

TASMANIA

**FORESTRY (MISCELLANEOUS AMENDMENTS)
BILL 2023**

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**FORESTRY (MISCELLANEOUS AMENDMENTS)
BILL 2023**

*(Brought in by the Minister for Resources, the Honourable
Felix Ashton Ellis)*

A BILL FOR

**An Act to amend the *Forest Practices Act 1985* and the
*Private Forests Act 1994***

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Forestry
(Miscellaneous Amendments) Act 2023*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

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Part 2 – Forest Practices Act 1985 Amended

PART 2 – FOREST PRACTICES ACT 1985 AMENDED

3. Principal Act

In this Part, the *Forest Practices Act 1985** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting “registered under the *Forestry Rights Registration Act 1990* or” after “any forestry right ” in the definition of *forestry right*.

5. Section 4ZB inserted

Before section 5 of the Principal Act, the following section is inserted in Part II:

4ZB. Interpretation of Part

In this Part –

minor boundary extension means an extension to the boundary of an existing private timber reserve that would not result in –

- (a) increasing the area of the private timber reserve by more than –
 - (i) 10% of the existing area;
or

*No. 48 of 1985

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(ii) 50 hectares; or

(b) the new boundary being within 50 metres of a neighbouring property.

6. Section 6 amended (Notice of application, &c.)

Section 6(1) of the Principal Act is amended by omitting “the Authority shall” and substituting “other than for a minor boundary extension, the Authority is to”.

7. Section 7 amended (Objections to declaration of land as private timber reserve)

Section 7(1) of the Principal Act is amended by inserting “, other than for a minor boundary extension,” after “reserve”.

8. Section 8 amended (Grant or refusal of application for declaration of land as private timber reserve)

Section 8(1) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

(ab) in the case of an application for a minor boundary extension, receiving the application; or

9. Sections 10 and 11 substituted

Sections 10 and 11 of the Principal Act are repealed and the following section is substituted:

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Part 2 – Forest Practices Act 1985 Amended

10. Declaration of land as private timber reserve

(1) Where—

- (a) the Authority grants an application made under section 5 and no appeal is lodged in accordance with section 9 in respect of the granting of that application;
- (b) the Authority grants an application made under section 5, and an appeal is lodged in accordance with section 9 in respect of the granting of that application and the Tribunal dismisses the appeal; or
- (c) the Authority refuses to grant an application made under section 5, and an appeal is lodged in accordance with section 9 in respect of that refusal and the Tribunal, under the *Tasmanian Civil and Administrative Tribunal Act 2020*, quashes the decision of the Authority and directs the Authority to grant the application—

the Authority may, by notice published in the *Gazette*, declare the land to which the application relates as a private timber reserve.

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- (2) The Authority is to cause a copy of a notice under subsection (1) to be sent to the local authority exercising jurisdiction over the land to which the notice relates and any local authority exercising jurisdiction over any land adjacent to that land.
- (3) A notice under subsection (1) is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

10. Section 13 amended (Revocation of private timber reserve at instigation of Authority)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “recommend to the Governor” and substituting “declare”;
- (b) by omitting from subsection (1) “shall” and substituting “is to”;
- (c) by omitting from subsection (2) “to make a recommendation”;
- (d) by omitting from subsection (3) “shall” and substituting “is to”;
- (e) by omitting from subsection (5)(a) “recommend to the Governor” and substituting “declare”;
- (f) by omitting from subsection (5)(a) “shall” and substituting “is to”;

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- (g) by omitting from subsection (5) “shall recommend to the Governor” and substituting “may declare, by notice published in the *Gazette*,”;
- (h) by omitting from subsection (5) “shall” third occurring and substituting “is to”;
- (i) by omitting subsection (6);
- (j) by omitting from subsection (7) “shall” and substituting “is to”;
- (k) by omitting from subsection (7) “subsection (6)” and substituting “subsection (5)”;
- (l) by omitting from subsection (8) “subsection (6)” and substituting “subsection (5)”.

11. Section 14 amended (Revocation of private timber reserve on application of owner of reserve)

Section 14 of the Principal Act is amended as follows:

- (a) by omitting from subsection (10) “shall recommend to the Governor” and substituting “, by notice published in the *Gazette*, declare”;
- (b) by omitting from subsection (10) “shall” second occurring and substituting “is to”;
- (c) by omitting subsection (11);

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- (d) by omitting from subsection (12) “shall” and substituting “is to”;
- (e) by omitting from subsection (12) “subsection (11)” and substituting “subsection (10)”;
- (f) by omitting from subsection (13) “subsection (11)” and substituting “subsection (10)”.

12. Section 16 repealed

Section 16 of the Principal Act is repealed.

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Part 3 – Private Forests Act 1994 Amended

PART 3 – PRIVATE FORESTS ACT 1994 AMENDED

13. Principal Act

In this Part, the *Private Forests Act 1994** is referred to as the Principal Act.

14. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *Stakeholder Minister*.

15. Section 6 amended (Functions of Authority)

Section 6(1) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (b) “establishment and” after “forest”;
- (b) by omitting from paragraph (e) “commercial” and substituting “relevant”;
- (c) by omitting from paragraph (f) “, prepare five-yearly reviews of private forests and report on compliance with export and other licence conditions as required by any agreement entered into between the State and the Commonwealth” and substituting “and prepare five-yearly reviews of private forests”;

*No. 28 of 1994

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Part 3 – Private Forests Act 1994 Amended

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- (d) by omitting from paragraph (j) “flora, fauna, land forms, cultural heritage and care of the environment” and substituting “natural and cultural heritage”;
- (e) by omitting from paragraph (k) “non-commercial forestry” and substituting “whole farm planning”;
- (f) by inserting the following paragraphs after paragraph (l):
 - (la) to contribute to state and national reporting on private forest matters;
 - (lb) to advocate on behalf of private forest owners in the formulation and review of state and national forest related policies, programmes and legislation;
 - (lc) to implement and manage priority projects on behalf of private forest owners;

16. Section 17 amended (Role of chief executive officer)

Section 17(1) of the Principal Act is amended by omitting “and the *State Authorities Financial Management Act 1990*”.

17. Section 19A amended (Ministerial charter)

Section 19A of the Principal Act is amended as follows:

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Part 3 – Private Forests Act 1994 Amended

- (a) by omitting from subsection (3) “the Stakeholder Minister and”;
- (b) by omitting subsection (5).

18. Section 19D amended (Corporate plan)

Section 19D of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “Stakeholder Minister”;
- (b) by omitting from subsection (9) “Stakeholder Minister and”.

19. Section 19E amended (Consultation with Portfolio Minister)

Section 19E of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) In the course of preparing the draft corporate plan the Board must consult with the Minister in relation to –
 - (a) the interests of the State as a whole; and
 - (b) the financial performance objectives of the Authority; and

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- (c) the long term objectives of the Authority.
- (b) by omitting from subsection (3) “and the Stakeholder Minister jointly”;
- (c) by omitting subsection (4) and substituting the following subsection:
 - (4) Subject to subsection (5), the Board must comply with a direction referred to in subsection (2) or (3) if it is in writing and signed by the Minister.

20. Section 25B amended (Interpretation of Division)

The definition of *nett area of forest operation* in section 25B(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “forest; or” and substituting “forest –”;
- (b) by omitting paragraph (c).

21. Section 25K inserted

After section 25J of the Principal Act, the following section is inserted in Division 1A:

25K. Waiving of levy

The Authority may, in such circumstances as the Authority

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Part 3 – Private Forests Act 1994 Amended

determines, waive all or part of a levy payable under this Division.

22. Section 32E amended (Annual report)

Section 32E(4) of the Principal Act is amended by omitting “, the Stakeholder Minister”.

23. Section 32G repealed

Section 32G of the Principal Act is repealed.

24. Section 32H amended (Minister may require information)

Section 32H(1) of the Principal Act is amended by omitting “or the Stakeholder Minister”.

25. Schedule 3 amended (Meetings of the Board)

Clause 5(1) of Schedule 3 to the Principal Act is amended as follows:

- (a) by inserting “, or otherwise approve,” after “directors sign”;
- (b) by inserting “or approved” after “signed”;
- (c) by inserting “or approve” after “not sign”;
- (d) by inserting “or approves” after “signs”.

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Part 4 – Repeal of Act

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PART 4 – REPEAL OF ACT

26. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

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