MAFFF, a forestry officer must provide a copy of a *Sandalwood Harvest Docket* to the CEO in relation to an application by the trader for a Sandalwood Export License, or to any other Government Ministry approved by the CEO of MAFFF.
6. Where a forestry officer has cause to check the records of growers, traders or processors in relation to the harvesting, trade or processing of sandalwood the officer should follow the procedures laid down in the *Investigation and Enforcement Protocols* (in preparation).

## 5.5 Sandalwood Export License

### 5.5.1 Regulations

#### **7 Sandalwood exporter shall have a Sandalwood Export License**

*A person who intends to export sandalwood out of Tonga shall also obtain –*

- (a) a Sandalwood Export License issued by the Chief Executive Officer in accordance with Part V; and*
- (b) prior to export, a Tax Clearance Certificate issued by the Ministry responsible for Revenue.*

#### **PART V – LICENSE TO EXPORT SANDALWOOD**

##### **12 Application for Sandalwood Export License**

*(1) A person who intends to export sandalwood from Tonga shall first apply for a Sandalwood Export License from the Chief Executive Officer.*

*(2) An application for a Sandalwood Export License shall be in the prescribed form.*

*(3) The Ministry may impose –*

- (a) an application fee for the processing of an application to export sandalwood; and*
- (b) if approved, a fee for the issuance of a Sandalwood Export License.*

##### **13 Criteria for granting of a Sandalwood Export License**

*(1) When considering an application for a Sandalwood Export License, the Chief Executive Officer shall take into account the following –*

- (a) whether the applicant is a registered trader;*

(b) whether the applicant has provided a tax clearance certificate from the Ministry responsible for Revenue;

(c) whether the sale and purchase of sandalwood has been recorded in a Sandalwood Harvest Docket and that the volume or quantity of sandalwood to be exported is accurately reflected in the Dockets provided;

(d) in the case of —

(i) sandalwood trees or billets, the number and weight of sandalwood trees or billets to be exported;

(ii) sandalwood chips, the weight of the chips to be exported;

(iii) a sandalwood product, the type and weight of the sandalwood product;

(e) written evidence of an intention to import the sandalwood from an importer abroad and the value of import; and

(f) any further information required by the Chief Executive Officer.

(2) The Chief Executive Officer shall not grant a license to export to the following, or if granted, shall subsequently cancel the export license in the following circumstances —

(a) a person who is subject to legal proceedings under these regulations or has an unpaid fine;

(b) a person who has been convicted of an offence under these regulations and the penalty requires the cancellation of a sandalwood export license of the applicant; or

(c) the application to export, if granted, will contravene any written directive of the Cabinet in relation to the sustainable management of the sandalwood resource in Tonga or of its export.

(3) The Chief Executive Officer shall inform the applicant in writing within 14 calendar days of the date of application as to whether or not an export license has been granted.

(4) In the event of a cancellation of an export license —

(a) the cancellation shall take effect immediately from the date of the decision of the Chief Executive Officer and license shall not be valid for export; and

(b) the Chief Executive Officer shall notify the exporter in writing within 3 calendar days of being notified of the matters in sub-regulations 2(a), 2(b) and 2(c) that the export license has been cancelled.

(5) The Sandalwood Export License shall be in the prescribed form.

(6) A decision of the Chief Executive Officer under this regulation may be appealed to the Sandalwood Appeals Tribunal in accordance with Part VIII.

#### **14 Conditions of export license**

(1) A license to export sandalwood from Tonga shall only be valid in respect of the following matters, which shall be specified on the license issued by the Chief Executive Officer —

(a) name of approved exporter;

(b) export period;

(c) total weight of export; and

(d) range of billet tag numbers or in the case of the export of a sandalwood product, the type, quantity or volume of the sandalwood product to be exported.

(2) A license to export sandalwood shall not be assignable or transferable to any other person.

(3) Where an approved exporter is unable to export the total allowable weight, type, quantity or volume of sandalwood within the period specified on the license, the license shall automatically lapse and the exporter shall be required to apply for a new export license.

(4) When granting a license to export, the Chief Executive Officer may prescribe additional conditions as he sees fit, which shall be clearly stated on the face of the license issued.

### 5.5.2 Relevant documents

*Application for Sandalwood Export License* (FORM SW 7)

*Sandalwood Export License* (FORM SW 8)

*Register of Sandalwood Export Licenses* (FORM SW 9)

### 5.5.3 Procedures for forestry officers

#### 5.5.3.1 Receipt of application for an export license

1. It is the responsibility of the trader to complete and lodge with the CEO an *Application for Sandalwood Export License* (FORM SW 7).
2. Upon receipt of an application the CEO (or delegate) must check that it contains the required details as follows-
  - a. The applicant is a registered sandalwood trader by checking the *Register of Sandalwood Traders* (FORM SW 2).
  - b. The applicant has provided a tax clearance certificate from the Ministry responsible for Revenue.
  - c. The applicant has paid the application fee prescribed in Schedule 1 of the Sandalwood Regulations (TOP1000 per application as at December 2016) and the receipt number has been recorded on the application form (FORM SW 7).
  - d. The volume or quantity of the sandalwood shown in the application corresponds to the total volume or quantity recorded in the *Sandalwood Harvest Dockets* provided.
  - e. The details in the dockets correspond to the details in the *Database of Sandalwood Tags* (FORM SW 5) with respect to the grower of the sandalwood and the tag numbers.
  - f. The applicant has provided written evidence of an intention to import the sandalwood from an importer abroad and the value of import.
3. Once all the above details have been correctly provided, the forestry officer must enter an application number of the completed form (FORM SW 7), in the form year-sequential number (e.g. 2017-1, 2017-2, 2017-3 etc.) and enter the details into the *Register of Sandalwood Export Licenses* (FORM SW 9) and forward the application to the CEO for a decision.

NOTE: The processing of an application must be undertaken in a timely manner. The Regulations require the CEO to inform an applicant within 14 days as to whether or not to grant an export license above

#### 5.5.3.2 Issue of export license

1. Where an application is approved by the CEO, the license must be issued in the prescribed form (FORM SW 8).

2. The license number must be recorded on the license. The license number is the same number as the application number recorded on the application i.e. in the form year-sequential number (e.g. 2017-1, 2017-2, 2017-3 etc.) as detailed in section 5.5.3.1 above.
3. The CEO may impose additional conditions on the license, but any such conditions must be consistent with Tonga's legal and policy framework, including the Sandalwood Regulations 2016, *National Forest Policy for Tonga (2009)*, *Code of Practice for the Sustainable Management of the Forests and Tree Resources of Tonga 2010* and the *Management Plan for the Forests and Tree Resources of Tonga (2107)*.
4. The applicant must be advised that the export license has been granted and will be issued upon receipt of the license fee prescribed in the Sandalwood Regulations (TOP20 per kg of sandalwood trees or TOP10 per kg of product as at December 2016).
5. Upon issue of the license, the details must be recorded in the *Register of Sandalwood Export Licenses* (FORM SW 9).

#### 5.5.3.3 *Inspection of sandalwood export consignments*

1. A forestry officer must inspect the packing and loading of all sandalwood consignments for export.
2. During loading, the forestry officer must check that all billets have intact tags attached. In addition, the forestry officer must check a random sample of at least 10% of the tags to ensure that the tag details correspond to the tags shown in the export license.
3. If untagged billets are found, or tag numbers are found that do not correspond to the export license, all loading must be suspended and an investigation must be conducted into the anomalies.
4. Where the forestry officer is satisfied that the consignment is in accordance with the export license, the officer must securely seal the container.

## 6 Checklist of procedures for forestry officers

Forestry Officers should complete a checklist (FORM SW 10) for each of the following-

1. Registration of Sandalwood Trader
2. Receipt of Declaration of Sandalwood Ownership
3. Issue of Sandalwood tags
4. Receipt of Sandalwood Harvest Docket
5. Receipt of Application for Export License
6. Issue of Export License.

Upon completion, the checklist should be forwarded to the Head of Forestry or his/her delegate for review and endorsement.



## 7 Attachment 1- Prescribed forms

The following forms are attached-

FORM SW 1 Registration as Sandalwood Trader

FORM SW 2 Register of Sandalwood Traders

FORM SW 3 Declaration of Sandalwood Ownership

FORM SW 4 Register of Sandalwood Ownership

FORM SW 5 Database of Sandalwood Tags

FORM SW 6 Sandalwood Harvest Docket

FORM SW 7 Application for Sandalwood Export License

FORM SW 8 Sandalwood Export License

FORM SW 9 Register of Sandalwood Export Licenses

FORM SW 10 Checklist for Sandalwood Regulation for Forestry Officers



## Registration as Sandalwood Trader

Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016

Regulation 6

Name of person who intends to plant, process, trade or export sandalwood for the purposes of trade

Name: .....

Address: .....

Phone: ..... Email: .....

Approvals required for a person to be deemed a registered trader for the purposes of the Sandalwood Regulations	Identifying Number	Verification by Forestry Officer
a) A valid business license issued in accordance with the Business Licenses Act 2002		
b) A valid tax identification number issued by the Ministry responsible for Revenue		
c) In the case of a foreigner, a Foreign Investment Registration Certificate issued in accordance with the Foreign Investment Act 2002 and Business Licenses Act 2002.		

### Declaration by Sandalwood Trader

I confirm that I am a person who intends to plant, process, trade or export sandalwood for the purposes of trade and that the above details are correct.

Signed: ----- (Sandalwood Trader) -----(date)

Date of Registration: .....Registration Number: .....

Forestry Officer: .....(name).....(signature)



# Register of Sandalwood Traders

Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016

Regulation 6

Registration Number	Name of trader	Address of trader	Phone contact for trader	Email address of trader	Business license of trader	TIN of Trader	(Foreigners only) Foreign Investment Certificate	Date of registration	Officer who registered the trader
Trader 16/1									
Trader 16/2									
Trader 16/3									
Trader 16/4									
Trader 16/5									
Trader 16/6									
Trader 16/7									
Trader 16/8									
Trader 16/9									
Trader 16/10									



# Declaration of Sandalwood Ownership

Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016

Regulation 8

A person who intends to, or is planting sandalwood trees for the purposes of trade shall sign a Declaration of Sandalwood Ownership, as laid out in this form.

(a) Name of landholder							
(b) Name of sandalwood grower							
(c) Location and identification of the property on which the sandalwood trees are grown, planted or cultivated							
(d) If the sandalwood grower or sandalwood owner is not the landholder, the nature of the timber right granted by the landholder to the grower	<p>( ✓ Please tick one box below)</p> <table border="1"> <tr> <td><input type="checkbox"/></td> <td>A written agreement between the landholder and grower providing a right to the grower to use the land, with the duration specified</td> </tr> <tr> <td><input type="checkbox"/></td> <td>A lease or sublease agreement registered under the Land Act</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Other: ..... (please specify)</td> </tr> </table>	<input type="checkbox"/>	A written agreement between the landholder and grower providing a right to the grower to use the land, with the duration specified	<input type="checkbox"/>	A lease or sublease agreement registered under the Land Act	<input type="checkbox"/>	Other: ..... (please specify)
<input type="checkbox"/>	A written agreement between the landholder and grower providing a right to the grower to use the land, with the duration specified						
<input type="checkbox"/>	A lease or sublease agreement registered under the Land Act						
<input type="checkbox"/>	Other: ..... (please specify)						
(e) Commencement and duration of the timber right	From ___ / ___ /20___ to ___ / ___ /20___						

## Declaration by Sandalwood Grower

I confirm that I am a sandalwood grower and also the registered landholder of the property on which the sandalwood is planted; OR that I am a sandalwood grower on the above property and that the landholder has granted me the above timber right(s) to plant, claim ownership and harvest sandalwood at the landholder's property.

I confirm that I am person who intends to, or is planting sandalwood trees for the purposes of trade and that the above details are correct.

I confirm that I will submit this form to the Forestry Division of the Ministry of Agriculture & Food, Forests and Fisheries before or at the time of harvesting a sandalwood tree on the land to which this Declaration relates.

Signed: ----- (Sandalwood Grower) -----(date)

Signed before me at ..... (place) on this .....(day) of ..... (month), 20....

Justice of the Peace .....(name).....(signature); OR

Law Practitioner.....(name).....(signature)

Registered by Forestry Officer: .....(name).....(date).....(Registration No.)



## Register of Sandalwood Ownership

Forestry Division, Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016 Regulation 9, 32(1)(b), 32(1)(c)

The following details are to be recorded in hard copy and entered into a database maintained by the Ministry of Agriculture & Food, Forests and Fisheries. Before entering the details, the Forestry Division officer must confirm that-

- (a) the person submitting the Declaration is a registered trader under regulation 6(2); and
- (b) no other Declaration has been registered in respect of the same property.

Tonga Register of Sandalwood Ownership												
Registration Number	Date of Declaration	Name of landholder	Name of Grower	Location and identification of property	If Grower is not the Landholder state the nature of timber right	Date of start of timber right	Date of end of timber right	Business license of trader	TIN of Trader	(Foreigners only) Foreign Investment Certificate	Date of registration of Declaration	Officer who registered the Declaration
2016/1												
2016/2												
2016/3												
2016/4												
2016/5												
2016/6												
2016/7												
2016/8												
2016/9												
2016/10												



## Database of Sandalwood Tags

Forestry Division, Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016

Regulation 11, 32(1)(e), 32(1)(f)

The following details are to be recorded in hard copy and entered into a database maintained by the Ministry of Agriculture & Food, Forests and Fisheries

Tonga Database of Sandalwood Tags												
Details to be completed when tags are issued									Details to be completed when the Sandalwood Harvest Docket is received and unused tags are returned			
Registration Number in Sandalwood Ownership Register	Date of issue of tags	Name of trader who purchased tags	Name of landholder	Name of Grower	Location and identification of property	Tag Numbers issued	Fee collected (TOP)	Officer who issued tags	Tree and billet number of returned tags	Weight of sandalwood shown on the Sandalwood Harvest Docket	Verification of tag numbers and details in the Sandalwood Harvest Docket	Officer who verified returned tags and destroyed unused tags



## Sandalwood Harvest Docket

Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016

Regulation 10(3)

Sandalwood billet tags must be attached to each harvested billet and the following details must be completed and signed by the grower and trader before the sandalwood is removed from the harvesting place.

(f) Name of grower		
Tax Identification Number		
(g) Name of trader		
Tax Identification Number		
(h) Name of landholder or person holding the timber rights		
(i) Identification of the land or property		Sandalwood Ownership Registration Number.....
(j) Date of harvest	From ___ / ___ / 20__ to ___ / ___ / 20__	
(k) Number of trees harvested		
(l) Details of tree and billet tags	As recorded on page 2 of this docket	

### Confirmation of details by Grower

I confirm that the details in this Sandalwood Harvest Docket are correct.

Signed: ----- (Grower) -----(date)

### Confirmation of details by Trader

I confirm that the details in this Sandalwood Harvest Docket are correct.

I confirm that I shall provide a copy of this Sandalwood Harvest Docket and will return the tree tags and all unused billet tags to the Forestry Division of the Ministry of Agriculture & Food, Forests and Fisheries within 14 calendar days of the date of harvest.

Signed:----- (Trader) -----(date)







# Application for Sandalwood Export License

Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016

Regulations 7, 12

*A person who intends to export sandalwood from Tonga shall first apply for a Sandalwood Export License from the Chief Executive Officer. The applicant must provide the details prescribed in this form below.*

1) Name of applicant for Sandalwood Export License	
2) Sandalwood Trader Registration Number	
3) Tax Clearance Certificate issued by the Ministry responsible for Revenue	(attach a copy of the Tax Clearance Certificate to this form)
4) Volume or quantity of sandalwood to be exported	(attach copies of relevant Sandalwood Harvest Dockets)
a) Sandalwood trees or billets	Number of billets:..... Total weight of billets:.....
b) Sandalwood chips	Total weight of chips:.....
c) Sandalwood product	Type of product:..... Weight of product:.....
5) Evidence of intention to import the sandalwood from an importer abroad	(attach a copy of the order or request for supply from the importer, including the name and contact details of the importer)

## Declaration by Applicant for Sandalwood Export License

I confirm that I intend to export sandalwood from Tonga and that the above details are correct. I acknowledge that in accordance with the Sandalwood Regulations 2016 I am required to pay a prescribed application fee for the processing of this application and, if approved, I must pay a prescribed fee for the issuance of a Sandalwood Export License.

Signed: ----- (Applicant for Sandalwood Export License)

----- (date)

This application must be forwarded to: Chief Executive Officer  
Ministry of Agriculture and Food, Forests and Fisheries  
P.O. Box 14 Nuku'alofa, Tonga

**Office Use:** Application received on .....(date) by .....(Officer)

Application Number:.....

Application fee of TOP.....received on .....(date). Receipt Number:.....



## Sandalwood Export License

Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016

Part V

This licence authorises the export of sandalwood from Tonga as specified below.

License Number:.....Date of issue:.....

Name of approved exporter:.....

Registration Number of Sandalwood Trader:.....

Export period (period to which this licence relates): From.....to .....

Total weight of export:.....

Sandalwood Billet Tags Numbers approved for export (see attached list) OR

Sandalwood product .....(type).....(quantity or volume)

The following conditions apply to this license-

1. This license is only valid in respect of the details specified above.
2. Where the exporter is unable to export the total allowable weight, type, quantity or volume of sandalwood within the period specified on the license, the license shall automatically lapse and the exporter shall be required to apply for a new export license.
3. All sandalwood covered by this license must be inspected by a forestry officer during packing and loading into containers for export. Once loaded, the consignment must be sealed by the forestry officer.
4. Additional conditions apply as follows-

.....  
 .....  
 .....

Issued by .....Chief Executive Officer, Ministry of Agriculture  
 and Food, Forests and Fisheries, pursuant to Part V of the Sandalwood Regulations 2016.

.....(signed).....(date)

List of sandalwood billet tag numbers approved for export under this license.

[illegible][illegible]

Issued by .....Chief Executive Officer, Ministry of Agriculture  
and Food, Forests and Fisheries, pursuant to Part V of the Sandalwood Regulations 2016.

.....(signed).....(date)



## Register of Sandalwood Export Licenses

Ministry of Agriculture & Food, Forests and Fisheries

Sandalwood Regulations 2016 Regulation 32(g)

The following details are to be recorded in hard copy and entered into a database maintained by the Ministry of Agriculture & Food, Forests and Fisheries.

Register of Sandalwood Export Licenses																	
Application details													Issue of license				
Application Number	Date of application	Name of Applicant	Sandalwood Trader Registration Number	Tax Clearance Certificate supplied	Receipt no. for application fee	Sandalwood billets		Sandalwood Product		Decision of CEO to approve or not	License Number	Date of approval	Period of License	sandalwood billet tags approved for export	Receipt no. for license fee		
						Number	Weight	Type	Weight								

## Checklist for Sandalwood Regulations

(complete the relevant section(s) below)

**Property:**

**Name of Grower:**

**Name of Trader:**

**Name of Exporter:**

Process	Date of verification	Officer's initials
<b>1. Registration of Sandalwood Trader</b>		
1.1. All the details on FORM SW 1 are correctly completed		
1.2. Details have been entered in the <i>Register of Sandalwood Traders</i> (FORM SW 2) and the trader has been notified.		
<b>Comments by verifying officer</b>		
<b>Checklist noted as complete by Head of Forestry or delegate</b>		
<b>2. Receipt of Declaration of Sandalwood Ownership</b>		
2.1. All the details on FORM SW 3, including signature of grower, are correctly completed		
2.2. The person a registered trader.		
2.3. No other Declaration has been registered for the same property.		
2.4. Details have been entered in the <i>Register of Sandalwood Ownership</i> (FORM SW 4) and the grower has been notified.		
<b>Comments by verifying officer</b>		
<b>Checklist noted as complete by Head of Forestry or delegate</b>		
<b>3. Issue of Sandalwood Tags</b>		
3.1. The person seeking tags is a grower or trader.		
3.2. The land is covered by a Declaration of Sandalwood Ownership.		
3.3. The issued tags have been entered in the <i>Database of Sandalwood Tags</i> (FORM SW 5)		
3.4. Payment for the tags been received and receipt issued.		
3.5. The person has been provided with a <i>Sandalwood Harvest Docket</i> (FORM SW 6) and advised that it must be submitted to the Forestry Division together with the tree tags and unused billet tags within 14 days after harvesting.		
<b>Comments by verifying officer</b>		
<b>Checklist noted as complete by Head of Forestry or delegate</b>		

Process	Date of verification	Officer's initials
<b>4. Receipt of Sandalwood Harvest Docket and unused tags</b>		
4.1. A correctly completed Sandalwood Harvest Docket (FORM SW 6) has been received.		
4.2. The tree tags and all unused billet tags have been returned.		
4.3. The details in the Sandalwood Harvest Docket have been checked against the issued tags as per the <i>Database of Sandalwood Tags</i> (FORM SW 5) and with the returned tree tags and unused billet tags.		
4.4. The details from the Sandalwood Harvest Docket have been entered in the <i>Database of Sandalwood Tags</i> (FORM SW 5).		
<b>Comments by verifying officer</b>		
<b>Checklist noted as complete by Head of Forestry or delegate</b>		
<b>5. Receipt of application for export license</b>		
5.1. A correctly completed <i>Application for Sandalwood Export License</i> (FORM SW 7) has been received and details checked against the <i>Database of Sandalwood Tags</i> (FORM SW 5).		
5.2. Tax clearance certificate has been provided.		
5.3. Prescribed application fee paid and receipt recorded on application form.		
5.4. Evidence of importer and value of import provided.		
5.5. Details entered in <i>Register of Sandalwood Export Licenses</i> (FORM SW 9) and the application forwarded to the CEO.		
<b>Comments by verifying officer</b>		
<b>Checklist noted as complete by Head of Forestry or delegate</b>		
<b>6. Issue of export license</b>		
6.1. Prescribed license fee paid and receipt recorded on application form.		
6.2. License number entered on Sandalwood Export License (FORM SW 7) and license signed by CEO and forwarded to exporter.		
6.3. Details entered in <i>Register of Sandalwood Export Licenses</i> (FORM SW 9).		
<b>Comments by verifying officer</b>		
<b>Checklist noted as complete by Head of Forestry or delegate</b>		

## 8 Appendix 1 -Roles and responsibilities of persons under the Sandalwood Regulations

Person	Role/responsibility	Regulation	Procedures
<b>Ministry</b>	<p>(1) The Ministry is responsible for establishing a system and implementing the framework for the development and advancement of a sustainable sandalwood trade in Tonga.</p> <p>(2) The responsibilities of the Ministry shall include, but not be limited to the following —</p> <ul style="list-style-type: none"> <li>(a) formulating a policy and strategy for the sustainable management and trade of the sandalwood resource in Tonga, and for establishing a larger, high value and more sustainable sandalwood industry, after consulting with key stakeholders;</li> <li>(b) promoting co-ordination among the various arms of Government and in particular Ministries and agencies that play a part in the implementation of these regulations and ensuring that requirements of Government are- <ul style="list-style-type: none"> <li>(i) regularly updated and published in a form that is readily accessible to the sandalwood industry;</li> <li>(ii) implemented in an organised and timely manner to ensure seamless processing of licenses, applications and approvals by the various arms of Government;</li> </ul> </li> <li>(c) fostering co-operation between the Ministry, the private sector and the non-government sector for the development of the sandalwood trade in Tonga;</li> <li>(d) establishing links between the Ministry and other countries to draw from their experiences in the development, advancement and regulation of the sandalwood trade;</li> <li>(e) promoting, co-ordinating and facilitating the expansion, cultivation, conservation and sustainability of the sandalwood resource;</li> <li>(f) conserving the genetic integrity of the naturally occurring strands of <i>Santalum yasi</i>;</li> <li>(g) subject to sub-regulation (2)(f), guiding the development and cultivation of new sandalwood tree species to meet the changing demands of the local and international</li> </ul>	Reg 5	<i>Sandalwood Administration Manual<sup>1</sup></i>

<sup>1</sup> In preparation

Person	Role/responsibility	Regulation	Procedures
	<p>markets;</p> <p>(h) as required, developing guidelines and facilitating implementation for the planting, cultivation and harvesting of sandalwood trees in order to ensure that the financial benefits are maximised by local sandalwood growers and in turn will benefit the local economy;</p> <p>(i) advising local sandalwood growers on general trends and international prices for sandalwood;</p> <p>(j) enforcing, monitoring and reporting on compliance with these regulations, for the development of the sandalwood trade;</p> <p>(k) facilitating education programs nationwide to promote the planting of sandalwood and to discourage the harvesting of immature trees;</p> <p>(l) initiating, supporting and conducting research into relevant aspects of the sandalwood resource in order to enhance the quality, quantity and consistency of supply to markets; and</p> <p>(m) researching appropriate farming systems that effectively integrate sandalwood and in particular plants that act as natural hosts for sandalwood.</p>		
	Providing secretariat services to the Sandalwood Appeals Tribunal (including ensuring that the Secretary is not ordinarily involved in the implementation of these regulations)	Reg 18	<i>Sandalwood Administration Manual</i>
	Developing investigation and enforcement protocols to be approved by the Minister	Reg 34(1)	<i>Investigation and Enforcement Protocols<sup>2</sup></i>

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<sup>2</sup> In preparation



<b>CEO of Ministry</b>	Approving and issuing a Sandalwood Export License in accordance with Part V of the regulations	Reg 7 (a)	<i>Sandalwood Administration Manual</i>
	Appearing in person or nominating a designated representative to appear in person before the Sandalwood Appeals Tribunal for matters on Appeal	Reg 20(5)	<i>Sandalwood Administration Manual</i>
	Providing submissions to the Cabinet regarding the level of remuneration of non-government members of the Sandalwood Appeals Tribunal	Reg 21	<i>Sandalwood Administration Manual</i>
	Allocating sufficient funding in the recurrent budget for effective implementation of the regulations, including a baseline inventory of the sandalwood resource in Tonga	Reg 22 and 49	<i>Sandalwood Administration Manual</i>
	Establishing and maintaining the following registers- (a) register of traders in which information relating to a sandalwood trader is recorded; (b) register of growers in which information relating to a sandalwood grower is recorded; (c) register of landholders in which information relating to known properties or land on which sandalwood trees are planted for the sandalwood trade is recorded; (d) inventory of the sandalwood resource in Tonga; (e) register of harvested sandalwood trees by collating all Sandalwood Harvest Dockets; (f) register of tags sold by the Forestry Division and income generated; (g) register of licenses issued for the export of sandalwood and licenses revoked; (h) register of number of sandalwood billets that have been exported and their estimated value; (i) register of enforcement officers appointed under regulation 27; (j) register of delegated authority and persons to whom those powers have been delegated under regulation 50; and (k) register of matters on appeal and decisions of the Sandalwood Appeals Tribunal. To the extent possible, these registers shall be maintained electronically at the Ministry.	Reg 32	Registers (a), (b), (e), (f) and (g) are covered by the following forms under these <i>Operating Procedures</i> - FORM SW 2 Register of Sandalwood Traders FORM SW 4 Register of Sandalwood Ownership FORM SW 5 Database of Sandalwood Tags. FORM SW 9 Register of Sandalwood Export Licenses  The other registers will be covered by the <i>Sandalwood Administration Manual</i>
	Determining the level of prescribed fines under Part XIII of the regulations.	Reg 34	<i>Investigation and Enforcement Protocols</i>
	Submitting an Annual Report to the Minister covering matters under the regulations, as part of the Ministry's Annual report.	Reg 47	<i>Sandalwood Administration Manual</i>

	Determining appropriate disciplinary action with respect to complaints against enforcement officers.	Reg 31	<i>Investigation and Enforcement Protocols</i>
	Liaise with the Judiciary for the collection of prescribed fines and deposit into the General Revenue Account of the Kingdom, and for the referral of matters to the Court for determination	Reg 34 Reg 35	<i>Investigation and Enforcement Protocols</i>
	Preparation of Instruments of Delegation Delegating powers to an employee in the Ministry (subject to section 13E(1) of the Public Service Act) Maintaining a register of all delegations	Reg 48	<i>Sandalwood Administration Manual</i>
	Disseminating the results of the baseline survey and inventory of the sandalwood resource to decision makers as appropriate Responding to requests for information in relation to the baseline survey and inventory of the sandalwood resource in Tonga	Reg 49	<i>Sandalwood Administration Manual</i>
<b>Minister</b>	Approving the form and content of the tree and billet tags	Reg 11(2)	Ministerial decision
	Proclaiming a designated sandalwood trading area	Reg 17	Ministerial decision
	Establishing and appointing members of the Sandalwood Appeals Tribunal	Reg 18	Ministerial decision
	Making a final decision in relation to recommendations of the Sandalwood Appeals Tribunal	Reg 20(8)	Ministerial decision
	Appointing enforcement officers	Reg 24	<i>Sandalwood Administration Manual</i>
	Prescribing fees or charges under the regulations, subject to the approval of Cabinet	Reg 33	Ministerial decision with approval of Cabinet
	Approving the investigation and enforcement protocols prescribed under regulation 34(1)	Reg 34(1)	Ministerial decision with approval of Cabinet
	Delegating powers to an employee of the Ministry	Reg 48	<i>Sandalwood Administration Manual</i>
	Promulgating in the Gazette a declaration that the Ministry is ready to implement the provisions in Part VIII of the regulations relating to the establishment and function of the	Reg 50	Ministerial decision

	Sandalwood Appeals Tribunal.		
<b>Ministry for Revenue</b>	Issuing a Tax Clearance Certificate prior to the export of sandalwood	Reg 7(b)	Internal procedures of the Ministry
<b>Forestry Division</b>	The Forestry Division is responsible for the administration of the Sandalwood Regulations	Reg 15	<i>Sandalwood Administration Manual</i>
	<p>The functions of the Forestry Division include –</p> <ul style="list-style-type: none"> <li>(a) developing policy and strategic documents of the Ministry in relation to the development, expansion and sustainable management of the sandalwood trade and resource in Tonga;</li> <li>(b) facilitating sandalwood seedling production and promoting sandalwood planting and cultivation;</li> <li>(c) administering the tagging system;</li> <li>(d) liaising with and promoting co-ordination between Government ministries, departments and agencies for the effective implementation of these regulations;</li> <li>(e) promoting public awareness and education for the purposes of – <ul style="list-style-type: none"> <li>(i) educating the community on the benefits of growing, planting and cultivating sandalwood and disseminating relevant information;</li> <li>(ii) informing stakeholders of measures to ensure the sustainability and preservation of the sandalwood resource;</li> <li>(iii) informing the public of the sandalwood regulatory framework and encouraging compliance;</li> <li>(iv) reducing the theft of sandalwood trees and checking in partnership with relevant Government agencies, village District Officers and communities;</li> </ul> </li> <li>(f) development of information packages – <ul style="list-style-type: none"> <li>(i) outlining general prices and trends in international prices for sandalwood;</li> <li>(ii) containing guidelines for the planting, cultivation and harvesting of sandalwood trees, so that financial benefits for growers may be maximised; and</li> <li>(iii) from time to time, providing general information on the processing of sandalwood products and their producers,</li> </ul> </li> <li>(g) overseeing the monitoring of and compliance with these regulations; and</li> </ul>	Reg 16	<p>For (c) see parts 5.3 and 5.4 of these <i>Operating Procedures</i></p> <p>The other functions will be covered by the <i>Sandalwood Administration Manual</i></p>

	(h) performing any other act that attains or furthers the objects of these regulations.		
	Registering a Declaration of Sandalwood Ownership submitted by a grower	Reg 8(4)	Part 5.2 of these <i>Operating Procedures</i>
	Confirming that the person who has submitted a Declaration of Sandalwood Ownership is a registered trader under regulation 6(2) and that no other Declaration has been registered for the same property	Reg 9	Part 5.1 of these <i>Operating Procedures</i>
	Providing a copy of the Sandalwood Harvest Docket to the CEO of the Ministry in relation to an application by a trader for a Sandalwood Export License and providing a copy to any other Government Ministry approved by the CEO.	Reg 5(a)	Part 5.4 of these <i>Operating Procedures</i>
	Providing tree and billet tags for purchase by sandalwood growers or traders and ensuring that the tags are available throughout Tongatapu and the outer islands	Reg 11	Part 5.3 of these <i>Operating Procedures</i>
	Establishing effective monitoring, compliance and reporting mechanisms for the enforcement of the regulations	Reg 23	<i>Investigation and Enforcement Protocols</i>
	Ensuring that its officers have the appropriate skills and competence to effectively monitor and enforce the regulations by selecting officers with appropriate training and who meet the criteria for selection	Reg 26	<i>Investigation and Enforcement Protocols</i>
	Establishing and participating in Joint Taskforce Surveillance activities with other line Ministries, for joint enforcement and information sharing initiatives	Reg 27	<i>Investigation and Enforcement Protocols</i>
<b>Enforcement Officers</b>	Acting under the direction of the CEO with respect to powers including- (a) inspecting the land of a sandalwood grower; (b) interviewing and obtaining information from a person in relation to any of the matters in this regulation; (c) inspecting the premises, business facility or vehicle of a person whom the officer has reasonable cause to believe is in possession of sandalwood trees, its parts or products; (d) inspecting the property, possession or a person who the officer reasonably believes is being used, or has been used for the commission of an offence or is in the process of committing an offence, under these regulations.	Reg 24	<i>Investigation and Enforcement Protocols</i>
<b>Sandalwood Appeals</b>	Consider and review appeal from a decision of the CEO under regulation 13(6) (Sandalwood Export License)	Reg 19	<i>Sandalwood Administration Manual</i>

<b>Tribunal</b>			
<b>Sandalwood Grower</b>	Signing a Declaration of Sandalwood Ownership and lodging it with the Forestry Division	Reg 8	Part 5.1 of these <i>Operating Procedures</i>
	Signing the Sandalwood Harvest Docket	Reg 10(4)	Part 5.4 of these <i>Operating Procedures</i>
	Maintaining a record of every Sandalwood Harvest Docket for a period of 5 years	Reg 10 (6)	<i>Sandalwood Administration Manual</i>
<b>Sandalwood Trader</b>	Holding a valid business license under the <i>Business Licenses Act 2002</i> and a valid tax identification number issued by the Ministry responsible for Revenue. If a foreigner, must also hold a Foreign Investment Registration Certificate under the <i>Foreign Investment Act 2002</i> and Business Licenses Act.	Reg 6	<i>Sandalwood Administration Manual</i>
	Attaching a tree tag to each sandalwood tree agreed with the grower to be harvested	Reg 10(1)	Part 5.4 of these <i>Operating Procedures</i>
	Attaching a billet tag to each harvested sandalwood billet prior to removal of the sandalwood from the place of harvest	Reg 10(2)	Part 5.4 of these <i>Operating Procedures</i>
	Accurately recording the details of the harvested sandalwood in the Sandalwood Harvest Docket	Reg 10(3)	Part 5.4 of these <i>Operating Procedures</i>
	Signing the Sandalwood Harvest Docket	Reg 10(4)	Part 5.4 of these <i>Operating Procedures</i>
	Lodging a copy of the Sandalwood Harvest Docket with the Forestry Division within 14 days of harvest	Reg 10(5)	Part 5.4 of these <i>Operating Procedures</i>
	Maintaining a record of every Sandalwood Harvest Docket for a period of 5 years after the date of signature	Reg 10(6)	<i>Sandalwood Administration Manual</i>
<b>Sandalwood Exporter</b>	Holding a Sandalwood Export License issued by the CEO of MAFFF. Prior to export, holding a Tax Clearance Certificate issued by the Ministry responsible for Revenue.	Reg 7	Part 5.5 of these <i>Operating Procedures</i>
<b>Sandalwood Processor</b>	Maintaining a record of sandalwood acquired and processed for a period of five years from the date of processing	Reg 10(7)	<i>Sandalwood Administration Manual</i>