

TASMANIA

FORESTRY (REBUILDING THE FOREST INDUSTRY) BILL 2014

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FORESTRY (REBUILDING THE FOREST INDUSTRY) BILL 2014

*(Brought in by the Minister for Resources, the Honourable
Andrew Paul Harriss)*

A BILL FOR

An Act to repeal the *Tasmanian Forests Agreement Act 2013*, to provide for the invigoration of the forest industry and for related purposes

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 (Rebuilding the Forest Industry) Act 2014*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

In this Act –

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Abt Railway Ministerial Corporation has the same meaning as *railway* in the *Abt Railway Development Act 1999*;

annual supply of veneer and sawlog has the same meaning as in the *Forest Management Act 2013*;

Crown land has the same meaning as in the *Crown Lands Act 1976*;

Crown Lands Minister means the Minister administering the *Crown Lands Act 1976*;

electricity infrastructure has the same meaning as in the *Electricity Supply Industry Act 1995*;

forest management certification means an internationally recognised forest management certification of forest management practices of an entity based on an independent assessment by an accredited forest management certification body;

forest practices plan has the same meaning as in the *Forest Practices Act 1985*;

forest product has the same meaning as in the *Forest Management Act 2013*;

Forestry corporation has the same meaning as in the *Forest Management Act 2013*;

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forestry coupe has the same meaning as *coupe* in the Forest Practices Code as defined in the *Forest Practices Act 1985*;

future potential production forest land means the land referred to in section 4(1);

future reserve land has the same meaning as in the *Tasmanian Forests Agreement Act 2013*, as in force immediately before the commencement of this section;

Government Business Enterprise means a statutory authority specified in Schedule 1 to the *Government Business Enterprises Act 1995*;

highway means –

- (a) a highway created in accordance with section 3 of the *Highways Act 1951*; or
- (b) a State highway proclaimed in accordance with section 7 of the *Roads and Jetties Act 1935*; or
- (c) a local highway within the meaning of the *Local Government (Highways) Act 1982*; or
- (d) a highway from time to time created in accordance with section 3 of the *Highways Act 1951*, proclaimed in accordance with section 7 of the *Roads and*

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Jetties Act 1935 or created within the meaning of the *Local Government (Highways) Act 1982* after the commencement of this section;

managing entity, in relation to future potential production forest land, means the person in whom is vested the management or ownership of that land and includes the Crown;

native forest harvesting means any harvesting of native forest that requires a certified forest practices plan under the *Forest Practices Act 1985*, but does not include native forest harvesting that is associated with –

(a) providing access roading –

(i) to forestry coupes that are permanent timber production zone land; or

(ii) to future potential production forest land that is contained in the forestry coupes specified in Schedule 2; or

(b) installing cable harvesting infrastructure –

(i) for harvesting forestry coupes that are permanent

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timber production zone
land; or

(ii) for future potential
production forest land that
is contained in the
forestry coupes specified
in Schedule 2; or

(c) special species timber harvesting
undertaken with the approval of
the Crown Lands Minister under
Part 4;

partial harvesting means the harvesting of
single trees or groups of trees whilst
retaining other trees including advanced
growth trees, seed trees and shelterwood
trees;

permanent timber production zone land has
the same meaning as in the *Forest
Management Act 2013*;

powerline corridor has the same meaning as
in the *Electricity Wayleaves and
Easements Act 2000*;

rail infrastructure has the same meaning as in
the *Rail Infrastructure Act 2007*;

rail planning corridor has the same meaning
as in section 13 of the *Rail Infrastructure
Act 2007*;

special species timber includes –

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(a) timber of the following species:

- (i) blackwood (*Acacia melanoxylon*);
- (ii) myrtle (*Nothofagus cunninghamii*);
- (iii) celery-top pine (*Phyllocladus aspleniifolius*);
- (iv) sassafras (*Atherosperma moschatum*);
- (v) huon pine (*Lagarostrobos franklinii*);
- (vi) silver wattle (*Acacia dealbata*); and

(b) timber of any other species that is prescribed by the regulations; and

(c) timber with particular properties that is prescribed by the regulations;

special species timber harvesting means the harvesting of special species timber by partial harvesting;

State-owned company means a company incorporated under the Corporations Act that is controlled by –

- (a) the Crown; or

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- (b) a Government Business Enterprise; or
 - (c) a statutory authority; or
 - (d) another company that is so controlled;

statutory authority means a body or authority, whether incorporated or not, that is established or constituted by or under an Act or under the royal prerogative, being a body or authority which, or of which the governing authority, wholly or partly comprises a person or persons appointed by the Governor, a Minister or another statutory authority;

statutory land means land that is owned by or vested in a State-owned company or a Government Business Enterprise other than the Forestry corporation;

subsidiary road means a subsidiary road proclaimed in accordance with section 7 of the *Roads and Jetties Act 1935*, or which may from time to time be proclaimed under that Act after the commencement of this section;

World Heritage List means the list kept under that title under Article 11 of the World Heritage Convention.

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Part 2 – Future Potential Production Forest Land

**PART 2 – FUTURE POTENTIAL PRODUCTION
FOREST LAND**

4. Future potential production forest land

(1) The land –

- (a) described in column 2 of the table set out in clause 2 of Schedule 1; or
- (b) that is the subject of an order made under section 11A of the *Forest Management Act 2013* in relation to which section 11A(7)(b) of that Act has effect; or
- (c) that is the subject of an order made under section 8 –

is to be known as “future potential production forest land” unless section 11A(7)(a) or section 11B(6) of the *Forest Management Act 2013* has effect in relation to that land.

(2) Subject to this section, the following provisions apply to future potential production forest land:

- (a) any part of the land that is not Crown land, immediately before the commencement of this section, is vested in the Crown and becomes Crown land;
- (b) any part of the land that is permanent timber production zone land, immediately before the commencement of this section, ceases to be permanent timber production zone land;

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- (c) any part of the land that, immediately before the commencement of this section, was future reserve land ceases to be future reserve land;
 - (d) no native forest harvesting can be undertaken on the land;
 - (e) the forestry right specified in dealing C606341 referred to as coupe RR112A and being a 14.5 hectare section of the area on title plan Folio of the Register Volume 132377 Folio 1 is suspended and a person must not do anything required, authorised or permitted by that right.
- (3) Paragraph (a) of subsection (2) does not apply to any land that is statutory land.
 - (4) Paragraph (d) of subsection (2) does not apply to future potential production forest land that is contained in the forestry coupes specified in Schedule 2.
 - (5) Except as provided in subsections (1) and (2), those subsections do not extinguish or otherwise affect the right to commence or carry on any activity on future potential production forest land authorised, approved or permitted before the commencement of this section.
 - (6) Subject to subsection (2), the managing entity of future potential production forest land may continue to perform or exercise its functions or powers, or discharge its obligations, in relation to that land.

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- (7) The Crown Lands Minister, in performing or exercising his or her functions or powers or discharging his or her obligations in relation to future potential production forest land in respect of which he or she is the managing entity, must have regard to the objectives for management of future potential production forest land specified in Schedule 3.
- (8) Notwithstanding subsection (6), the managing entity of future potential production forest land cannot sell, transfer or convey that land to any other person.
- (9) For the purposes of subsection (8), sell, transfer or convey does not include an exchange of land under section 6.
- (10) Subsection (8) does not apply to land used for any of the following:
 - (a) electricity infrastructure;
 - (b) highways;
 - (c) powerline corridors;
 - (d) rail infrastructure;
 - (e) rail planning corridors;
 - (f) subsidiary roads.
- (11) Subsection (8) ceases to apply to statutory land on and from 8 April 2020.

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5. No compensation payable

No compensation is payable to any person in relation to any loss arising from land becoming future potential production forest land.

6. Exchange of land

- (1) The Minister administering the *Forest Management Act 2013* may request the Crown Lands Minister to consider the exchange of future potential production forest land for permanent timber production zone land.
- (2) Before making a request under subsection (1), the Minister administering the *Forest Management Act 2013* must obtain and have regard to information relating to –
 - (a) the reasons for the request being made including whether the future potential production forest land specified in the request is required for the supply of forest products; and
 - (b) the impact of the permanent timber production zone land specified in the request ceasing to be, or forming part of, permanent timber production zone land on the capacity of the Forestry corporation –
 - (i) to meet the annual supply of veneer and sawlog; and

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- (ii) to supply logs to the holder of a forestry compensation certificate in accordance with Part 5A of the *Forest Management Act 2013*; and
 - (c) the size, location, valuation and conservation values of the future potential production forest land, and the permanent timber production zone land, that is the subject of the request; and
 - (d) the implications of the exchange for the Forestry corporation's forest management certification.
- (3) In making a request under subsection (1), the Minister administering the *Forest Management Act 2013* must provide the Crown Lands Minister with the information obtained by the Minister administering the *Forest Management Act 2013* under subsection (2).
- (4) In making a determination in relation to a request under subsection (1), the Crown Lands Minister must have regard to the information provided under subsection (3) and the impact of the exchange on the objectives for management of future potential production forest land specified in Schedule 3.
- (5) The Crown Lands Minister may approve an exchange of future potential production forest land for permanent timber production zone land.
- (6) If the Crown Lands Minister approves the exchange referred to in subsection (5), he or she

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must provide advice of his or her decision, in writing to the Minister administering the *Forest Management Act 2013*.

- (7) On receipt of advice under subsection (6), the Minister administering the *Forest Management Act 2013* must give effect to the exchange by making a relevant order under section 11A of the *Forest Management Act 2013*.

7. Conversion of future potential production forest land and permanent timber production zone land

- (1) Not earlier than 8 April 2020, the Minister administering the *Forest Management Act 2013* may request the Crown Lands Minister to consider the conversion of certain future potential production forest land to permanent timber production zone land.
- (2) Before making a request under subsection (1), the Minister administering the *Forest Management Act 2013* must obtain and have regard to information relating to –
- (a) the reasons for the request being made; and
 - (b) the size, location, valuation and conservation values of the future potential production forest land that is the subject of the request; and
 - (c) an assessment of forest resources within the future potential production forest land that is the subject of the request and

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- the demand for those resources and an evaluation of the social and economic impacts of the conversion of that land; and
- (d) the Forestry corporation's intention to undertake native forest harvesting, on the land that is the subject of the request, consistent with its forest management certification; and
- (e) the implications of the land ceasing to be future potential production forest land for the Forestry corporation's forest management certification.
- (3) In making a request under subsection (1), the Minister administering the *Forest Management Act 2013* must provide the Crown Lands Minister with the information obtained by the Minister administering the *Forest Management Act 2013* under subsection (2).
- (4) In making a determination in relation to a request under subsection (1), the Crown Lands Minister must have regard to the information provided under subsection (3).
- (5) The Crown Lands Minister may approve the conversion of future potential production forest land to permanent timber production zone land.
- (6) If the Crown Lands Minister approves the conversion referred to in subsection (5), he or she must provide advice of his or her decision, in writing, to the Minister administering the *Forest Management Act 2013*.

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- (7) On receipt of advice under subsection (6), the Minister administering the *Forest Management Act 2013* must give effect to the conversion by making a relevant order under section 11B of the *Forest Management Act 2013*.
 - (8) The Forestry corporation must only undertake native forest harvesting, in relation to land that is the subject of a conversion referred to in this section, consistent with its forest management certification.

8. Conversion of reserved land to future potential production forest land

- (1) If the Crown Lands Minister is satisfied that a reserve or part of a reserve specified in the proclamation made on 16 December 2013 (Statutory Rules 2013, No. 111) has been excluded from the World Heritage List, the Crown Lands Minister may by order published in the *Gazette* convert that reserve or part of that reserve to future potential production forest land.
- (2) On the making of an order under subsection (1), the reserve or part of the reserve specified in the order ceases to be a reserve for the purposes of the *Nature Conservation Act 2002* and becomes –
 - (a) Crown land; and
 - (b) future potential production forest land.

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- (3) An order under subsection (1) is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

9. Continuation of leases, licences, &c.

- (1) In this section –

burdening easement means an easement that burdens future potential production forest land;

grantor means a Minister acting under an Act, a Government Business Enterprise or a State-owned company that granted a lease, licence, temporary licence, occupation permit or burdening easement referred to in subsection (2).

- (2) This section applies to any lease, licence, temporary licence, occupation permit or burdening easement which was in force in respect of any future potential production forest land specified in clause 2 of Schedule 1, other than statutory land, immediately before the commencement of section 4(2).
- (3) This section does not apply to any lease or licence under the *Mineral Resources Development Act 1995*.
- (4) On the commencement of section 4(2), the Crown Lands Minister is substituted as a party to a lease, licence, temporary licence, occupation permit or burdening easement referred to in

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subsection (2), that was granted by a grantor, in place of that grantor.

- (5) A reference to a grantor in a lease, licence, temporary licence, occupation permit or burdening easement referred to in subsection (2) that was granted by that grantor, is to be taken, on and after the commencement of section 4(2), to be a reference to the Crown Lands Minister.
- (6) Any lease, licence, temporary licence, occupation permit or burdening easement referred to in subsection (2) which was administered by a grantor immediately before the commencement of section 4(2) is to be administered by the responsible Department in relation to the *Crown Lands Act 1976*.
- (7) Notwithstanding anything in this Act and the *Crown Lands Act 1976* –
 - (a) a lease, licence, temporary licence, occupation permit or burdening easement referred to in subsection (2) continues in force in accordance with this section, after the commencement of section 4(2), until it expires or is surrendered, released, discharged or terminated, as if section 4(2) had not commenced; and
 - (b) the Crown Lands Minister –
 - (i) may, in relation to a lease, licence, temporary licence, occupation permit or burdening easement referred to in subsection (2), perform or

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exercise, in addition to any functions or powers under the *Crown Lands Act 1976* or any other Act, the same functions or powers, including without limitation, functions and powers under any written law, that could have continued to be performed or exercised by a grantor if section 4(2) had not commenced; and

(ii) has, in relation to a lease, licence, temporary licence, occupation permit or burdening easement referred to in subsection (2), the same rights and obligations which a grantor would have continued to have if section 4(2) had not commenced.

(8) Nothing in this section makes the Crown Lands Minister liable for any breach of a lease, licence, temporary licence, occupation permit or burdening easement referred to in subsection (2) that occurred before the commencement of section 4(2).

10. Vesting of land held under *Land Titles Act 1980*

(1) In this section –

non-vested land, in relation to an area of land that is comprised in a folio of the Register which includes vested land,

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means any part of that area of land that is not vested land;

Recorder means the Recorder of Titles appointed pursuant to section 4(1) of the *Land Titles Act 1980*;

Register has the same meaning as in the *Land Titles Act 1980*;

vested land means land that is vested in the Crown pursuant to section 4(2)(a).

- (2) This section applies where a folio of the Register includes both non-vested land and vested land.
- (3) As soon as practicable following the commencement of section 4(2) pursuant to which any land becomes vested land, the Crown Lands Minister is to cause the following documents to be lodged with the Recorder:
 - (a) an application by the Crown to be the registered proprietor of the vested land in accordance with section 138A of the *Land Titles Act 1980*;
 - (b) a plan, prepared by a registered surveyor in accordance with the requirements of the Recorder, that identifies the non-vested land and the vested land.

**PART 3 – CONSENT FOR SPECIAL SPECIES TIMBER
HARVESTING**

11. Application for approval to undertake special species timber harvesting in future potential production forest land

- (1) A person, other than the Forestry corporation, may apply to the Crown Lands Minister for approval to undertake special species timber harvesting in future potential production forest land.
- (2) The application is to contain –
 - (a) a forest practices plan certified by the Forest Practices Authority under section 17 of the *Forest Practices Act 1985*; and
 - (b) such other matters as may be provided by the regulations.
- (3) On receipt of an application under subsection (1), the Crown Lands Minister is to seek advice from the Minister administering the *Forest Management Act 2013* with regard to the application, including that harvesting will be consistent with standards required by the Forestry corporation's forest management certification.
- (4) In making a determination in relation to an application under subsection (1), the Crown Lands Minister must have regard to the information provided under subsection (2), the advice provided under subsection (3) and the

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objectives for management of future potential
production forest land specified in Schedule 3.

- (5) The Crown Lands Minister may approve an application under subsection (1) subject to such conditions as may be specified in the approval or refuse to approve such an application.
- (6) The Crown Lands Minister may require the person to whom approval has been granted to pay such amounts as may be prescribed by the regulations to the Crown Lands Minister in relation to the harvesting of the special species timber specified in the approval.
- (7) The regulations may prescribe different amounts for such matters as are specified by the regulations.

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Part 4 – Forest Management Act 2013 Amended

**PART 4 – FOREST MANAGEMENT ACT 2013
AMENDED**

12. Principal Act

In this Part, the *Forest Management Act 2013** is referred to as the Principal Act.

13. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by inserting after the definition of *Forestry corporation* the following definition:

future potential production forest land has the same meaning as in the *Forestry (Rebuilding the Forest Industry) Act 2014*;

14. Section 5 repealed

Section 5 of the Principal Act is repealed.

15. Section 10 amended (Reservation of Crown land as permanent timber production zone land)

Section 10 of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) Subsection (1) does not apply to Crown land that is future potential production forest land.

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Part 4 – Forest Management Act 2013 Amended

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16. Section 11 amended (Revocation of permanent timber production zone land)

Section 11 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

- (1A) Subsection (1) does not apply to permanent timber production zone land that is the subject of advice from the Minister administering the *Crown Lands Act 1976* under section 6(6) of the *Forestry (Rebuilding the Forest Industry) Act 2014*.

- (b) by omitting subsection (2);

- (c) by omitting from subsection (4)(b) “Part 3 of the *Tasmanian Forests Agreement Act 2013*” and substituting “Part 5A”.

17. Sections 11A and 11B inserted

After section 11 of the Principal Act, the following sections are inserted in Part 4:

11A. Exchange of land

- (1) On advice from the Minister administering the *Crown Lands Act 1976* under section 6(6) of the *Forestry (Rebuilding the Forest Industry) Act 2014*, the Minister, by order published in

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Part 4 – Forest Management Act 2013 Amended

the *Gazette* (a ***land exchange order***),
must –

- (a) declare Crown land specified in that order to be permanent timber production zone land for the purposes of this Act; and
 - (b) declare that any other area of land specified in the order ceases to be, or form part of, permanent timber production zone land.
- (2) A land exchange order is not a statutory rule for the purposes of the *Rules Publication Act 1953*.
- (3) The Minister must cause a land exchange order and the advice referred to in subsection (1) and the information obtained under section 6(2) of the *Forestry (Rebuilding the Forest Industry) Act 2014* to be laid before each House of Parliament within the first 5 sitting-days after the land exchange order is made.
- (4) A proposed land exchange order is of no effect unless it has been accepted by both Houses of Parliament.
- (5) A House of Parliament is taken to have accepted a proposed land exchange order if the order has been laid on the table of that House and –
 - (a) it is accepted by that House; or

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Part 4 – Forest Management Act 2013 Amended

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- (b) at the expiration of 5 sitting-days after it was laid on the table of that House, no notice has been given of a motion to disallow it, or, if such notice has been given, the notice has been withdrawn or the motion has been negatived; or
 - (c) if any notice of a motion to disallow it is given during that period of 5 sitting-days, the notice is, after the expiration of that period, withdrawn or the motion is negatived.
- (6) If the proposed land exchange order is accepted by both Houses of Parliament –
 - (a) land specified in the order to be permanent timber production zone becomes permanent timber production zone land and ceases to be future potential production forest land; and
 - (b) land specified in the order to cease to be, or form part of, permanent timber production zone land, ceases to be permanent timber production zone land and becomes –
 - (i) Crown land for the purposes of the *Crown Lands Act 1976*; and

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Part 4 – Forest Management Act 2013 Amended

- (ii) future potential
production forest land.

11B. Conversion of future potential production forest land to permanent timber production zone land

- (1) On receipt of advice from the Minister administering the *Crown Lands Act 1976* under section 7(6) of the *Forestry (Rebuilding the Forest Industry) Act 2014*, the Minister, by order published in the *Gazette* (a **land conversion order**), must declare Crown land specified in that order to be permanent timber production zone land for the purposes of this Act.
- (2) A land conversion order is not a statutory rule for the purposes of the *Rules Publication Act 1953*.
- (3) The Minister must cause a land conversion order and the advice referred to in subsection (1) together with the information obtained under section 7(2) of the *Forestry (Rebuilding the Forest Industry) Act 2014* to be laid before each House of Parliament within the first 5 sitting-days after the land conversion order is made.
- (4) A proposed land conversion order is of no effect unless it has been accepted by both Houses of Parliament.
- (5) A House of Parliament is taken to have accepted a proposed land conversion

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Part 4 – Forest Management Act 2013 Amended

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order if the order has been laid on the table of that House and –

- (a) it is accepted by that House; or
 - (b) at the expiration of 5 sitting-days after it was laid on the table of that House, no notice has been given of a motion to disallow it, or, if such notice has been given, the notice has been withdrawn or the motion has been negatived; or
 - (c) if any notice of a motion to disallow it is given during that period of 5 sitting-days, the notice is, after the expiration of that period, withdrawn or the motion is negatived.
- (6) If the proposed land conversion order is accepted by both Houses of Parliament, land specified in the order to be permanent timber production zone land becomes permanent timber production zone land and ceases to be future potential production forest land.

18. Section 12A inserted

After section 12 of the Principal Act, the following section is inserted in Part 4:

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Part 4 – Forest Management Act 2013 Amended

12A. Prohibition on purchase, &c., of future potential production forest land

The Forestry corporation must not purchase or otherwise acquire future potential production forest land.

19. Section 16 amended (Wood production supply)

Section 16(1)(b) of the Principal Act is amended by omitting “section 19(1) of the *Tasmanian Forests Agreement Act 2013*” and substituting “section 3 of the *Forestry (Rebuilding the Forest Industry) Act 2014*”.

20. Part 5A inserted

After section 16 of the Principal Act, the following Part is inserted:

PART 5A – COMPENSATION ARRANGEMENTS

16A. Interpretation of Part

In this Part –

forest product means any of the following:

- (a) sawn timber;
- (b) veneer products;
- (c) poles, piles or posts;

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(d) any other forest product
but not including –

- (i) woodchips that are
to be further
processed outside
Tasmania; or
- (ii) whole logs that are
to be further
processed outside
Tasmania; or
- (iii) any other product
excluded by
regulation, being a
product not
referred to in
paragraph (a), (b)
or (c);

wood supply contract means a contract made between the Forestry corporation and a purchaser, the principal, or a principal, term of which is that the Forestry corporation should make available to that purchaser over a period of not less than 2 years a supply of a quantity of logs in return for monetary or other consideration.

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16B. Forestry compensation certificate

- (1) Subject to this Part, the Minister must issue a forestry compensation certificate to a purchaser under a wood supply contract at the request of the Forestry corporation or the purchaser.
- (2) Before issuing a forestry compensation certificate the Minister –
 - (a) must be satisfied that –
 - (i) there is an enforceable wood supply contract; and
 - (ii) the logs to be supplied under the wood supply contract will be processed in Tasmania into a forest product; and
 - (iii) any requirements set out in regulations made under this Act that prescribe any economic or environmental requirement, concerning the logs, the source of the logs or the processing of the logs, are met; and
 - (b) must have received from the Forestry corporation certification that, having regard to all other enforceable wood supply contracts, it is able to supply the

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quantities of logs specified in the
wood supply contract in
accordance with its terms.

- (3) The Forestry corporation must issue certification if, having regard to all other enforceable wood supply contracts, it is able to supply the quantities of wood specified in the wood supply contract in accordance with its terms.

16C. Contents of forestry compensation certificate

A forestry compensation certificate is to contain the following information:

- (a) the name of the person to whom the certificate is issued;
- (b) a description of the wood supply contract to which the certificate relates that is sufficient to enable that contract to be identified;
- (c) the annual quantity of logs to which the certificate relates;
- (d) the date on which the certificate ceases to have effect.

16D. Transfer or assignment, &c., of forestry compensation certificate

- (1) Subject to subsection (2), the person to whom a forestry compensation certificate is issued may assign the rights and

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entitlements associated with that certificate in part or in full to a person to whom the purchaser's rights and entitlements, under the wood supply contract to which the certificate relates, are assigned.

- (2) The assignment of the rights and entitlements associated with the forestry compensation certificate must correspond to the assignment of the purchaser's rights and entitlements under the wood supply contract to which the certificate relates.
- (3) If the person to whom a forestry compensation certificate is issued assigns to another person the rights and entitlements associated with that certificate in part or in full in accordance with subsection (1), the first-mentioned person is to –
 - (a) provide evidence to the Minister that the assignments referred to in subsection (1) have been effected; and
 - (b) deliver the certificate to the Minister; and
 - (c) deliver a copy of the contract by which the rights and entitlements, under the wood supply contract to which the certificate relates, are assigned.

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- (4) On receipt of the evidence, forestry compensation certificate and contract, the Minister, if satisfied that the assignments referred to in subsection (1) have been effected, is to –
- (a) issue to the assignee of the rights and entitlements under the forestry compensation certificate a new certificate to reflect the details of that assignment; and
 - (b) if any rights and entitlements under the forestry compensation certificate were not assigned by the assignor, issue to the assignor a new certificate in respect of those rights and entitlements that were not assigned.
- (5) On the issue of any new forestry compensation certificate or certificates in accordance with subsection (4), the forestry compensation certificate referred to in subsection (3) is cancelled.
- (6) The cancellation of a forestry compensation certificate in accordance with subsection (5) does not affect any claim to compensation under that certificate that accrued before its cancellation.

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16E. Effect of forestry compensation certificate

- (1) A forestry compensation certificate entitles the holder of the certificate to receive compensation in accordance with this section.
- (2) The holder of a forestry compensation certificate is entitled to compensation if the Forestry corporation certifies to the Minister that the Forestry corporation is, when requested by the holder, prevented from supplying logs to the holder, up to the quantities specified in the forestry compensation certificate and on the terms specified in the wood supply contract to which the certificate relates, as a result of –
 - (a) a change of the law of the State, including any change to section 16 of this Act, that has the effect of diminishing the quantities of logs available to the Forestry corporation for the supply of logs in accordance with the terms of the wood supply contract; or
 - (b) a change of policy –
 - (i) in relation to forest practices, within the meaning of the *Forest Practices Act 1985*; or

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- (ii) solely or primarily in relation to the Tasmanian forest industry by the Tasmanian Government –

that has the effect of diminishing the quantities of logs available to the Forestry corporation for the supply of logs in accordance with the terms of the wood supply contract.

- (3) The Forestry corporation must certify in accordance with subsection (2) if it is unable to supply logs in accordance with the terms of a wood supply contract.
- (4) Certification by the Forestry corporation under subsection (2) must include –
 - (a) the name of the holder of the forestry compensation certificate at the date of certification; and
 - (b) a description of the wood supply contract to which the certificate relates that is sufficient to enable that contract to be identified; and
 - (c) the annual quantity of logs to which the certificate relates; and
 - (d) the annual quantity of logs requested from the Forestry corporation by the holder of the certificate; and

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- (e) the annual quantity of logs that the Forestry corporation has made available, or can make available, to the holder of the certificate; and
 - (f) having regard to paragraphs (c), (d) and (e), the annual quantity of logs that the Forestry corporation is prevented from supplying to the holder as a result of the circumstances referred to in paragraph (a) or (b) of subsection (2); and
 - (g) the period during which the Forestry corporation is prevented from supplying to the holder of the certificate the quantity referred to in paragraph (f).
- (5) For the purposes of calculating the annual quantity of logs that the Forestry corporation has made available, or can make available, to the holder of a forestry compensation certificate under subsection (4)(e), any quantity of logs supplied to the holder under any other wood supply contract, in respect of which a forestry compensation certificate has not been issued, is taken to have been supplied in full satisfaction or in part satisfaction, as the case may be, of the wood supply contract to which the certification by the Forestry corporation under subsection (2) relates.

16F. Entitlement to compensation

- (1) On receipt of the Forestry corporation's certification under section 16E(2), the Minister becomes liable to pay compensation to the holder of the forestry compensation certificate to which the certification relates in accordance with this Part.
- (2) Subject to subsections (3) and (4), the amount of compensation referred to in subsection (1) is the amount of damages that would have been payable by the Forestry corporation as if the non-supply of the quantity of logs referred to in section 16E(4)(f) for the period referred to in section 16E(4)(g) in accordance with the terms of the wood supply contract had constituted a breach of contract by the Forestry corporation.
- (3) Subsection (2) applies only to the extent that the non-supply referred to in that subsection occurs as a result of the circumstances referred to in paragraph (a) or (b) of section 16E(2).
- (4) For the purposes of subsection (2), the following matters are to be disregarded when calculating compensation:
 - (a) any agreement between the holder of the forestry compensation certificate and the Forestry corporation that limits

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the damages payable for a breach of the wood supply contract;

- (b) any agreement between the holder of the forestry compensation certificate and the Forestry corporation to pay an agreed amount of damages for a breach of the wood supply contract.
- (5) A holder of a forestry compensation certificate entitled to compensation in accordance with this Part and the Forestry corporation must take all reasonable steps to minimise the loss or damage referred to in subsection (2).

16G. Determination of compensation

- (1) In this section –

affected person means a person who is entitled to compensation in accordance with this Part.

- (2) Before agreeing an amount of compensation, the Minister must obtain the approval of the Solicitor-General to that amount.
- (3) If the affected person and the Minister agree the amount of compensation in writing, the compensation is that amount.

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- (4) If the affected person and the Minister cannot agree the amount of compensation, the claim for compensation is to be determined in the same manner as a disputed claim for compensation under the *Land Acquisition Act 1993* and, for that purpose –
- (a) the certification given by the Forestry corporation is taken to be a notice of acquisition, within the meaning of that Act; and
 - (b) the amount of compensation to be determined is the amount referred to in section 16F(2); and
 - (c) the Crown is the acquiring authority.
- (5) Any compensation that an affected person receives under this section extinguishes any claim that the affected person would otherwise have had against the Forestry corporation in respect of the matters to which the compensation relates.
- (6) An affected person and the Forestry corporation are taken to be discharged from the performance of their respective obligations under a wood supply contract to the extent that the non-performance of those obligations is taken into account in agreeing or determining the

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compensation payable to the affected person in accordance with this section.

16H. Amendment of forestry compensation certificate

- (1) If the Forestry corporation and the holder of a forestry compensation certificate have agreed to vary the terms of the wood supply contract to which that certificate relates, the Forestry corporation must advise the Minister, within 14 days from the date on which the variation takes effect, of the varied terms.
- (2) On receipt of advice from the Forestry corporation under subsection (1), the Minister must amend the forestry compensation certificate to which the wood supply contract relates to give effect to the variation.
- (3) Before amending a forestry compensation certificate, the Minister –
 - (a) must be satisfied that there is an enforceable wood supply contract; and
 - (b) must have received from the Forestry corporation certification that, having regard to all other enforceable wood supply contracts, it is able to supply the quantities of wood specified in

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the wood supply contract in
accordance with its terms.

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Part 5 – Forest Practices Act 1985 Amended

PART 5 – FOREST PRACTICES ACT 1985 AMENDED

21. Principal Act

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

22. Schedule 7 amended (Objective of the Forest Practices System of Tasmania)

Schedule 7 to the Principal Act is amended by omitting paragraph (ab).

*No. 48 of 1985

**PART 6 – FOREST PRACTICES REGULATIONS 2007
AMENDED**

23. Principal Regulations

In this Part, the *Forest Practices Regulations 2007** are referred to as the Principal Regulations.

24. Regulation 4A inserted

After regulation 4 of the Principal Regulations, the following regulation is inserted:

4A. Regulation 4(a) not to apply to future potential production forest land

Regulation 4(a) does not apply to future potential production forest land within the meaning of the *Forestry (Rebuilding the Forest Industry) Act 2014*.

*S.R. 2007, No. 18

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Part 7 – National Parks and Reserves Management Act 2002 Amended

**PART 7 – NATIONAL PARKS AND RESERVES
MANAGEMENT ACT 2002 AMENDED**

25. Principal Act

In this Part, the *National Parks and Reserves Management Act 2002** is referred to as the Principal Act.

26. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of *special advisory committee* the following definition:

special species timber harvesting has the same meaning as in the *Forestry (Rebuilding the Forest Industry) Act 2014*;

27. Schedule 1 amended (Objectives for management of reserved land)

Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting paragraph (e) from item 5 and substituting the following:

*No. 62 of 2002

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Part 7 – National Parks and Reserves Management Act 2002 Amended

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	(e) to provide for the controlled use of natural resources including special species timber harvesting, and including as an adjunct to utilisation of marine resources;
(b)	by omitting paragraph (b) from item 7 and substituting the following:
	(b) to provide for the controlled use of other natural resources including special species timber harvesting;

**PART 8 – NATURE CONSERVATION ACT 2002
AMENDED**

28. Principal Act

In this Part, the *Nature Conservation Act 2002**
is referred to as the Principal Act.

29. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as
follows:

- (a) by inserting the following definition after
the definition of *fox*:

*future potential production forest
land* has the same meaning as in
the *Forestry (Rebuilding the
Forest Industry) Act 2014*;

- (b) by inserting the following definition after
the definition of *partly protected wildlife*:

*permanent timber production zone
land* has the same meaning as in
the *Forest Management Act 2013*;

- (c) by inserting the following definition after
the definition of *resource management
and planning system objectives*:

special species timber harvesting has
the same meaning as in the

*No. 63 of 2002

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Part 8 – Nature Conservation Act 2002 Amended

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Forestry (Rebuilding the Forest Industry) Act 2014;

30. Section 18 amended (Parliamentary approval required for certain draft proclamations)

Section 18 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsections:

(1) A proclamation is not to be made under section 11(2) declaring permanent timber production zone land in existence immediately before the commencement of section 4(2) of the *Forestry (Rebuilding the Forest Industry) Act 2014* to be of any class of reserved land unless a draft of the proclamation has been first approved by not less than two-thirds of the members of each House.

(1A) A proclamation is not to be made under section 11(2) declaring future potential production forest land to be of any class of reserved land unless a draft of the proclamation has been first approved by not less than two-thirds of the members of each House.

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Part 8 – Nature Conservation Act 2002 Amended

(1B) A proclamation is not to be made under section 11(2) or section 17(1) declaring land other than permanent timber production zone land that was in existence immediately before the commencement of section 4(2) of the *Forestry (Rebuilding the Forest Industry) Act 2014* or future potential production forest land to be reserved land in the class of national park, State reserve, nature reserve or historic site unless a draft of the proclamation has been first approved by each House of Parliament.

(b) by omitting from subsection (3) “subsection (1)” and substituting “subsection (1B)”.

31. Schedule 1 amended (Determination of class of reserved land)

Schedule 1 to the Principal Act is amended as follows:

(a) by omitting item 5 and substituting the following:

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Part 8 – Nature Conservation Act 2002 Amended

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5.	Conservation area	An area of land predominantly in a natural state.	The protection and maintenance of the natural and cultural values of the area of land and the sustainable use of the natural resources of that area of land including special species timber harvesting.
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(b) by omitting item 7 and substituting the following:

7.	Regional reserve	<p>An area of land –</p> <p>(a) with high mineral potential or prospectivity; and</p> <p>(b) predominantly in a natural state.</p>	Mineral exploration and the development of mineral deposits in the area of land, and the controlled use of other natural resources of that area of land, including special species timber harvesting, while protecting and maintaining the natural and cultural values of that area of land.
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Part 9 – Legislation repealed

PART 9 – LEGISLATION REPEALED

32. Legislation repealed

The legislation specified in Schedule 6 is repealed.

PART 10 – MISCELLANEOUS

33. Further amendment of regulations not prevented

The amendment by this Act of a provision of any regulations does not prevent that or any other provision of those regulations from being amended or rescinded by a later regulation.

34. Continuation of certain proclamation

The proclamation made under the *Tasmanian Forests Agreement Act 2013* on 16 December 2013 (being Statutory Rules 2013, No. 111), so far as it is not inconsistent with this Act, remains in force until rescinded under this Act and may be altered, amended or rescinded under this Act.

35. Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.
- (3) The regulations may authorise any matter to be from time to time determined, applied or regulated by any person or body specified in the regulations.

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Part 10 – Miscellaneous

36. Savings and transitional provisions

The savings and transitional provisions specified in Schedule 4 have effect.

37. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

- (a) the administration of this Act is assigned to the Minister for Resources; and
- (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.

**SCHEDULE 1 – FUTURE POTENTIAL PRODUCTION
FOREST LAND**

Section 4

1. Interpretation

In this Schedule –

land means –

- (a) permanent timber production zone land; or
- (b) Crown land within the meaning of the *Crown Lands Act 1976*; or
- (c) land owned by the Forestry corporation; or
- (d) any other land owned by a State-owned company or Government Business Enterprise –

but does not include any of the following:

- (e) land that is owned by or vested in the Abt Railway Ministerial Corporation;
- (f) land reserved under the *Nature Conservation Act 2002*;
- (g) land owned by or vested in Tasmanian Irrigation Pty Ltd (ACN 133 148 384);

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Plan 9760 means the Plan numbered 9760 in the Central Plan Register, a reduced copy of which is set out by way of illustration only in Schedule 5, and includes all annexures to that Plan.

2. Future potential production forest land

The land described in column 2 of the table set out in this clause is future potential production forest land.

Column 1	Column 2
Lot 2	All that area of land comprising approximately 310 hectares shown as Lot 2 (in 3 parts) on Annexure 1 to Plan 9760.
Lot 3	All that area of land comprising approximately 10 hectares shown as Lot 3 on Annexure 1 to Plan 9760.
Lot 4	All that area of land comprising approximately 353 hectares shown as Lot 4 on Annexure 1 to Plan 9760.
Lot 5	All that area of land comprising approximately 12 584 hectares shown as Lot 5 (in 2 parts) on Annexure 1 to Plan 9760.
Lot 7	All that area of land comprising approximately 359 hectares shown as Lot 7 (in 2 parts) on Annexure 1 to Plan 9760.

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Column 1	Column 2
Lot 8	All that area of land comprising approximately 82 hectares shown as Lot 8 (in 3 parts) on Annexure 1 to Plan 9760.
Lot 9	All that area of land comprising approximately 5 928 hectares shown as Lot 9 on Annexure 1 to Plan 9760.
Lot 10	All that area of land comprising approximately 10 932 hectares shown as Lot 10 on Annexure 1 to Plan 9760.
Lot 11	All that area of land comprising approximately 505 hectares shown as Lot 11 on Annexure 1 to Plan 9760.
Lot 12	All that area of land comprising approximately 188 hectares shown as Lot 12 on Annexure 1 to Plan 9760.
Lot 14	All that area of land comprising approximately 16 629 hectares shown as Lot 14 on Annexure 2 to Plan 9760.
Lot 15	All that area of land comprising approximately 1 019 hectares shown as Lot 15 on Annexure 2 to Plan 9760.
Lot 16	All that area of land comprising approximately 63 hectares shown as Lot 16 on Annexure 2 to Plan 9760.

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Column 1	Column 2
Lot 17	All that area of land comprising approximately 3 384 hectares shown as Lot 17 (in 2 parts) on Annexure 2 to Plan 9760.
Lot 18	All that area of land comprising approximately 140 hectares shown as Lot 18 on Annexure 2 to Plan 9760.
Lot 19	All that area of land comprising approximately 36 hectares shown as Lot 19 on Annexure 2 to Plan 9760.
Lot 20	All that area of land comprising approximately 229 hectares shown as Lot 20 on Annexure 2 to Plan 9760.
Lot 21	All that area of land comprising approximately 2 415 hectares shown as Lot 21 (in 2 parts) on Annexure 2 to Plan 9760.
Lot 22	All that area of land comprising approximately 485 hectares shown as Lot 22 on Annexure 2 to Plan 9760.
Lot 23	All that area of land comprising approximately 536 hectares shown as Lot 23 on Annexure 2 to Plan 9760.
Lot 24	All that area of land comprising approximately 1 640 hectares shown as Lot 24 on Annexure 2 to Plan 9760.

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Column 1	Column 2
Lot 25	All that area of land comprising approximately 715 hectares shown as Lot 25 on Annexure 2 to Plan 9760.
Lot 26	All that area of land comprising approximately 17 hectares shown as Lot 26 on Annexure 2 to Plan 9760.
Lot 27	All that area of land comprising approximately 66 hectares shown as Lot 27 on Annexure 3 to Plan 9760.
Lot 28	All that area of land comprising approximately 333 hectares shown as Lot 28 on Annexure 3 to Plan 9760.
Lot 29	All that area of land comprising approximately 33 hectares shown as Lot 29 on Annexure 3 to Plan 9760.
Lot 30	All that area of land comprising approximately 782 hectares shown as Lot 30 (in 3 parts) on Annexure 3 to Plan 9760.
Lot 31	All that area of land comprising approximately 968 hectares shown as Lot 31 (in 2 parts) on Annexure 3 to Plan 9760.
Lot 32	All that area of land comprising approximately 329 hectares shown as Lot 32 on Annexure 4 to Plan 9760.

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Column 1	Column 2
Lot 33	All that area of land comprising approximately 1 173 hectares shown as Lot 33 on Annexure 4 to Plan 9760.
Lot 34	All that area of land comprising approximately 734 hectares shown as Lot 34 on Annexure 4 to Plan 9760.
Lot 35	All that area of land comprising approximately 5 697 hectares shown as Lot 35 on Annexure 4 to Plan 9760.
Lot 36	All that area of land comprising approximately 92 hectares shown as Lot 36 on Annexure 4 to Plan 9760.
Lot 37	All that area of land comprising approximately 214 hectares shown as Lot 37 on Annexure 4 to Plan 9760.
Lot 38	All that area of land comprising approximately 1 178 hectares shown as Lot 38 on Annexure 4 to Plan 9760.
Lot 39	All that area of land comprising approximately 9 hectares shown as Lot 39 (in 2 parts) on Annexure 4 to Plan 9760.
Lot 40	All that area of land comprising approximately 347 hectares shown as Lot 40 (in 2 parts) on Annexure 4 to Plan 9760.

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Column 1	Column 2
Lot 41	All that area of land comprising approximately 1 683 hectares shown as Lot 41 (in 2 parts) on Annexure 4 to Plan 9760.
Lot 42	All that area of land comprising approximately 191 hectares shown as Lot 42 (in 5 parts) on Annexure 5 to Plan 9760.
Lot 43	All that area of land comprising approximately 1 011 hectares shown as Lot 43 on Annexure 5 to Plan 9760.
Lot 44	All that area of land comprising approximately 762 hectares shown as Lot 44 on Annexure 5 to Plan 9760.
Lot 45	All that area of land comprising approximately 2 809 hectares shown as Lot 45 on Annexure 5 to Plan 9760.
Lot 46	All that area of land comprising approximately 513 hectares shown as Lot 46 on Annexure 5 to Plan 9760.
Lot 47	All that area of land comprising approximately 48 hectares shown as Lot 47 on Annexure 5 to Plan 9760.
Lot 48	All that area of land comprising approximately 290 hectares shown as Lot 48 on Annexure 5 to Plan 9760.

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Column 1	Column 2
Lot 50	All that area of land comprising approximately 302 hectares shown as Lot 50 (in 3 parts) on Annexure 5 to Plan 9760.
Lot 51	All that area of land comprising approximately 166 hectares shown as Lot 51 (in 2 parts) on Annexure 5 to Plan 9760.
Lot 52	All that area of land comprising approximately 29 hectares shown as Lot 52 on Annexure 5 to Plan 9760.
Lot 53	All that area of land comprising approximately 915 hectares shown as Lot 53 on Annexure 5 to Plan 9760.
Lot 54	All that area of land comprising approximately 1 681 hectares shown as Lot 54 on Annexure 5 to Plan 9760.
Lot 55	All that area of land comprising approximately 839 hectares shown as Lot 55 (in 3 parts) on Annexure 5 to Plan 9760.
Lot 56	All that area of land comprising approximately 361 hectares shown as Lot 56 on Annexure 5 to Plan 9760.
Lot 57	All that area of land comprising approximately 1 126 hectares shown as Lot 57 on Annexure 5 to Plan 9760.

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Column 1	Column 2
Lot 58	All that area of land comprising approximately 2 712 hectares shown as Lot 58 on Annexure 6 to Plan 9760.
Lot 59	All that area of land comprising approximately 135 hectares shown as Lot 59 (in 2 parts) on Annexure 6 to Plan 9760.
Lot 60	All that area of land comprising approximately 256 hectares shown as Lot 60 on Annexure 6 to Plan 9760.
Lot 61	All that area of land comprising approximately 224 hectares shown as Lot 61 on Annexure 6 to Plan 9760.
Lot 62	All that area of land comprising approximately 177 hectares shown as Lot 62 on Annexure 6 to Plan 9760.
Lot 63	All that area of land comprising approximately 1 347 hectares shown as Lot 63 on Annexure 6 to Plan 9760.
Lot 64	All that area of land comprising approximately 2 025 hectares shown as Lot 64 (in 2 parts) on Annexure 6 to Plan 9760.
Lot 65	All that area of land comprising approximately 464 hectares shown as Lot 65 on Annexure 6 to Plan 9760.

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Column 1	Column 2
Lot 66	All that area of land comprising approximately 2 375 hectares shown as Lot 66 (in 2 parts) on Annexure 6 to Plan 9760.
Lot 67	All that area of land comprising approximately 953 hectares shown as Lot 67 on Annexure 6 to Plan 9760.
Lot 68	All that area of land comprising approximately 538 hectares shown as Lot 68 on Annexure 6 to Plan 9760.
Lot 69	All that area of land comprising approximately 11 784 hectares shown as Lot 69 (in 4 parts) on Annexure 6 to Plan 9760.
Lot 71	All that area of land comprising approximately 7 331 hectares shown as Lot 71 on Annexure 6 to Plan 9760.
Lot 72	All that area of land comprising approximately 1 675 hectares shown as Lot 72 (in 4 parts) on Annexure 6 to Plan 9760.
Lot 73	All that area of land comprising approximately 483 hectares shown as Lot 73 on Annexure 6 to Plan 9760.
Lot 74	All that area of land comprising approximately 879 hectares shown as Lot 74 on Annexure 6 to Plan 9760.

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Column 1	Column 2
Lot 75	All that area of land comprising approximately 3 943 hectares shown as Lot 75 on Annexure 6 to Plan 9760.
Lot 76	All that area of land comprising approximately 277 hectares shown as Lot 76 on Annexure 6 to Plan 9760.
Lot 77	All that area of land comprising approximately 5 hectares shown as Lot 77 on Annexure 6 to Plan 9760.
Lot 78	All that area of land comprising approximately 3 385 hectares shown as Lot 78 (in 3 parts) on Annexure 7 to Plan 9760.
Lot 79	All that area of land comprising approximately 1 373 hectares shown as Lot 79 on Annexure 7 to Plan 9760.
Lot 80	All that area of land comprising approximately 10 230 hectares shown as Lot 80 on Annexure 7 to Plan 9760.
Lot 81	All that area of land comprising approximately 6 661 hectares shown as Lot 81 (in 2 parts) on Annexure 7 to Plan 9760.
Lot 82	All that area of land comprising approximately 293 hectares shown as Lot 82 on Annexure 7 to Plan 9760.

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Column 1	Column 2
Lot 83	All that area of land comprising approximately 2 105 hectares shown as Lot 83 (in 2 parts) on Annexure 7 to Plan 9760.
Lot 84	All that area of land comprising approximately 2 764 hectares shown as Lot 84 on Annexure 7 to Plan 9760.
Lot 85	All that area of land comprising approximately 747 hectares shown as Lot 85 (in 2 parts) on Annexure 7 to Plan 9760.
Lot 86	All that area of land comprising approximately 221 hectares shown as Lot 86 on Annexure 7 to Plan 9760.
Lot 87	All that area of land comprising approximately 579 hectares shown as Lot 87 on Annexure 8 to Plan 9760.
Lot 88	All that area of land comprising approximately 190 hectares shown as Lot 88 (in 2 parts) on Annexure 8 to Plan 9760.
Lot 90	All that area of land comprising approximately 26 383 hectares shown as Lot 90 (in 11 parts) on Annexure 8 to Plan 9760.
Lot 91	All that area of land comprising approximately 637 hectares shown as Lot 91 on Annexure 8 to Plan 9760.

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Column 1	Column 2
Lot 92	All that area of land comprising approximately 124 hectares shown as Lot 92 on Annexure 8 to Plan 9760.
Lot 93	All that area of land comprising approximately 141 hectares shown as Lot 93 on Annexure 8 to Plan 9760.
Lot 94	All that area of land comprising approximately 459 hectares shown as Lot 94 (in 4 parts) on Annexure 8 to Plan 9760.
Lot 95	All that area of land comprising approximately 3 494 hectares shown as Lot 95 (in 2 parts) on Annexure 8 to Plan 9760.
Lot 96	All that area of land comprising approximately 1 944 hectares shown as Lot 96 (in 2 parts) on Annexure 8 to Plan 9760.
Lot 97	All that area of land comprising approximately 184 hectares shown as Lot 97 on Annexure 8 to Plan 9760.
Lot 98	All that area of land comprising approximately 416 hectares shown as Lot 98 on Annexure 8 to Plan 9760.
Lot 99	All that area of land comprising approximately 228 hectares shown as Lot 99 on Annexure 8 to Plan 9760.

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Column 1	Column 2
Lot 100	All that area of land comprising approximately 227 hectares shown as Lot 100 on Annexure 8 to Plan 9760.
Lot 101	All that area of land comprising approximately 9 806 hectares shown as Lot 101 (in 4 parts) on Annexure 9 to Plan 9760.
Lot 102	All that area of land comprising approximately 990 hectares shown as Lot 102 on Annexure 9 to Plan 9760.
Lot 103	All that area of land comprising approximately 66 hectares shown as Lot 103 on Annexure 9 to Plan 9760.
Lot 104	All that area of land comprising approximately 549 hectares shown as Lot 104 on Annexure 9 to Plan 9760.
Lot 105	All that area of land comprising approximately 303 hectares shown as Lot 105 on Annexure 9 to Plan 9760.
Lot 106	All that area of land comprising approximately 519 hectares shown as Lot 106 on Annexure 9 to Plan 9760.
Lot 107	All that area of land comprising approximately 232 hectares shown as Lot 107 on Annexure 9 to Plan 9760.

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Column 1	Column 2
Lot 108	All that area of land comprising approximately 2 091 hectares shown as Lot 108 on Annexure 9 to Plan 9760.
Lot 109	All that area of land comprising approximately 424 hectares shown as Lot 109 on Annexure 9 to Plan 9760.
Lot 110	All that area of land comprising approximately 788 hectares shown as Lot 110 (in 2 parts) on Annexure 9 to Plan 9760.
Lot 111	All that area of land comprising approximately 4 452 hectares shown as Lot 111 (in 3 parts) on Annexure 9 to Plan 9760.
Lot 112	All that area of land comprising approximately 2 960 hectares shown as Lot 112 (in 3 parts) on Annexure 9 to Plan 9760.
Lot 113	All that area of land comprising approximately 573 hectares shown as Lot 113 (in 2 parts) on Annexure 9 to Plan 9760.
Lot 114	All that area of land comprising approximately 91 hectares shown as Lot 114 on Annexure 9 to Plan 9760.
Lot 115	All that area of land comprising approximately 83 hectares shown as Lot 115 on Annexure 9 to Plan 9760.

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Column 1	Column 2
Lot 116	All that area of land comprising approximately 90 hectares shown as Lot 116 on Annexure 9 to Plan 9760.
Lot 117	All that area of land comprising approximately 369 hectares shown as Lot 117 on Annexure 9 to Plan 9760.
Lot 118	All that area of land comprising approximately 1 423 hectares shown as Lot 118 on Annexure 9 to Plan 9760.
Lot 119	All that area of land comprising approximately 614 hectares shown as Lot 119 on Annexure 10 to Plan 9760.
Lot 120	All that area of land comprising approximately 2 162 hectares shown as Lot 120 (in 3 parts) on Annexure 10 to Plan 9760.
Lot 121	All that area of land comprising approximately 497 hectares shown as Lot 121 on Annexure 10 to Plan 9760.
Lot 122	All that area of land comprising approximately 49 hectares shown as Lot 122 on Annexure 10 to Plan 9760.
Lot 123	All that area of land comprising approximately 3 hectares shown as Lot 123 on Annexure 10 to Plan 9760.

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Column 1	Column 2
Lot 124	All that area of land comprising approximately 665 hectares shown as Lot 124 (in 3 parts) on Annexure 10 to Plan 9760.
Lot 125	All that area of land comprising approximately 3 638 hectares shown as Lot 125 on Annexure 10 to Plan 9760.
Lot 126	All that area of land comprising approximately 2 404 hectares shown as Lot 126 (in 2 parts) on Annexure 10 to Plan 9760.
Lot 127	All that area of land comprising approximately 96 hectares shown as Lot 127 on Annexure 10 to Plan 9760.
Lot 128	All that area of land comprising approximately 776 hectares shown as Lot 128 (in 2 parts) on Annexure 10 to Plan 9760.
Lot 129	All that area of land comprising approximately 16 257 hectares shown as Lot 129 (in 2 parts) on Annexure 10 to Plan 9760.
Lot 130	All that area of land comprising approximately 170 hectares shown as Lot 130 on Annexure 10 to Plan 9760.
Lot 131	All that area of land comprising approximately 145 hectares shown as Lot 131 on Annexure 10 to Plan 9760.

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Column 1	Column 2
Lot 132	All that area of land comprising approximately 93 hectares shown as Lot 132 (in 3 parts) on Annexure 11 to Plan 9760.
Lot 133	All that area of land comprising approximately 2 276 hectares shown as Lot 133 on Annexure 11 to Plan 9760.
Lot 134	All that area of land comprising approximately 139 hectares shown as Lot 134 (in 2 parts) on Annexure 11 to Plan 9760.
Lot 135	All that area of land comprising approximately 206 hectares shown as Lot 135 on Annexure 11 to Plan 9760.
Lot 136	All that area of land comprising approximately 769 hectares shown as Lot 136 on Annexure 11 to Plan 9760.
Lot 137	All that area of land comprising approximately 6 259 hectares shown as Lot 137 on Annexure 11 to Plan 9760.
Lot 138	All that area of land comprising approximately 61 hectares shown as Lot 138 on Annexure 11 to Plan 9760.
Lot 139	All that area of land comprising approximately 434 hectares shown as Lot 139 on Annexure 11 to Plan 9760.

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Column 1	Column 2
Lot 141	All that area of land comprising approximately 343 hectares shown as Lot 141 on Annexure 11 to Plan 9760.
Lot 143	All that area of land comprising approximately 165 hectares shown as Lot 143 on Annexure 11 to Plan 9760.
Lot 144	All that area of land comprising approximately 1 204 hectares shown as Lot 144 (in 2 parts) on Annexure 11 to Plan 9760.
Lot 145	All that area of land comprising approximately 2 518 hectares shown as Lot 145 (in 3 parts) on Annexure 11 to Plan 9760.
Lot 147	All that area of land comprising approximately 578 hectares shown as Lot 147 on Annexure 11 to Plan 9760.
Lot 148	All that area of land comprising approximately 1 401 hectares shown as Lot 148 (in 2 parts) on Annexure 12 to Plan 9760.
Lot 149	All that area of land comprising approximately 3 567 hectares shown as Lot 149 (in 2 parts) on Annexure 12 to Plan 9760.
Lot 150	All that area of land comprising approximately 4 553 hectares shown as Lot 150 on Annexure 12 to Plan 9760.

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Column 1	Column 2
Lot 151	All that area of land comprising approximately 2 707 hectares shown as Lot 151 (in 3 parts) on Annexure 12 to Plan 9760.
Lot 152	All that area of land comprising approximately 6 645 hectares shown as Lot 152 (in 2 parts) on Annexure 12 to Plan 9760.
Lot 153	All that area of land comprising approximately 1 198 hectares shown as Lot 153 on Annexure 12 to Plan 9760.
Lot 154	All that area of land comprising approximately 238 hectares shown as Lot 154 on Annexure 12 to Plan 9760.
Lot 155	All that area of land comprising approximately 3 774 hectares shown as Lot 155 (in 2 parts) on Annexure 12 to Plan 9760.
Lot 156	All that area of land comprising approximately 14 401 hectares shown as Lot 156 (in 4 parts) on Annexure 12 to Plan 9760.
Lot 158	All that area of land comprising approximately 868 hectares shown as Lot 158 on Annexure 12 to Plan 9760.
Lot 159	All that area of land comprising approximately 2 988 hectares shown as Lot 159 on Annexure 12 to Plan 9760.

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Column 1	Column 2
Lot 160	All that area of land comprising approximately 427 hectares shown as Lot 160 on Annexure 12 to Plan 9760.
Lot 161	All that area of land comprising approximately 193 hectares shown as Lot 161 on Annexure 12 to Plan 9760.
Lot 162	All that area of land comprising approximately 96 hectares shown as Lot 162 on Annexure 12 to Plan 9760.
Lot 163	All that area of land comprising approximately 3 155 hectares shown as Lot 163 on Annexure 12 to Plan 9760.
Lot 164	All that area of land comprising approximately 104 hectares shown as Lot 164 on Annexure 12 to Plan 9760.
Lot 165	All that area of land comprising approximately 663 hectares shown as Lot 165 (in 2 parts) on Annexure 12 to Plan 9760.
Lot 166	All that area of land comprising approximately 67 hectares shown as Lot 166 on Annexure 12 to Plan 9760.
Lot 168	All that area of land comprising approximately 1 095 hectares shown as Lot 168 (in 2 parts) on Annexure 12 to Plan 9760.

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Column 1	Column 2
Lot 169	All that area of land comprising approximately 1 077 hectares shown as Lot 169 on Annexure 12 to Plan 9760.
Lot 170	All that area of land comprising approximately 1 303 hectares shown as Lot 170 on Annexure 12 to Plan 9760.
Lot 171	All that area of land comprising approximately 7 409 hectares shown as Lot 171 on Annexure 12 to Plan 9760.
Lot 172	All that area of land comprising approximately 135 hectares shown as Lot 172 on Annexure 12 to Plan 9760.
Lot 173	All that area of land comprising approximately 3 090 hectares shown as Lot 173 (in 3 parts) on Annexure 12 to Plan 9760.
Lot 175	All that area of land comprising approximately 1 002 hectares shown as Lot 175 on Annexure 12 to Plan 9760.
Lot 176	All that area of land comprising approximately 1 691 hectares shown as Lot 176 on Annexure 12 to Plan 9760.
Lot 177	All that area of land comprising approximately 839 hectares shown as Lot 177 on Annexure 12 to Plan 9760.

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Column 1	Column 2
Lot 178	All that area of land comprising approximately 4 837 hectares shown as Lot 178 on Annexure 12 to Plan 9760.
Lot 179	All that area of land comprising approximately 1 079 hectares shown as Lot 179 on Annexure 12 to Plan 9760.
Lot 180	All that area of land comprising approximately 1 259 hectares shown as Lot 180 on Annexure 12 to Plan 9760.
Lot 182	All that area of land comprising approximately 522 hectares shown as Lot 182 (in 2 parts) on Annexure 12 to Plan 9760.
Lot 183	All that area of land comprising approximately 3 621 hectares shown as Lot 183 on Annexure 14 to Plan 9760.
Lot 184	All that area of land comprising approximately 10 113 hectares shown as Lot 184 on Annexure 14 to Plan 9760.
Lot 185	All that area of land comprising approximately 693 hectares shown as Lot 185 on Annexure 14 to Plan 9760.
Lot 186	All that area of land comprising approximately 223 hectares shown as Lot 186 (in 2 parts) on Annexure 14 to Plan 9760.

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Column 1	Column 2
Lot 187	All that area of land comprising approximately 137 hectares shown as Lot 187 on Annexure 14 to Plan 9760.
Lot 188	All that area of land comprising approximately 1 052 hectares shown as Lot 188 on Annexure 14 to Plan 9760.
Lot 189	All that area of land comprising approximately 1 062 hectares shown as Lot 189 (in 2 parts) on Annexure 14 to Plan 9760.
Lot 190	All that area of land comprising approximately 153 hectares shown as Lot 190 on Annexure 14 to Plan 9760.
Lot 191	All that area of land comprising approximately 2 002 hectares shown as Lot 191 on Annexure 14 to Plan 9760.
Lot 192	All that area of land comprising approximately 1 376 hectares shown as Lot 192 on Annexure 14 to Plan 9760.
Lot 193	All that area of land comprising approximately 136 hectares shown as Lot 193 (in 2 parts) on Annexure 14 to Plan 9760.
Lot 194	All that area of land comprising approximately 1 715 hectares shown as Lot 194 on Annexure 14 to Plan 9760.

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Column 1	Column 2
Lot 195	All that area of land comprising approximately 747 hectares shown as Lot 195 on Annexure 14 to Plan 9760.
Lot 199	All that area of land comprising approximately 806 hectares shown as Lot 199 on Annexure 15 to Plan 9760.
Lot 201	All that area of land comprising approximately 25 hectares shown as Lot 201 on Annexure 15 to Plan 9760.
Lot 205	All that area of land comprising approximately 270 hectares shown as Lot 205 on Annexure 16 to Plan 9760.
Lot 206	All that area of land comprising approximately 346 hectares shown as Lot 206 on Annexure 16 to Plan 9760.
Lot 207	All that area of land comprising approximately 271 hectares shown as Lot 207 on Annexure 16 to Plan 9760.
Lot 208	All that area of land comprising approximately 1 110 hectares shown as Lot 208 on Annexure 16 to Plan 9760.
Lot 209	All that area of land comprising approximately 22 hectares shown as Lot 209 on Annexure 16 to Plan 9760.

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Column 1	Column 2
Lot 210	All that area of land comprising approximately 50 hectares shown as Lot 210 on Annexure 16 to Plan 9760.
Lot 212	All that area of land comprising approximately 549 hectares shown as Lot 212 on Annexure 17 to Plan 9760.
Lot 213	All that area of land comprising approximately 1 487 hectares shown as Lot 213 (in 2 parts) on Annexure 17 to Plan 9760.
Lot 214	All that area of land comprising approximately 213 hectares shown as Lot 214 on Annexure 17 to Plan 9760.
Lot 215	All that area of land comprising approximately 1 091 hectares shown as Lot 215 on Annexure 17 to Plan 9760.
Lot 216	All that area of land comprising approximately 4 394 hectares shown as Lot 216 (in 2 parts) on Annexure 18 to Plan 9760.
Lot 217	All that area of land comprising approximately 7 378 hectares shown as Lot 217 on Annexure 18 to Plan 9760.
Lot 218	All that area of land comprising approximately 178 hectares shown as Lot 218 on Annexure 18 to Plan 9760.

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Column 1	Column 2
Lot 219	All that area of land comprising approximately 205 hectares shown as Lot 219 (in 3 parts) on Annexure 18 to Plan 9760.
Lot 220	All that area of land comprising approximately 625 hectares shown as Lot 220 on Annexure 18 to Plan 9760.
Lot 221	All that area of land comprising approximately 104 hectares shown as Lot 221 on Annexure 18 to Plan 9760.
Lot 222	All that area of land comprising approximately 381 hectares shown as Lot 222 (in 2 parts) on Annexure 18 to Plan 9760.
Lot 223	All that area of land comprising approximately 1 104 hectares shown as Lot 223 (in 2 parts) on Annexure 18 to Plan 9760.
Lot 224	All that area of land comprising approximately 105 hectares shown as Lot 224 on Annexure 18 to Plan 9760.
Lot 225	All that area of land comprising approximately 70 hectares shown as Lot 225 on Annexure 18 to Plan 9760.
Lot 226	All that area of land comprising approximately 92 hectares shown as Lot 226 (in 6 parts) on Annexure 18 to Plan 9760.

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Column 1	Column 2
Lot 227	All that area of land comprising approximately 17 hectares shown as Lot 227 on Annexure 18 to Plan 9760.
Lot 228	All that area of land comprising approximately 510 hectares shown as Lot 228 on Annexure 18 to Plan 9760.
Lot 229	All that area of land comprising approximately 1 354 hectares shown as Lot 229 on Annexure 18 to Plan 9760.
Lot 230	All that area of land comprising approximately 51 hectares shown as Lot 230 on Annexure 18 to Plan 9760.
Lot 231	All that area of land comprising approximately 37 hectares shown as Lot 231 on Annexure 18 to Plan 9760.
Lot 232	All that area of land comprising approximately 11 hectares shown as Lot 232 on Annexure 18 to Plan 9760.
Lot 233	All that area of land comprising approximately 39 hectares shown as Lot 233 on Annexure 18 to Plan 9760.
Lot 234	All that area of land comprising approximately 18 hectares shown as Lot 234 on Annexure 18 to Plan 9760.

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Column 1	Column 2
Lot 235	All that area of land comprising approximately 16 hectares shown as Lot 235 (in 3 parts) on Annexure 18 to Plan 9760.
Lot 236	All that area of land comprising approximately 1 198 hectares shown as Lot 236 on Annexure 18 to Plan 9760.
Lot 237	All that area of land comprising approximately 168 hectares shown as Lot 237 on Annexure 18 to Plan 9760.
Lot 238	All that area of land comprising approximately 15 hectares shown as Lot 238 on Annexure 18 to Plan 9760.
Lot 239	All that area of land comprising approximately 299 hectares shown as Lot 239 on Annexure 18 to Plan 9760.
Lot 241	All that area of land comprising approximately 550 hectares shown as Lot 241 on Annexure 19 to Plan 9760.
Lot 242	All that area of land comprising approximately 251 hectares shown as Lot 242 on Annexure 19 to Plan 9760.
Lot 245	All that area of land comprising approximately 236 hectares shown as Lot 245 on Annexure 19 to Plan 9760.

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Column 1	Column 2
Lot 246	All that area of land comprising approximately 4 hectares shown as Lot 246 on Annexure 19 to Plan 9760.
Lot 247	All that area of land comprising approximately 422 hectares shown as Lot 247 (in 2 parts) on Annexure 19 to Plan 9760.
Lot 267	All that area of land comprising approximately 13 hectares shown as Lot 267 on Annexure 20 to Plan 9760.
Lot 269	All that area of land comprising approximately 902 hectares shown as Lot 269 on Annexure 20 to Plan 9760.
Lot 270	All that area of land comprising approximately 188 hectares shown as Lot 270 on Annexure 22 to Plan 9760.
Lot 271	All that area of land comprising approximately 440 hectares shown as Lot 271 on Annexure 22 to Plan 9760.
Lot 272	All that area of land comprising approximately 4 361 hectares shown as Lot 272 (in 2 parts) on Annexure 22 to Plan 9760.
Lot 273	All that area of land comprising approximately 2 149 hectares shown as Lot 273 (in 2 parts) on Annexure 22 to Plan 9760.

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Column 1	Column 2
Lot 274	All that area of land comprising approximately 72 hectares shown as Lot 274 on Annexure 22 to Plan 9760.
Lot 281	All that area of land comprising approximately 410 hectares shown as Lot 281 on Annexure 23 to Plan 9760.
Lot 284	All that area of land comprising approximately 1 295 hectares shown as Lot 284 (in 2 parts) on Annexure 23 to Plan 9760.
Lot 285	All that area of land comprising approximately 188 hectares shown as Lot 285 on Annexure 24 to Plan 9760.
Lot 286	All that area of land comprising approximately 229 hectares shown as Lot 286 on Annexure 24 to Plan 9760.
Lot 287	All that area of land comprising approximately 268 hectares shown as Lot 287 on Annexure 24 to Plan 9760.
Lot 288	All that area of land comprising approximately 4 911 hectares shown as Lot 288 on Annexure 24 to Plan 9760.
Lot 289	All that area of land comprising approximately 80 hectares shown as Lot 289 on Annexure 24 to Plan 9760.

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Column 1	Column 2
Lot 290	All that area of land comprising approximately 412 hectares shown as Lot 290 on Annexure 25 to Plan 9760.
Lot 291	All that area of land comprising approximately 763 hectares shown as Lot 291 on Annexure 25 to Plan 9760.
Lot 292	All that area of land comprising approximately 31 hectares shown as Lot 292 on Annexure 25 to Plan 9760.
Lot 293	All that area of land comprising approximately 227 hectares shown as Lot 293 on Annexure 25 to Plan 9760.
Lot 294	All that area of land comprising approximately 499 hectares shown as Lot 294 on Annexure 25 to Plan 9760.
Lot 295	All that area of land comprising approximately 1 568 hectares shown as Lot 295 on Annexure 25 to Plan 9760.

SCHEDULE 2 – FORESTRY COUPES

Section 4(4)

Forestry coupe	Forestry Tasmania district
CD103A	Bass
CO008A	Derwent
EP011A	Huon
EP048C	Huon
FR015A	Murchison
FR039A	Murchison
FR041A	Murchison
MD102A	Murchison
NL115H	Bass
SB038A	Huon
SB040A	Huon
CF023B	Murchison
FR041B	Murchison
GL108A	Bass
MN001E	Bass
MN023A	Bass
Puzzle Link	Huon

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Forestry coupe	Forestry Tasmania district
RD019A	Murchison
RU047E	Huon
SA152C	Bass
SB009A	Huon
SY002A	Bass
TY042F	Bass
UR056A	Bass
UR101D	Bass

**SCHEDULE 3 – OBJECTIVES FOR MANAGEMENT
OF FUTURE POTENTIAL PRODUCTION FOREST
LAND**

Sections 4(7) and 6(4)

1. Management objectives

The following objectives are the objectives for management of future potential production forest land:

- (a) to conserve natural biological diversity;
- (b) to conserve geological diversity;
- (c) to preserve the quality of water and protect catchments;
- (d) to conserve sites or areas of cultural significance;
- (e) to encourage education based on the purposes of reservation and the significance of the public reserve;
- (f) to encourage research, particularly that which furthers the purposes of reservation;
- (g) to protect the public reserve against, and rehabilitate the public reserve following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on the public reserve's natural and cultural values and on assets within and adjacent to the public reserve;

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- (h) to encourage tourism, recreational use and enjoyment consistent with the conservation of the area's natural and cultural values;
- (i) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the purposes of reservation and the other management objectives;
- (j) to provide for the taking, on an ecologically sustainable basis, of designated game species for commercial or private purposes, or both;
- (k) to provide for the controlled use of natural resources including special species timber harvesting;
- (l) to provide for exploration activities and utilisation of mineral resources;
- (m) to allow for private, commercial or industrial uses.

**SCHEDULE 4 – SAVINGS AND TRANSITIONAL
PROVISIONS**

Section 36

1. Interpretation

In this Schedule –

asset means –

- (a) any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property; and

- (b) any other right –

having any connection with future potential production forest land in existence immediately before the commencement of section 4(2);

contract means –

- (a) an agreement, arrangement, undertaking, warranty or other contract; or

- (b) part of an agreement, arrangement, undertaking, warranty or other contract –

having any connection with future potential production forest land in existence immediately before the commencement of section 4(2);

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corporation means the Forestry corporation or other Government Business Enterprise or a State-owned company;

document includes part of a document;

liability includes any, or any part of any, liability, duty and obligation, whether actual, contingent or prospective, in relation to any future potential production forest land in existence immediately before the commencement of section 4(2);

right includes any right, power, privilege and immunity, whether actual, contingent or prospective, in relation to any future potential production forest land in existence immediately before the commencement of section 4(2);

specified means specified in a transfer notice;

timber has the same meaning as in the *Forest Management Act 2013*;

transfer day means the day on which a transfer notice, or the relevant part of a transfer notice, takes effect;

transfer notice means –

- (a) a notice made under clause 2(1) or (2); or
- (b) a part of such a notice;

transferor, in relation to a transfer notice,
means –

- (a) the Crown, if the relevant transfer notice transfers any assets, liabilities or contracts to the corporation referred to in the transfer notice; or
- (b) the corporation referred to in the transfer notice, if the relevant transfer notice transfers any assets, liabilities or contracts to the Crown;

transfer recipient, in relation to a transfer notice, means –

- (a) the corporation referred to in the relevant transfer notice, if the transfer notice transfers any assets, liabilities or contracts to the corporation; or
- (b) the Crown, if the relevant transfer notice transfers any assets, liabilities or contracts to the Crown.

2. Transfer of assets to and from a corporation

- (1) The Crown Lands Minister, after consulting the Minister, by notice published in the *Gazette*, may transfer from a corporation to the Crown such –

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- (a) assets owned by the corporation; and
- (b) liabilities of the corporation; and
- (c) contracts to which the corporation is a party, other than contracts for the supply of timber or contracts of employment –

as are specified in the notice.

- (2) The Crown Lands Minister, after consulting the Minister, by notice published in the *Gazette*, may transfer from the Crown to a corporation such –

- (a) assets owned by the Crown; and
- (b) liabilities of the Crown; and
- (c) contracts to which the Crown is a party, other than contracts of employment –

as are specified in the notice.

- (3) A transfer notice may –

- (a) specify conditions including, without limitation –
 - (i) conditions relating to the transfer of the assets, liabilities and contracts; and
 - (ii) conditions relating to the payment of consideration, if any is payable; and

- (b) provide that a right under a specified contract is held by the transferor or the transfer recipient; and
 - (c) provide that a liability under a specified contract is a liability of the transferor or the transfer recipient; and
 - (d) provide that a reference in a specified contract to the transferor is, or is to include, a reference to the transfer recipient; and
 - (e) provide that a transfer recipient is substituted as a party to the contract, in place of the transferor, from a date not earlier than the transfer day; and
 - (f) provide for any matter that is incidental to the transfer of the assets, liabilities and contracts.
- (4) A transfer notice takes effect on the specified day or days, whether that day is, or those days are, before, on or after the day on which the transfer notice is published in the *Gazette*.
- (5) A transfer notice takes effect in accordance with its terms.
- (6) Without limiting subclause (5) –
- (a) on the transfer day –
 - (i) the specified assets vest in the transfer recipient, in accordance with the transfer notice, without

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the need for any further conveyance, transfer, assignment or assurance, but subject to any conditions specified in the transfer notice; and

(ii) the specified liabilities become the liabilities of the transfer recipient, in accordance with the transfer notice, without the need for any further conveyance, transfer, assignment or assurance, but subject to any conditions specified in the transfer notice; and

(iii) the transferor ceases to be a party to the specified contracts unless the transfer notice provides otherwise or except to the extent specified in the transfer notice; and

(b) on and after the transfer day –

(i) a specified contract is taken to have been made by the transfer recipient; and

(ii) a reference to the transferor in a specified contract is taken to be or include, as appropriate, a reference to the transfer recipient.

(7) Subclause (6)(a) and (6)(b) have effect despite any contrary provision in the specified contract.

-
- (8) A person who is a party to a contract that is the subject of a transfer notice is not entitled to –
- (a) terminate that contract; or
 - (b) claim that there has been a breach or default of the contract; or
 - (c) claim any remedy –

by reason only of the transfer (made by virtue of such a notice) of that contract, or of property, a right, or an obligation, to which that contract relates or arising from that contract.

- (9) The Crown Lands Minister after consulting the Minister may amend or revoke a transfer notice.
- (10) A transfer notice is not a statutory rule for the purposes of the *Rules Publication Act 1953*.

3. Transitional provisions on transfer of property and assets to and from a corporation

- (1) In this section –

transferring asset means any asset specified in a transfer notice;

transferring contract means a contract specified in a transfer notice;

transferring liability means a liability specified in a transfer notice.

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- (2) On and after the transfer day, the following provisions apply unless the transfer notice provides otherwise:
 - (a) a reference to the transferor in a document in relation to a transferring asset, transferring liability or transferring contract is taken where appropriate to be or to include a reference to the transfer recipient;
 - (b) a contract made by the transferor relating to a transferring asset, transferring liability or transferring contract to the extent that it is not performed or discharged before the transfer day is taken to have been made by the transferor or transfer recipient, as appropriate.
- (3) A transfer notice may limit the extent to which the provisions of subclause (2) apply.

4. Removing doubt relating to transfer

- (1) If there is any doubt –
 - (a) as to whether any asset, liability or contract, or any part of any asset, liability or contract, is transferred to the transfer recipient by the operation of clause 2(6)(a); or
 - (b) as to whether any contract or other document relates to any asset, liability or contract that is transferred to the transfer

recipient by the operation of
clause 2(6)(a) –

the Crown Lands Minister is to determine the matter in consultation with the Minister and is to provide written notice of that determination to the transfer recipient and, if the Crown Lands Minister considers it appropriate, a party to a contract that is relevant to the determination of the matter.

- (2) The determination of the Crown Lands Minister under subclause (1) is final and binding.

5. Savings and transitional regulations

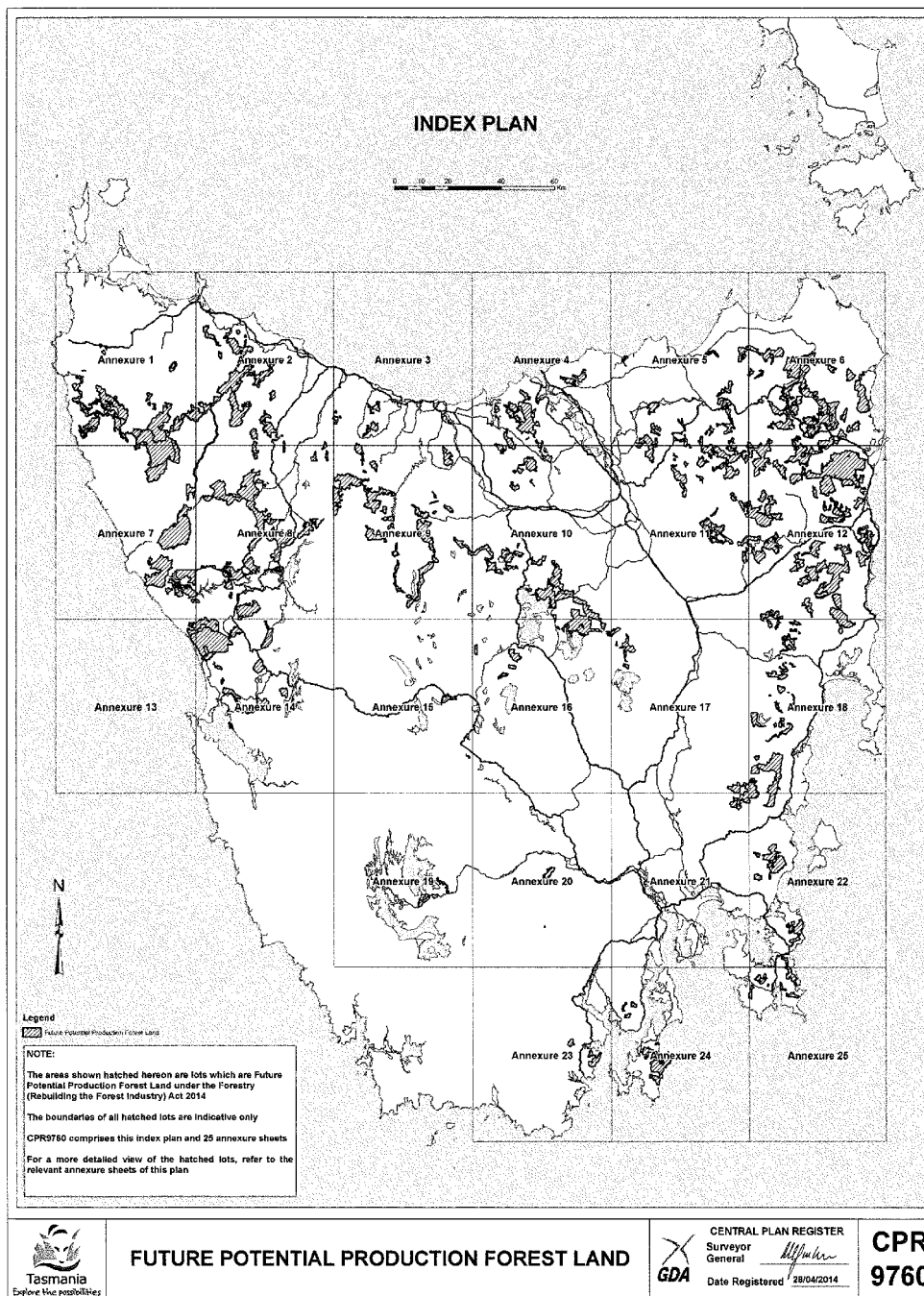
- (1) The Governor may make regulations to provide –
- (a) for savings and transitional matters, not otherwise provided for in this Act, necessary or expedient for bringing this Act into operation; and
 - (b) for savings and transitional matters consequent on a transfer of any assets, liabilities or contracts to a transfer recipient under a transfer notice.
- (2) Regulations made under subclause (1) may provide for any of the savings or transitional matters to take effect when section 36 of this Act commences or on a later day specified in the regulations, whether the day so specified is before, on or after the day on which the regulations are made.

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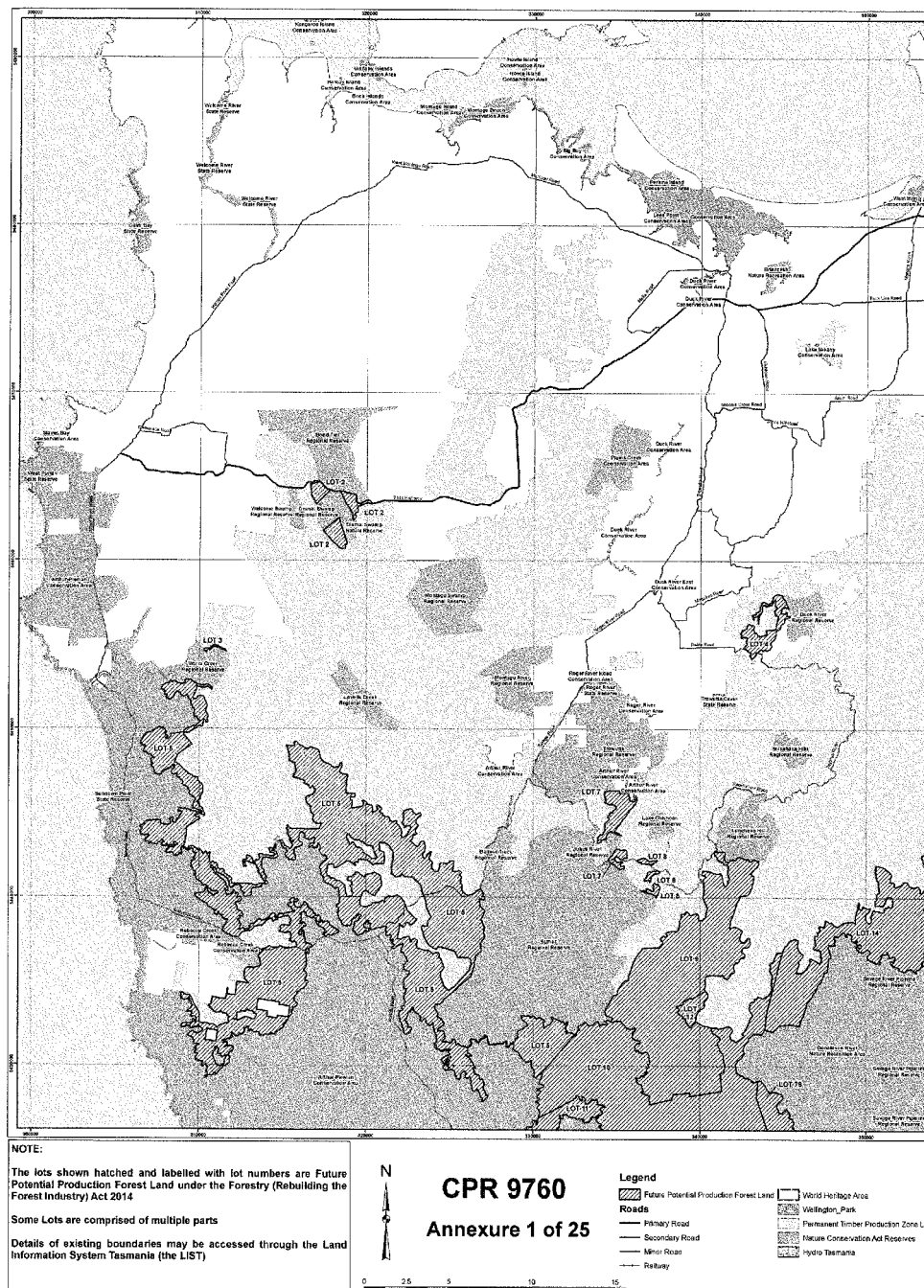
SCHEDULE 5 – PLAN 9760

Clause 1 of Schedule 1



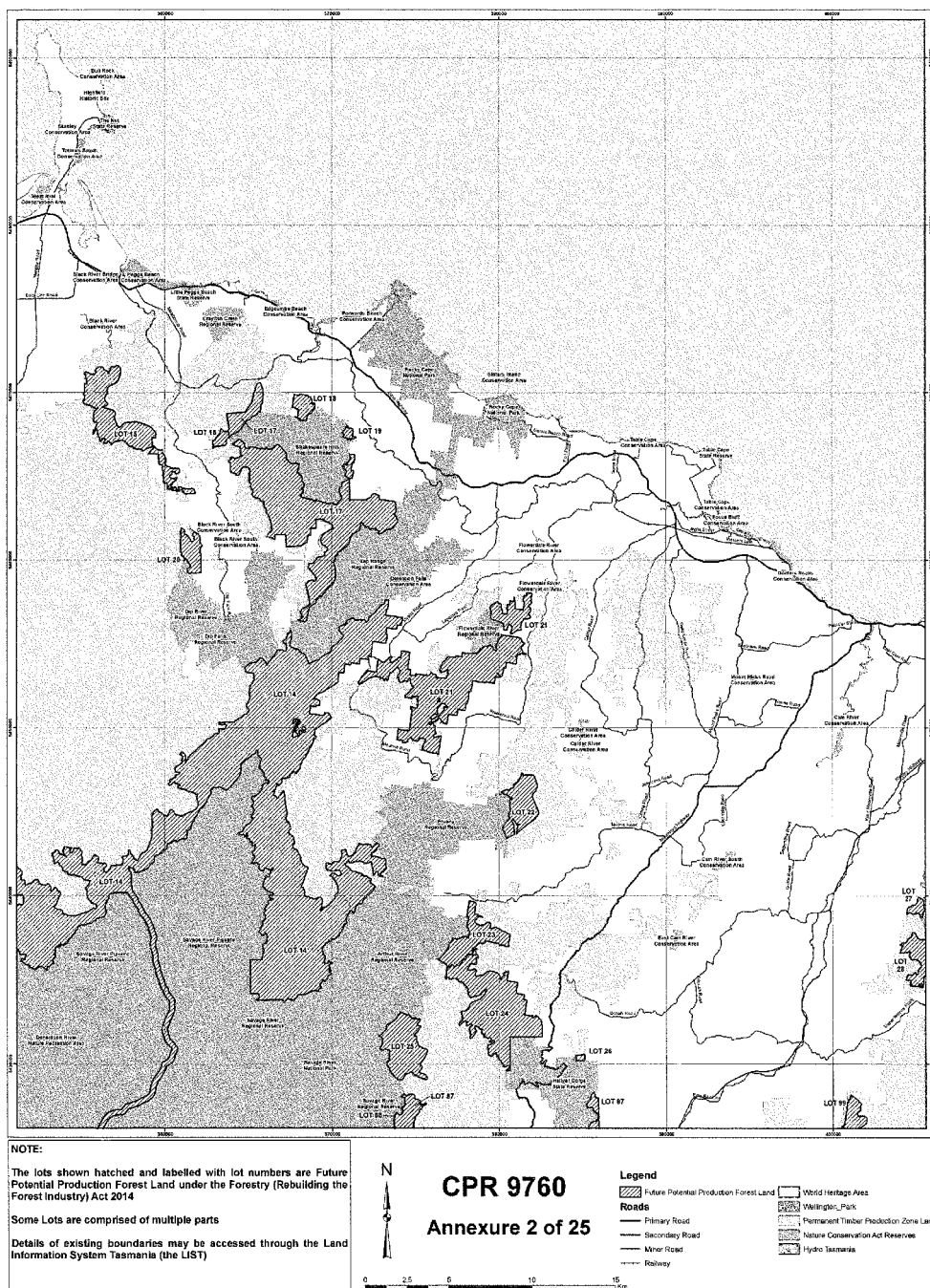
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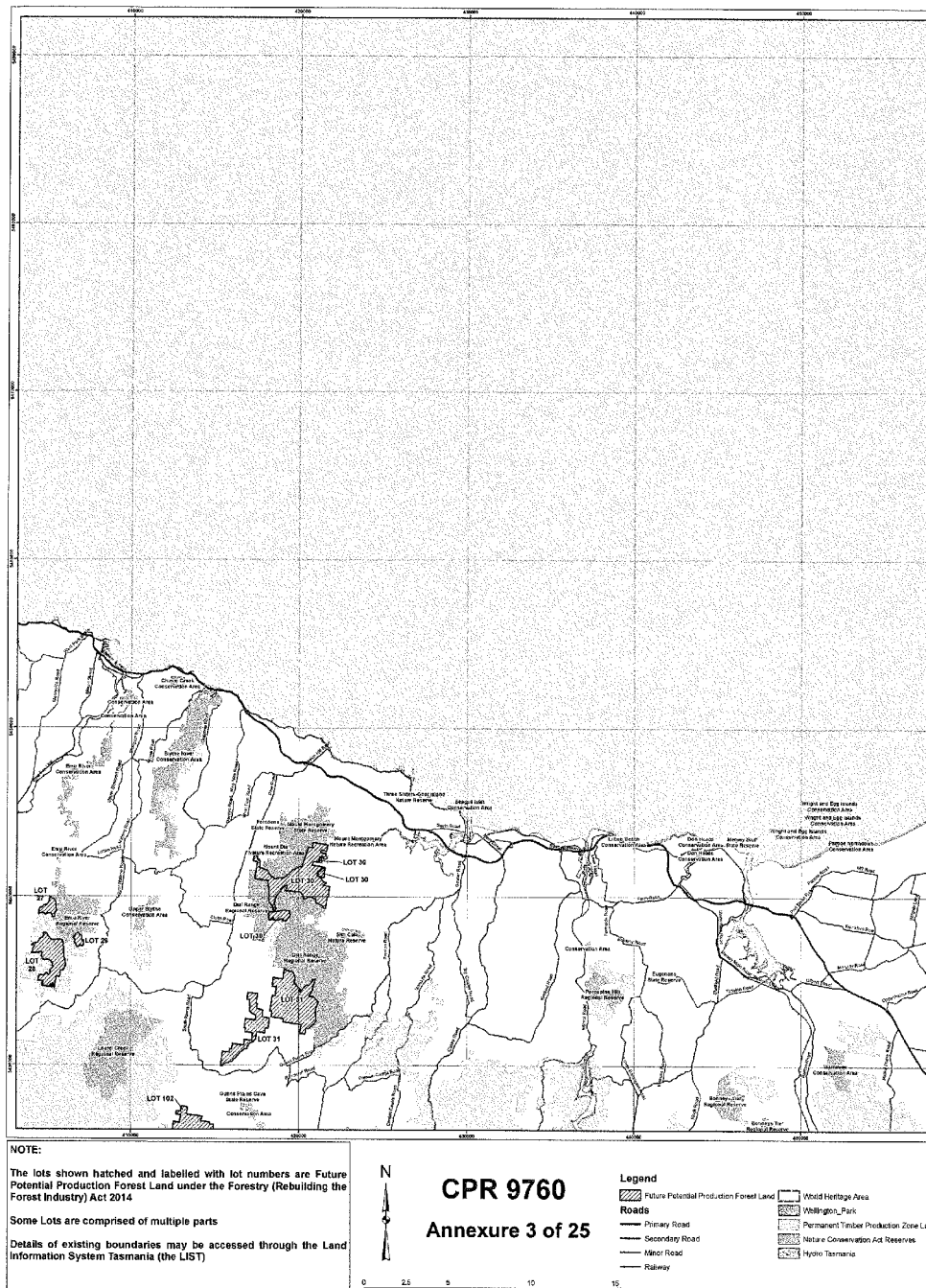
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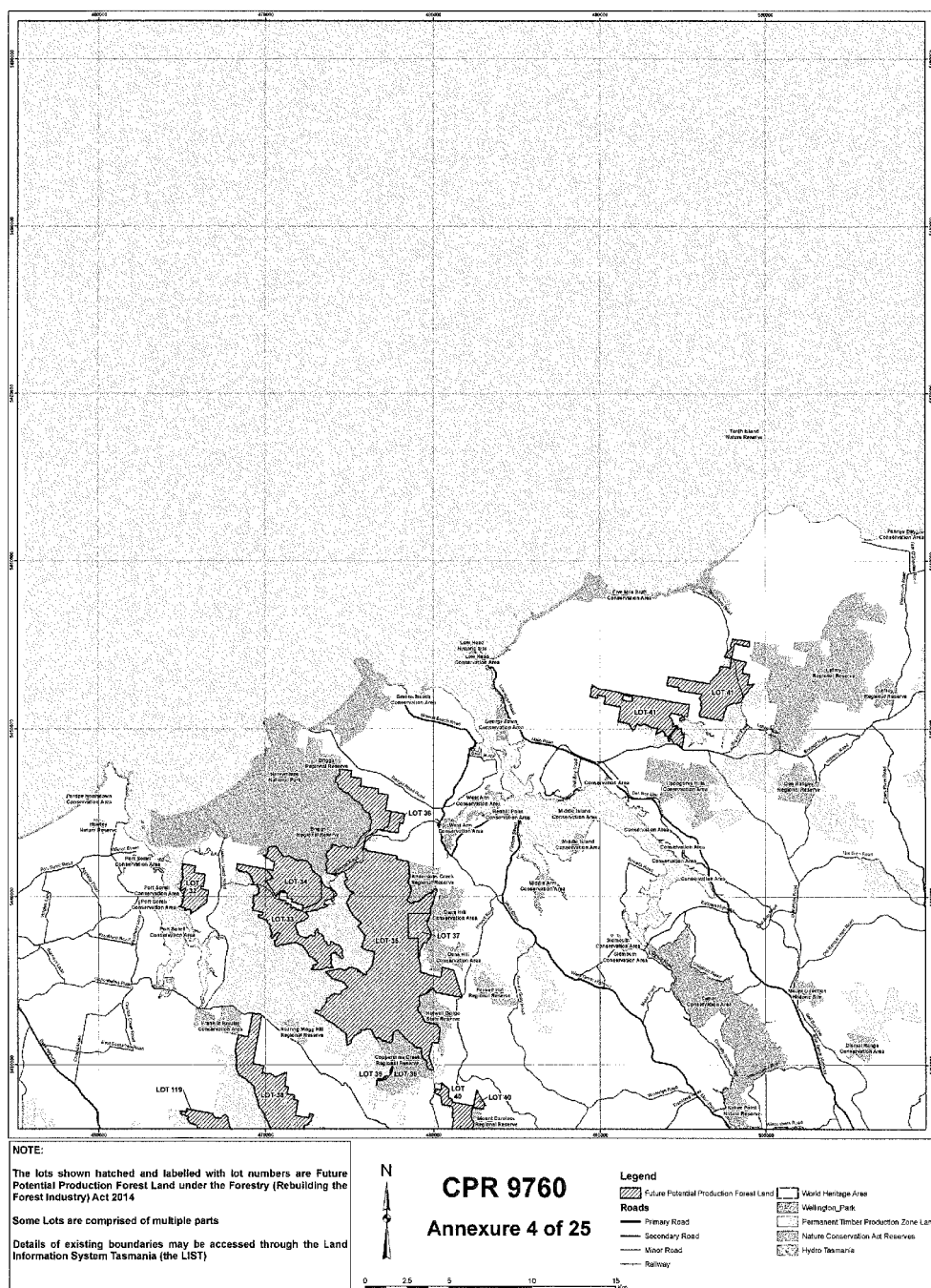
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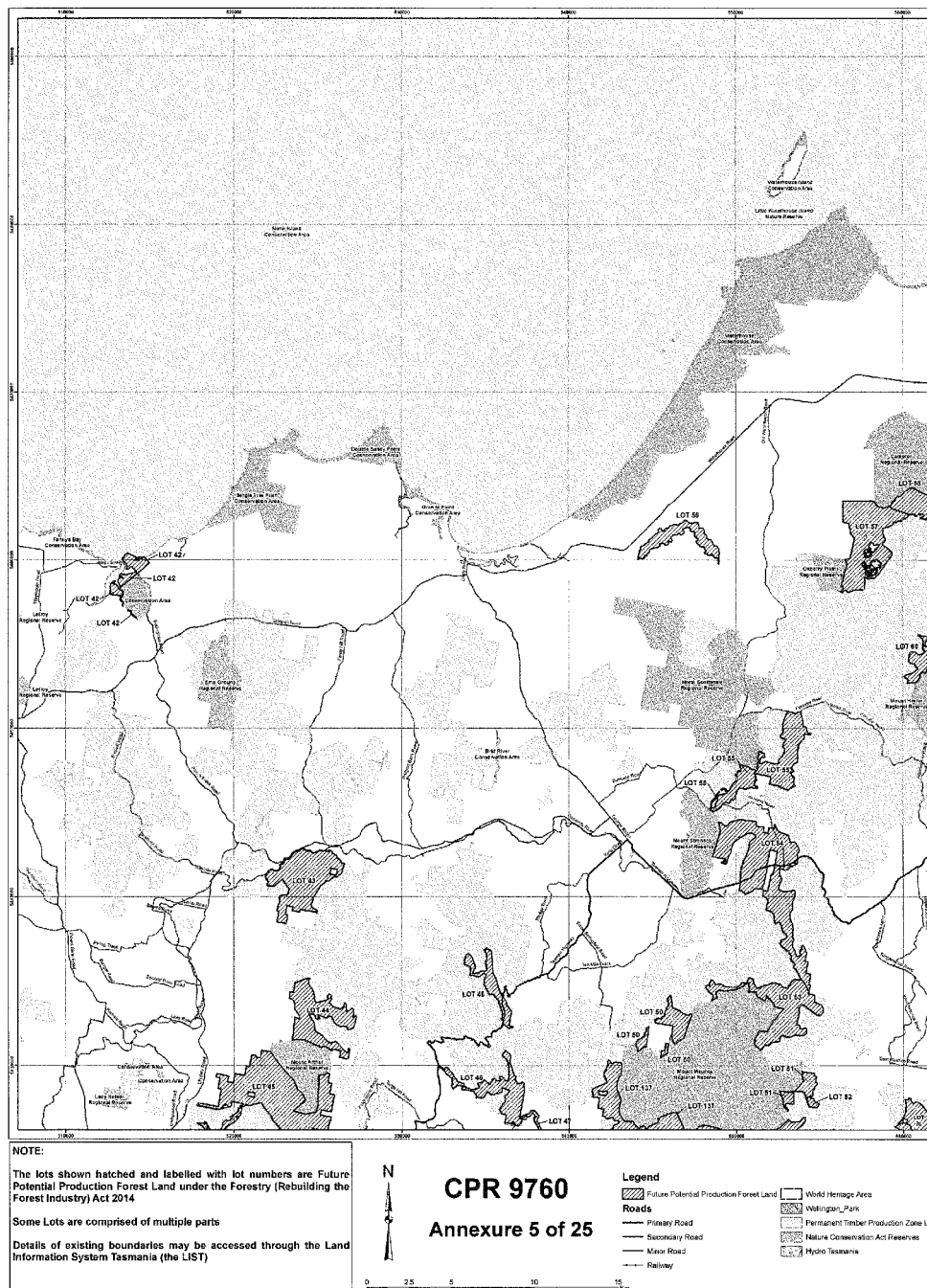
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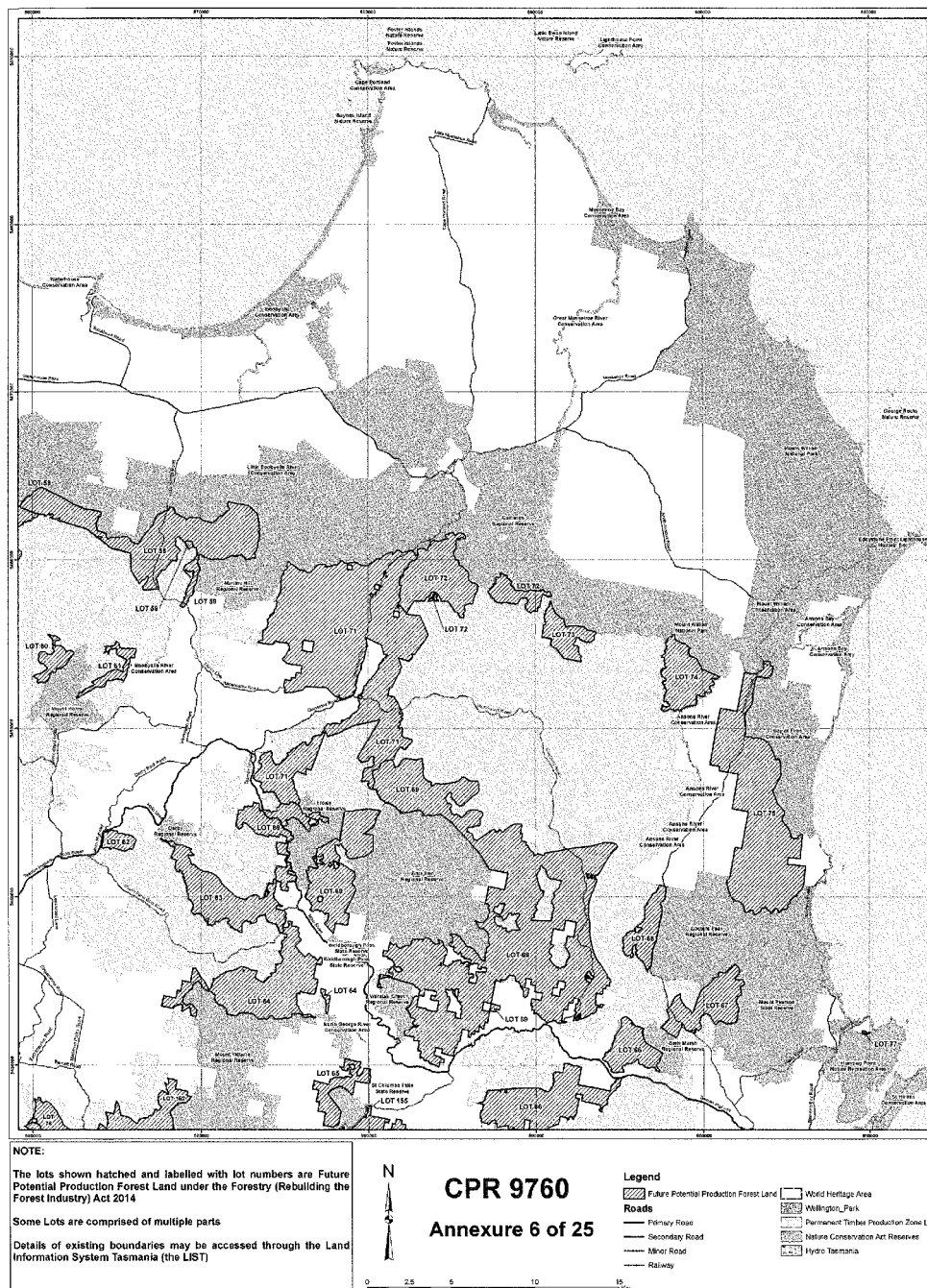
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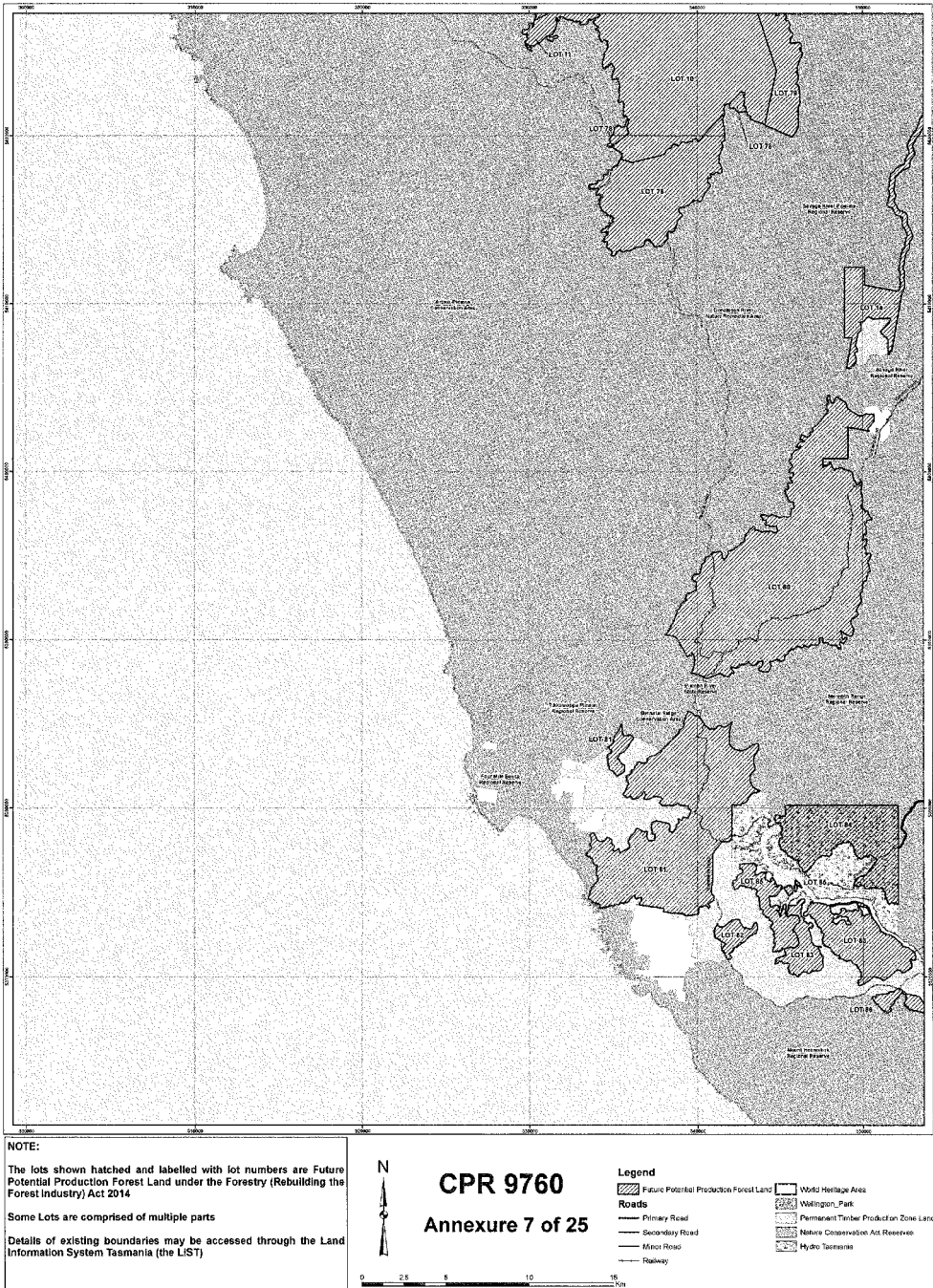
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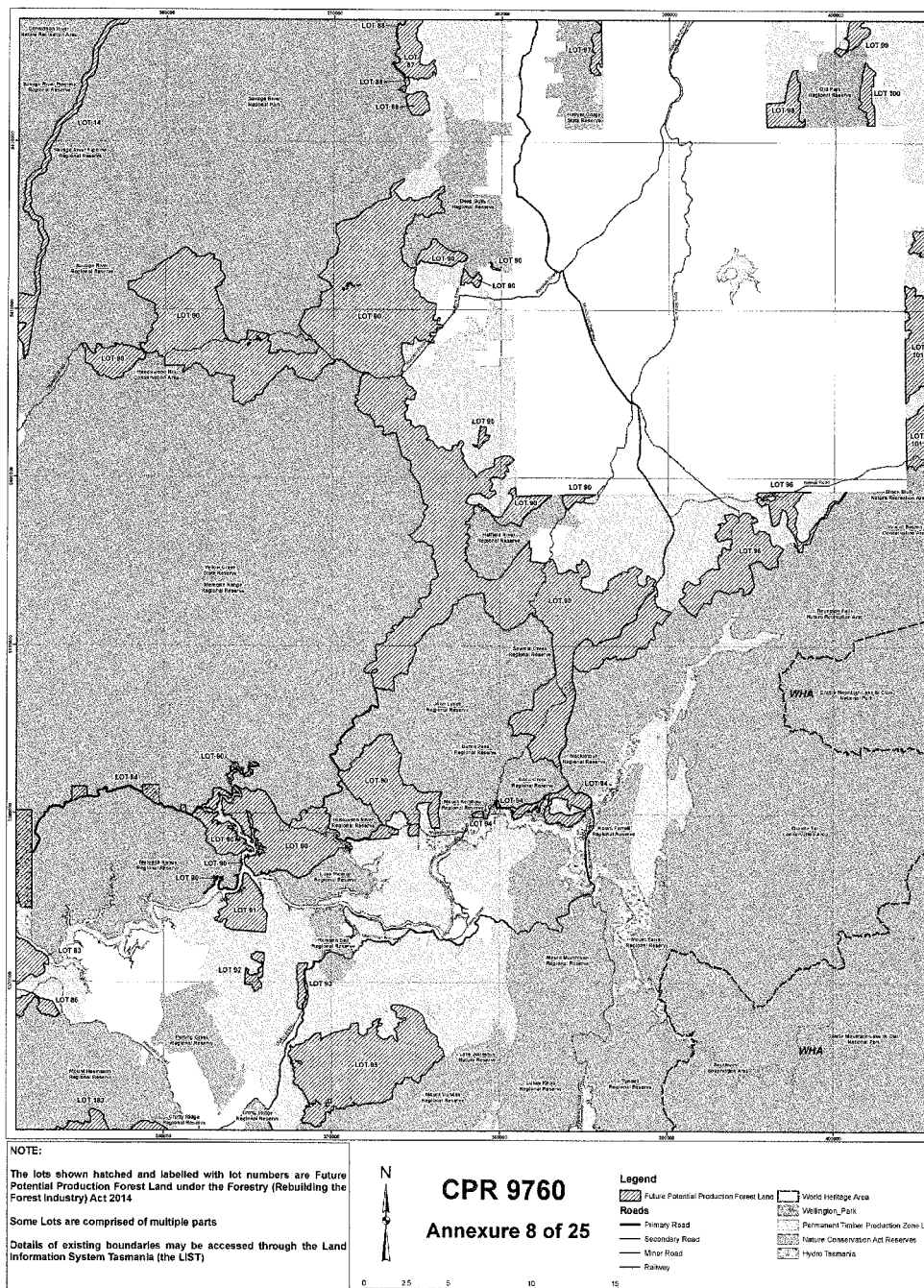
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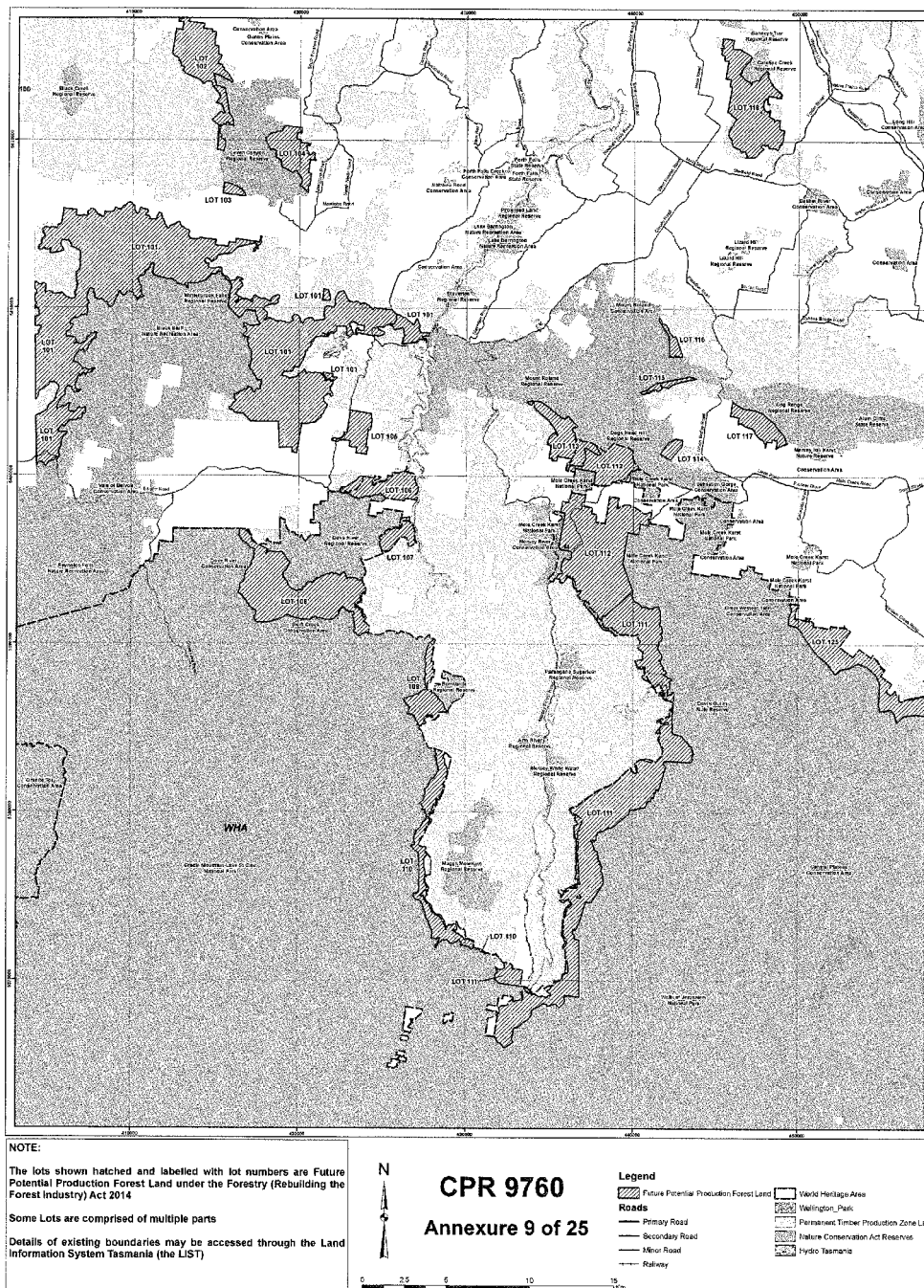
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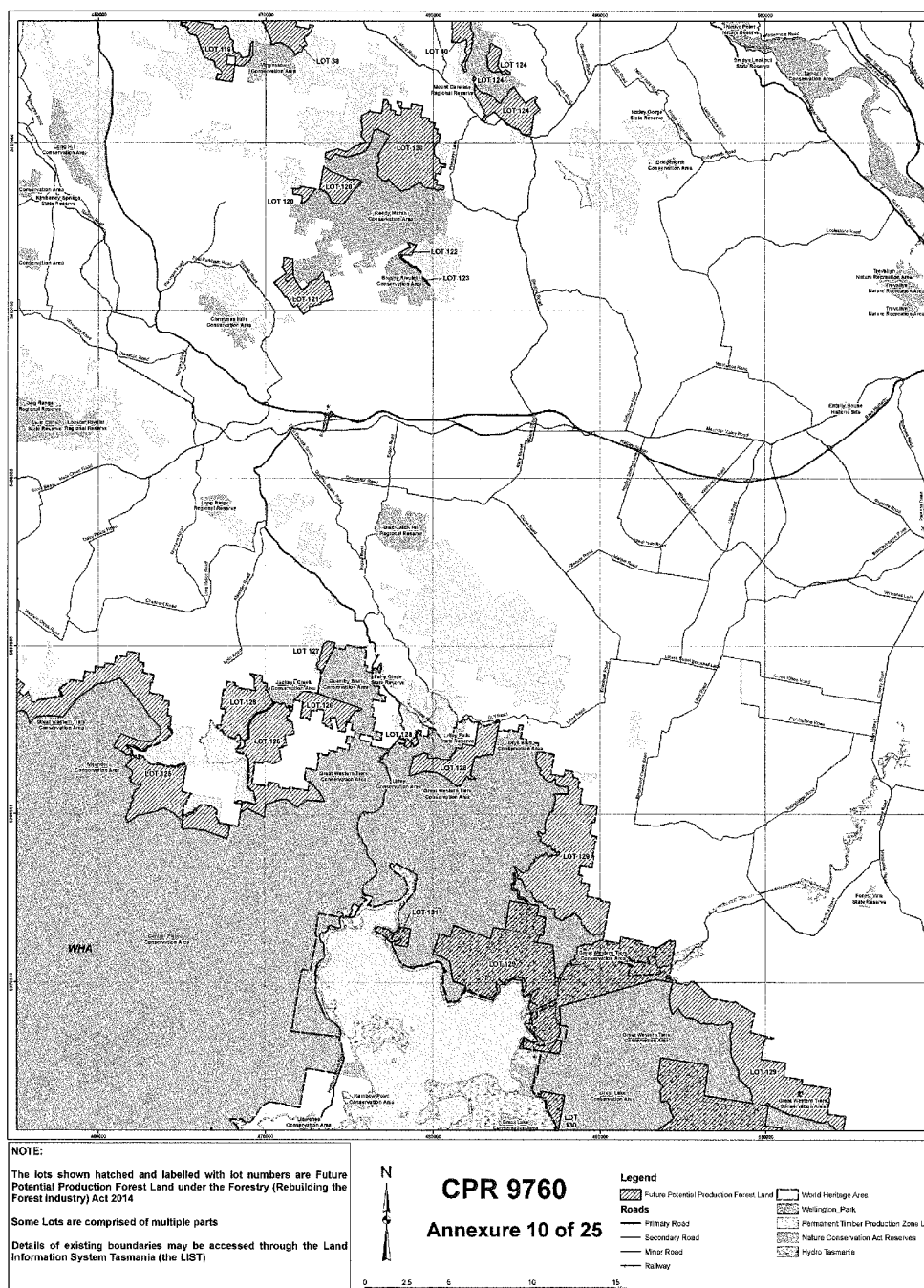
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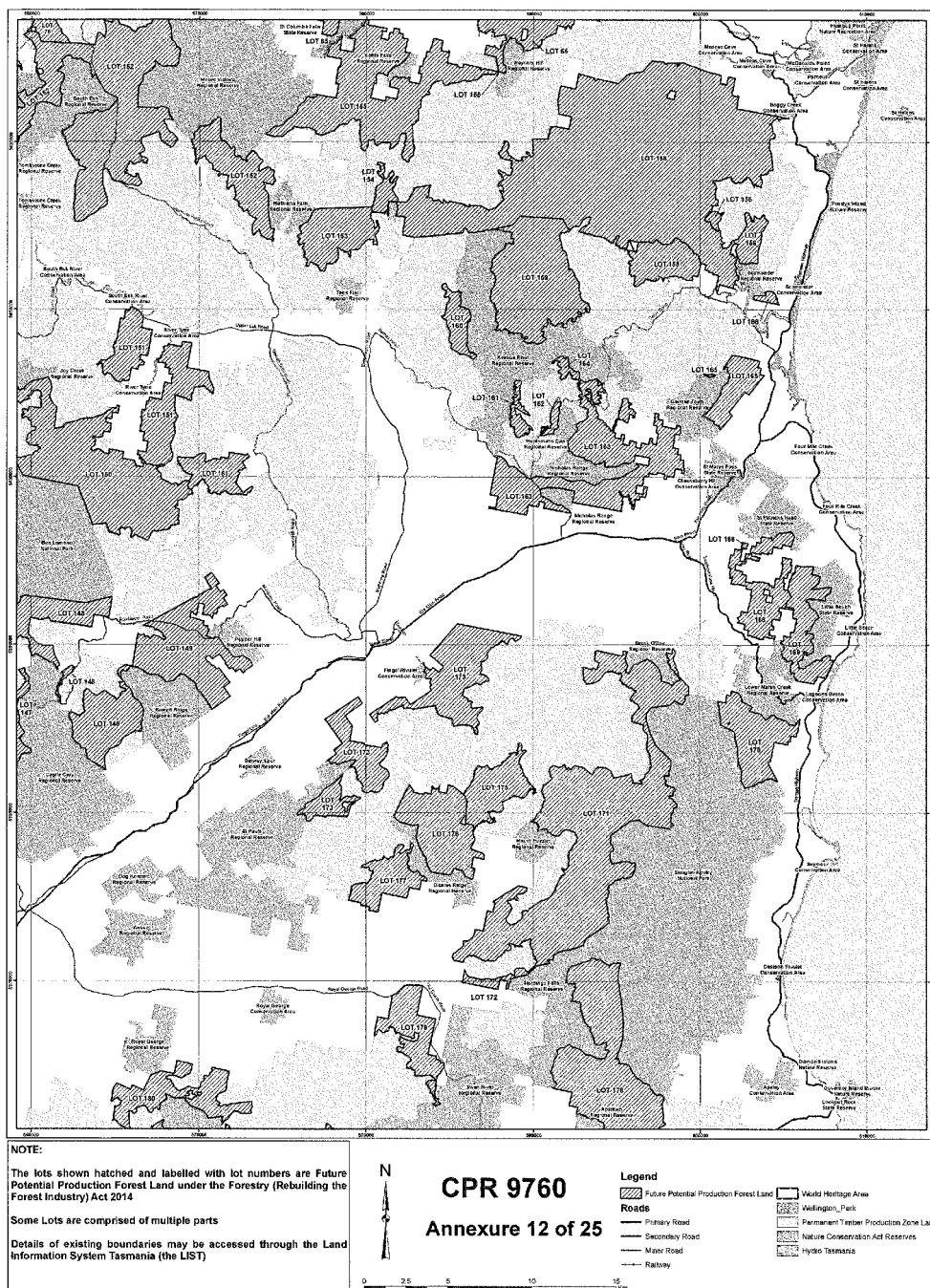


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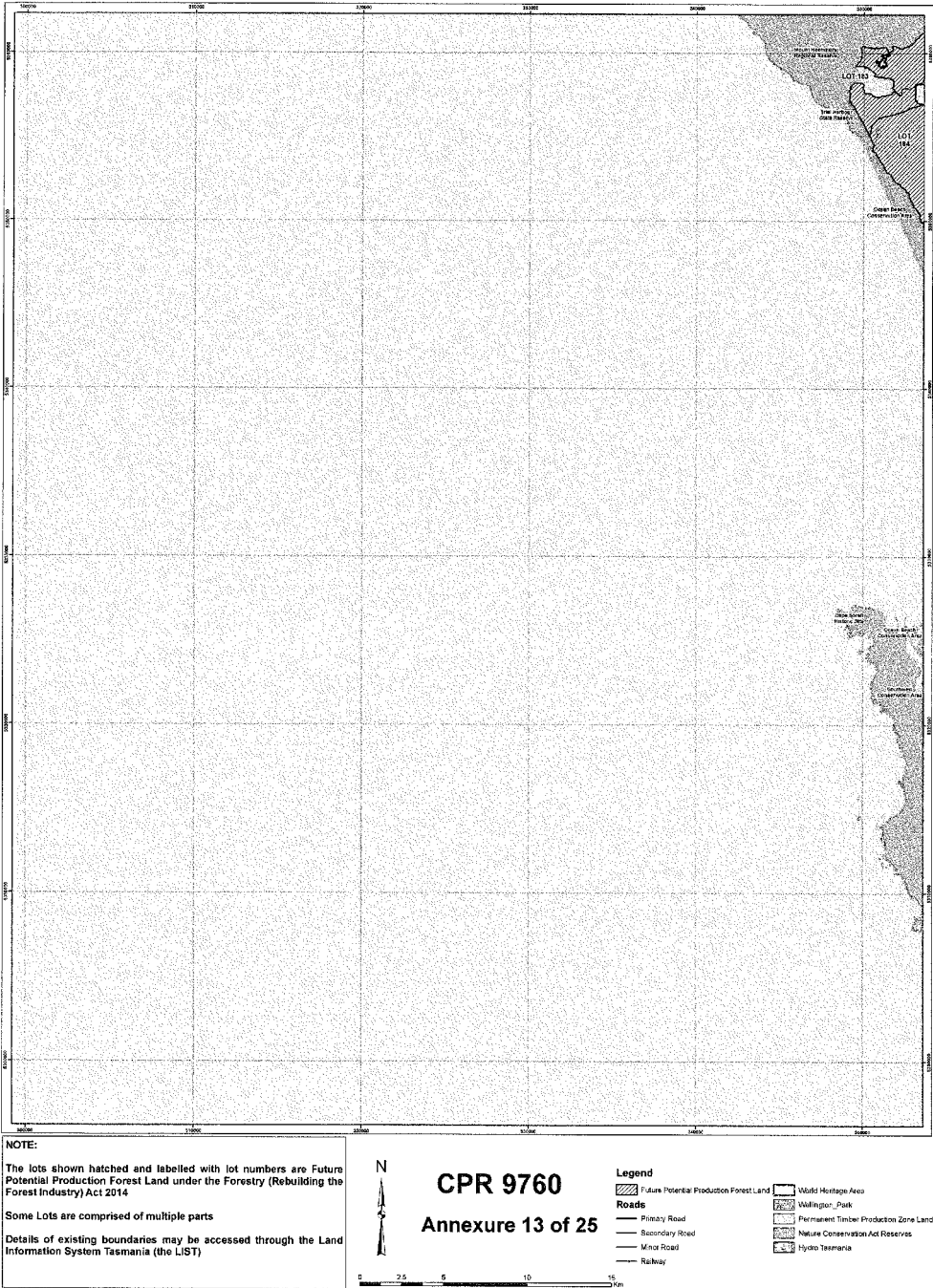
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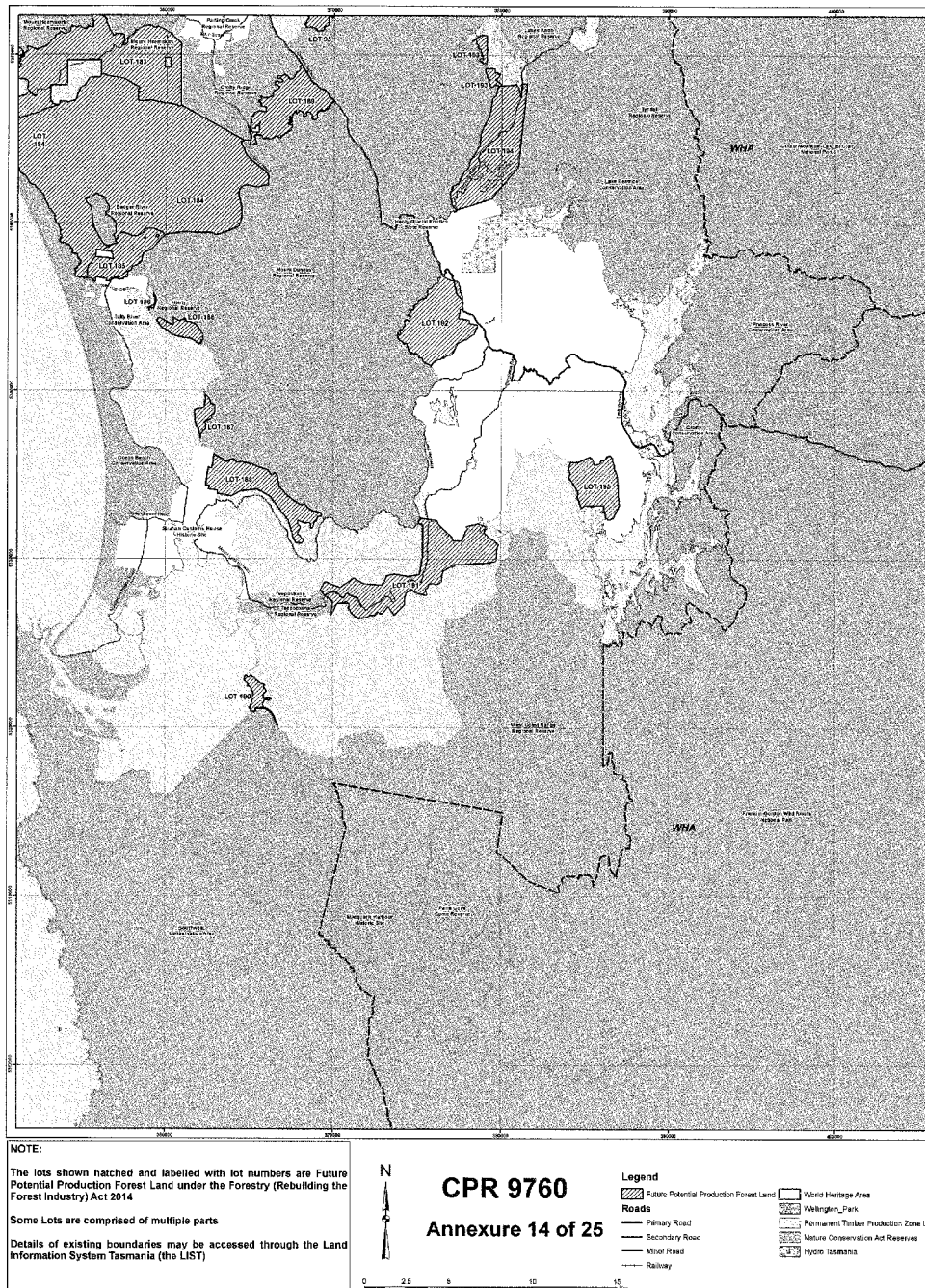
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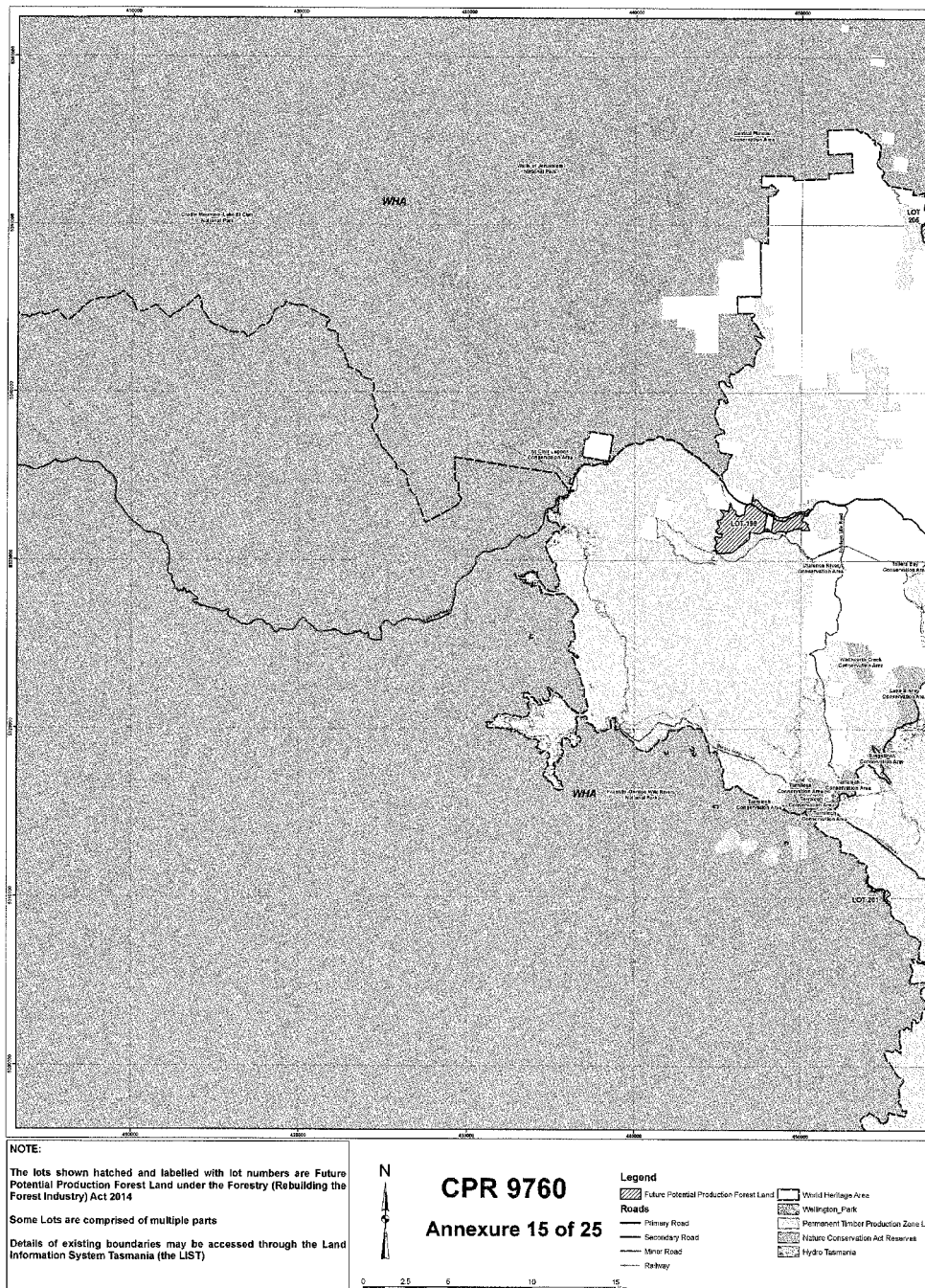
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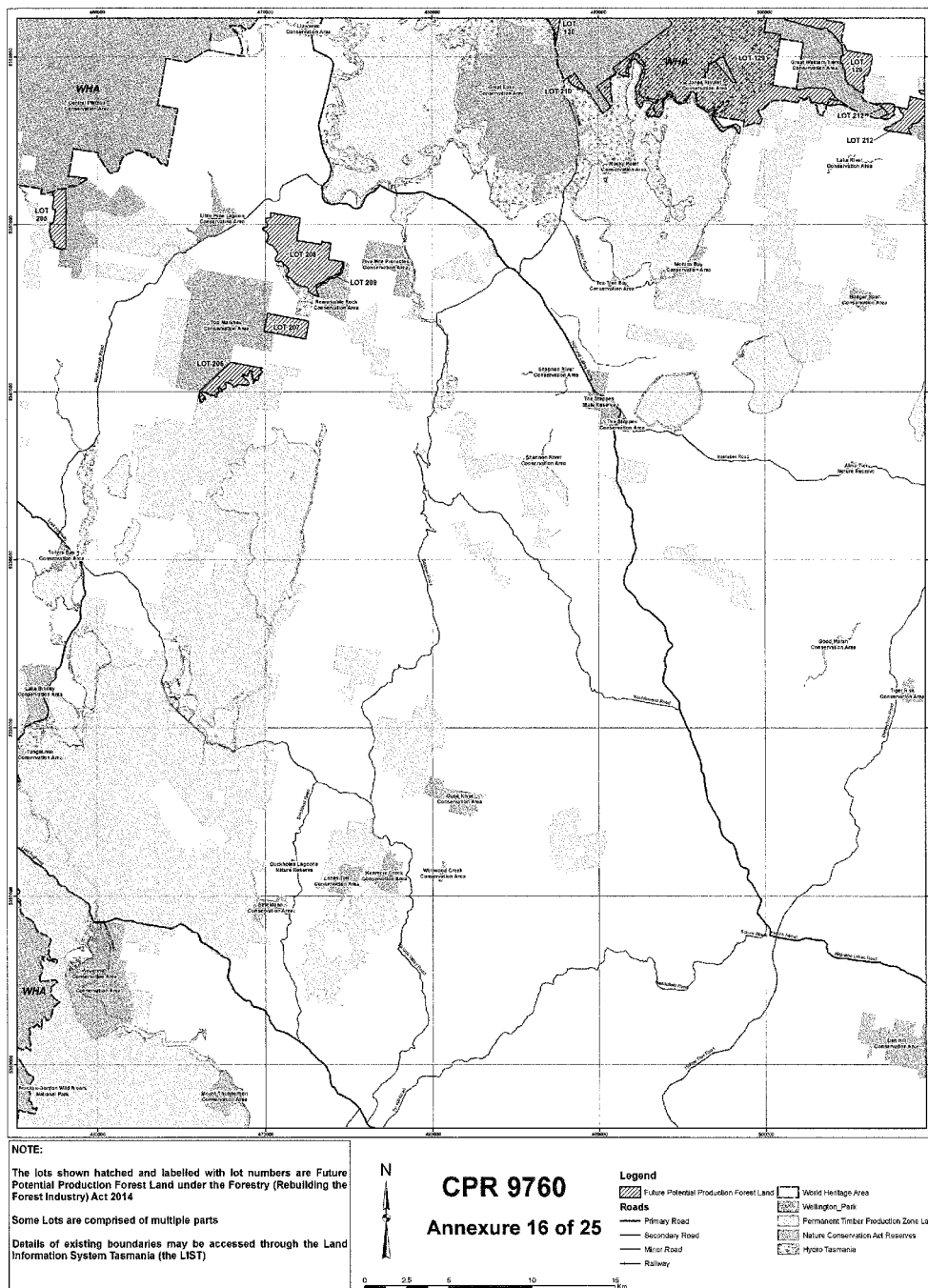
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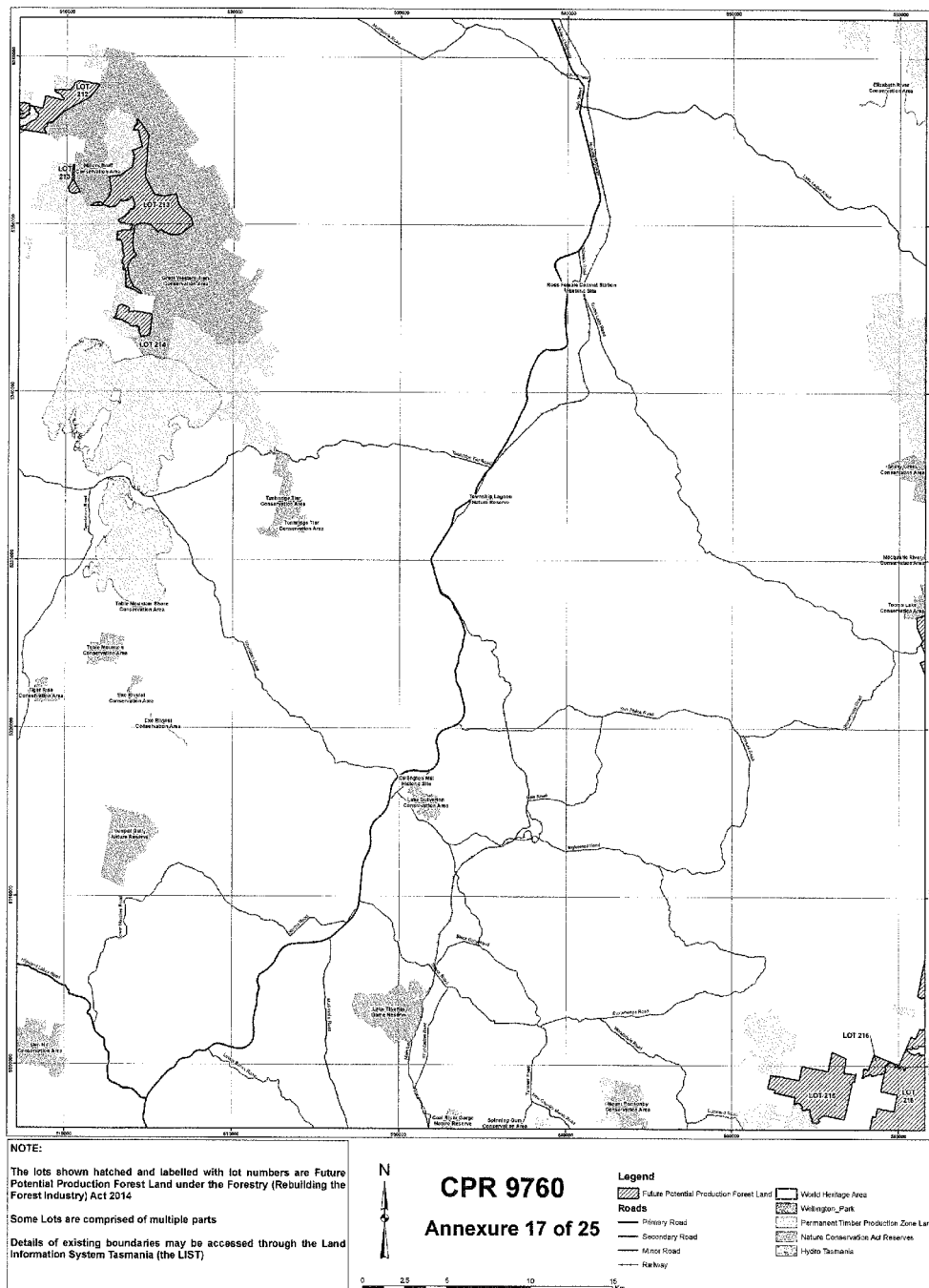
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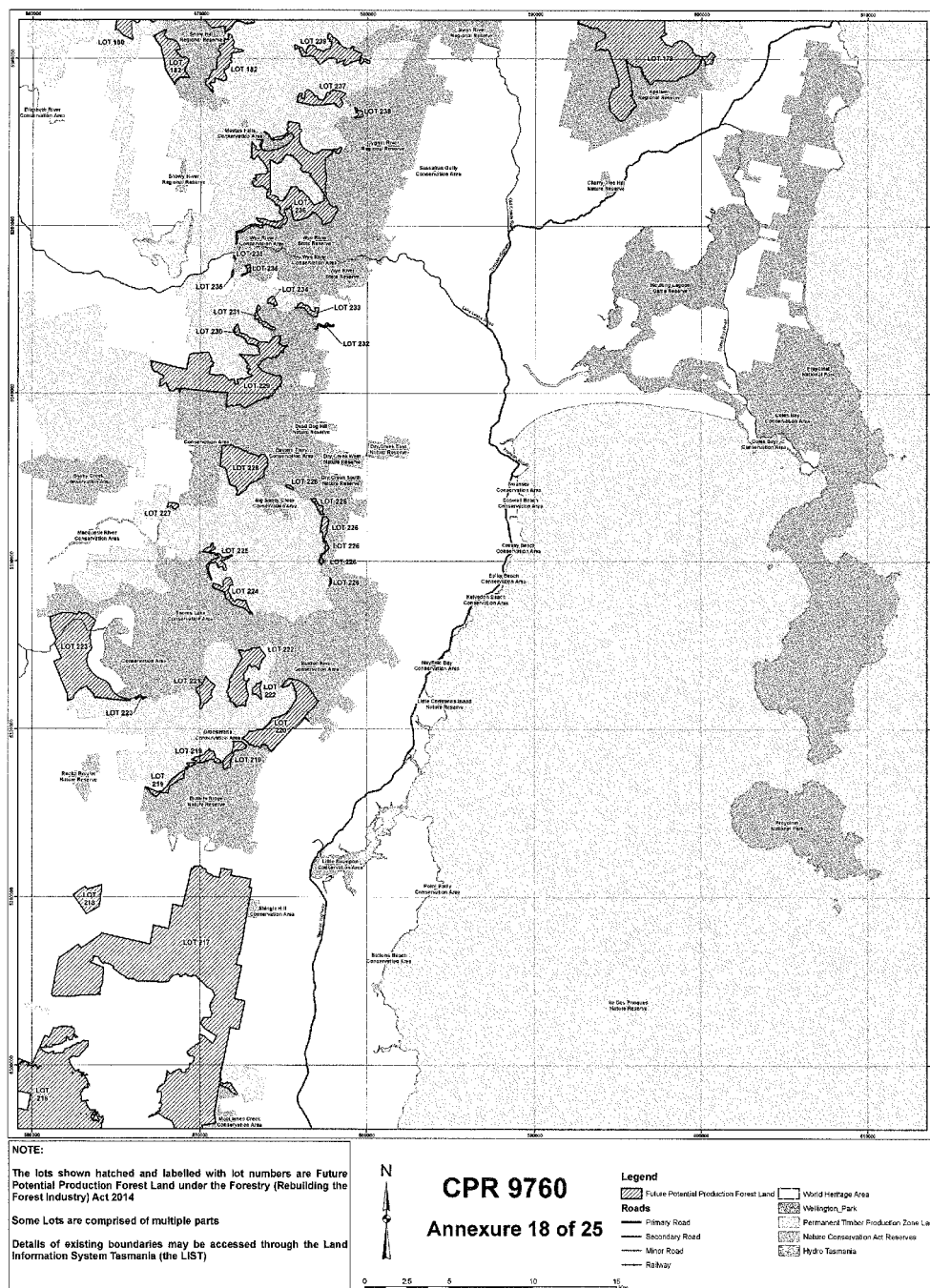
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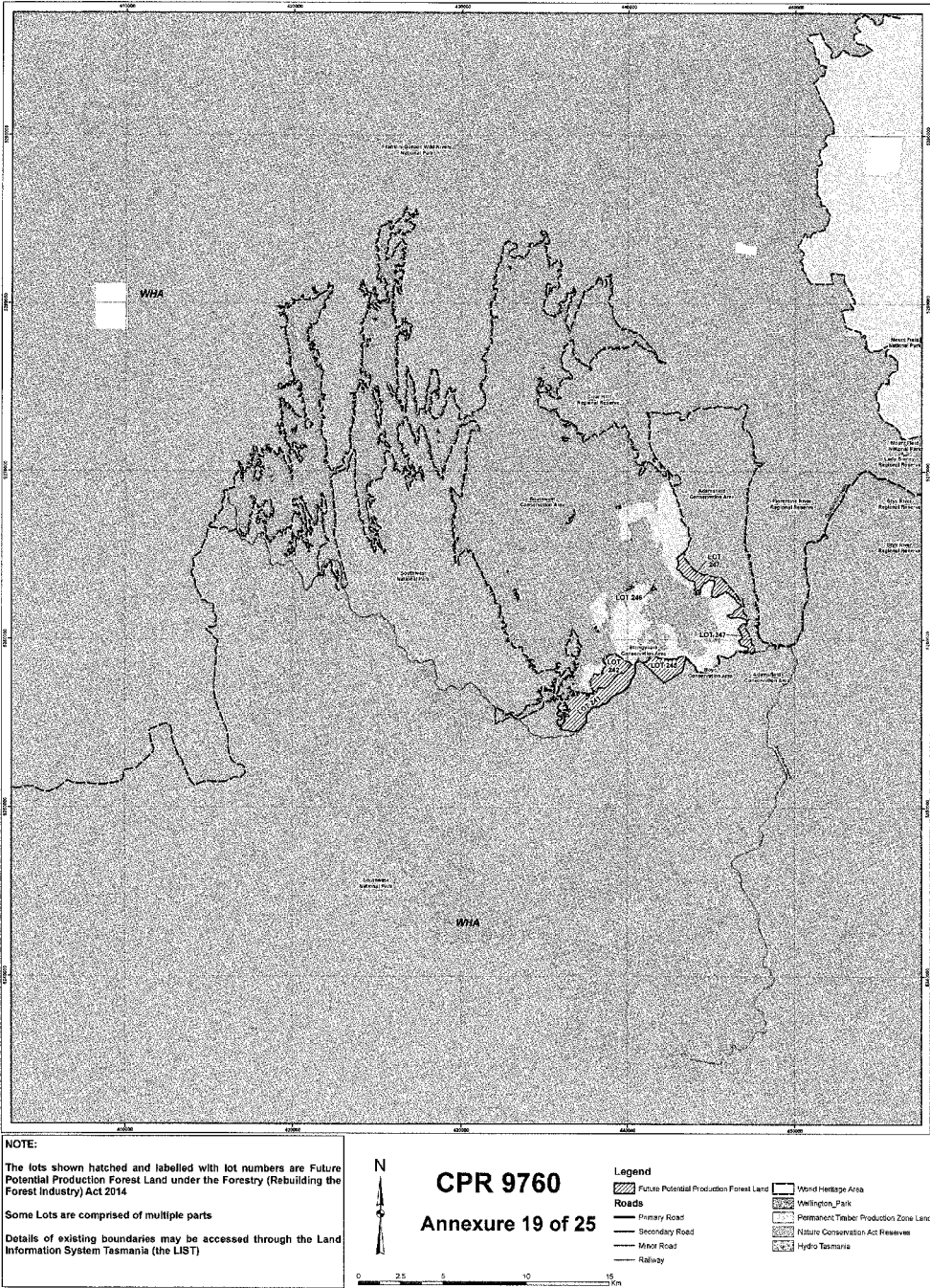
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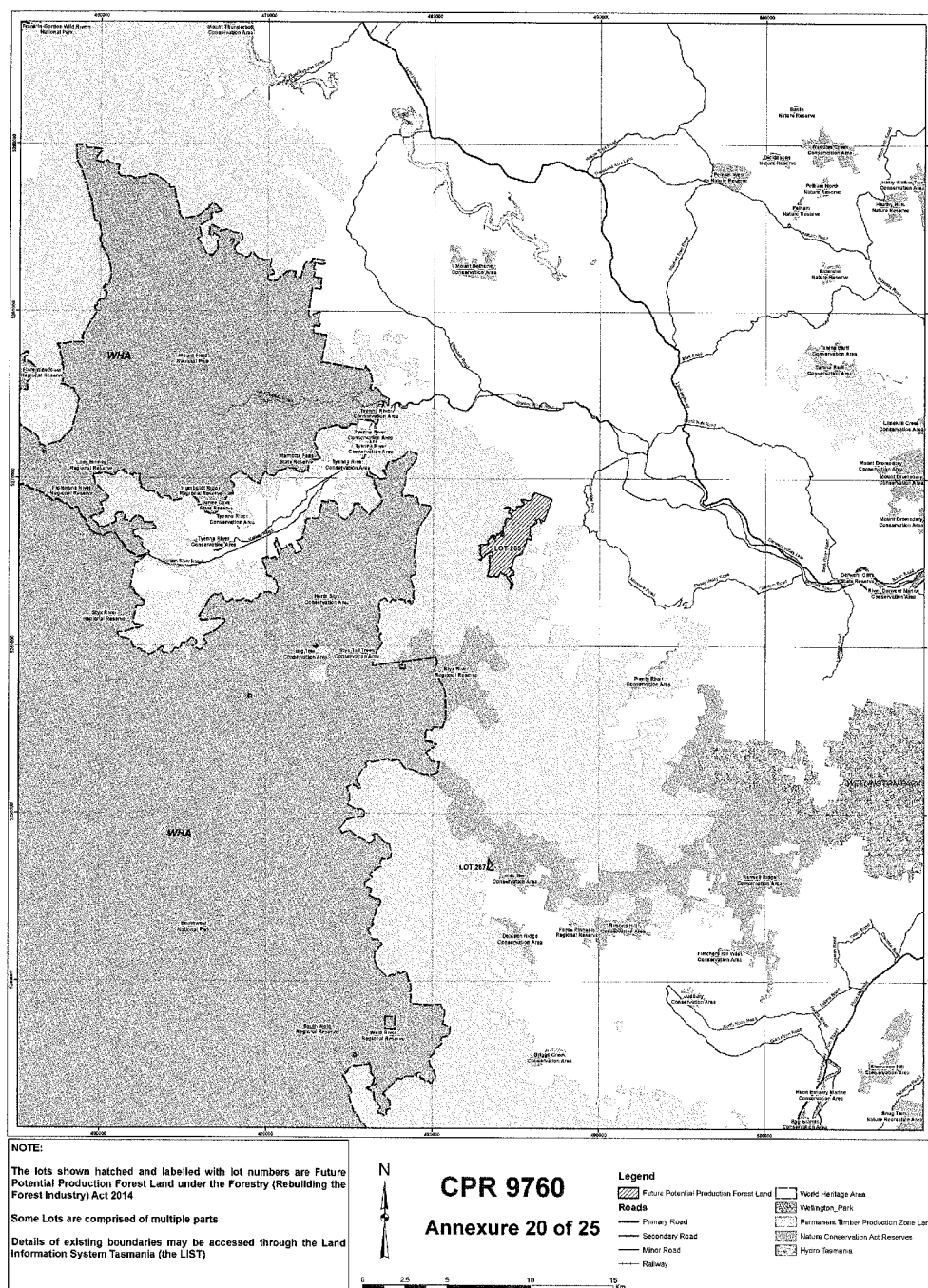
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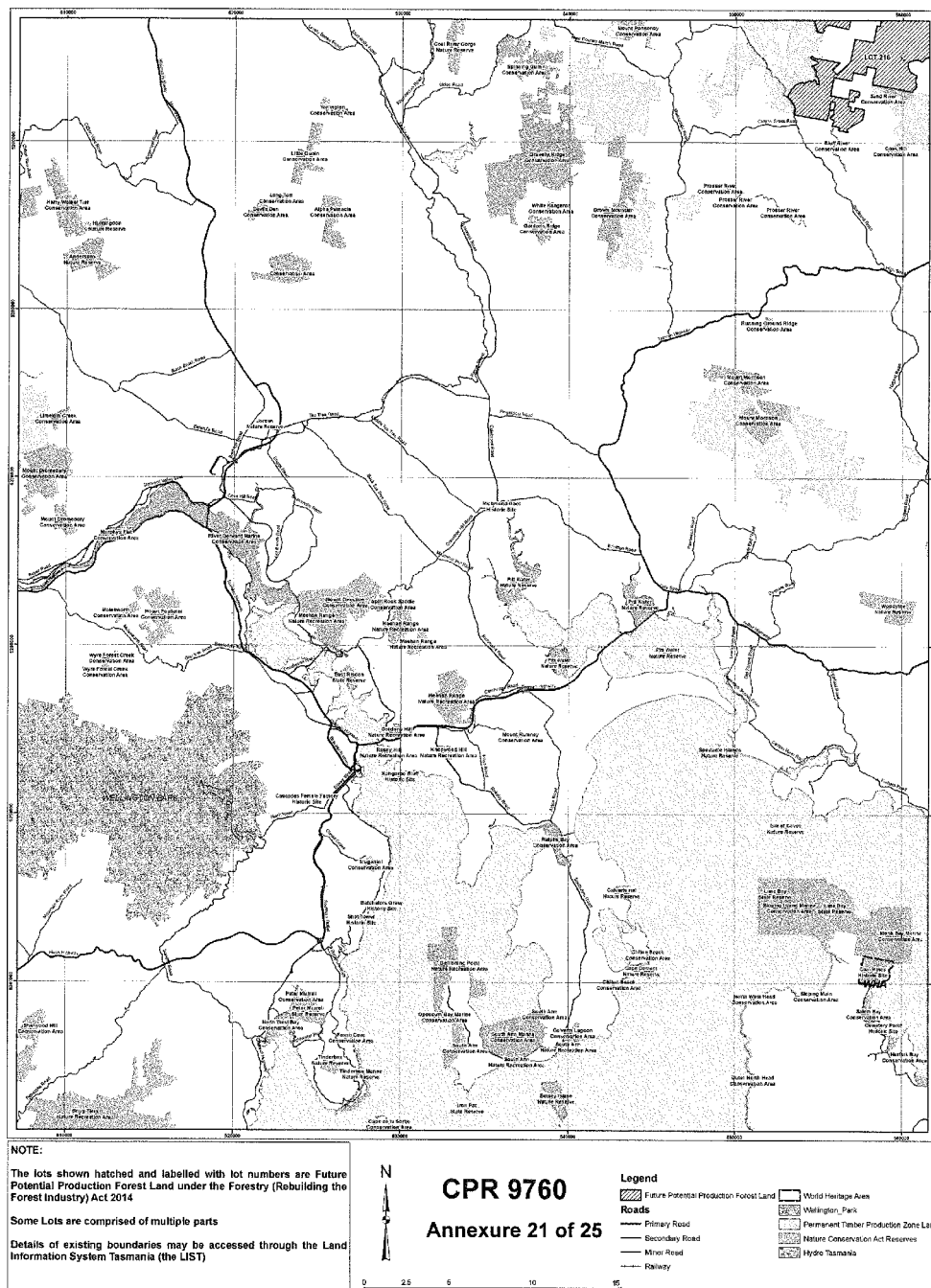
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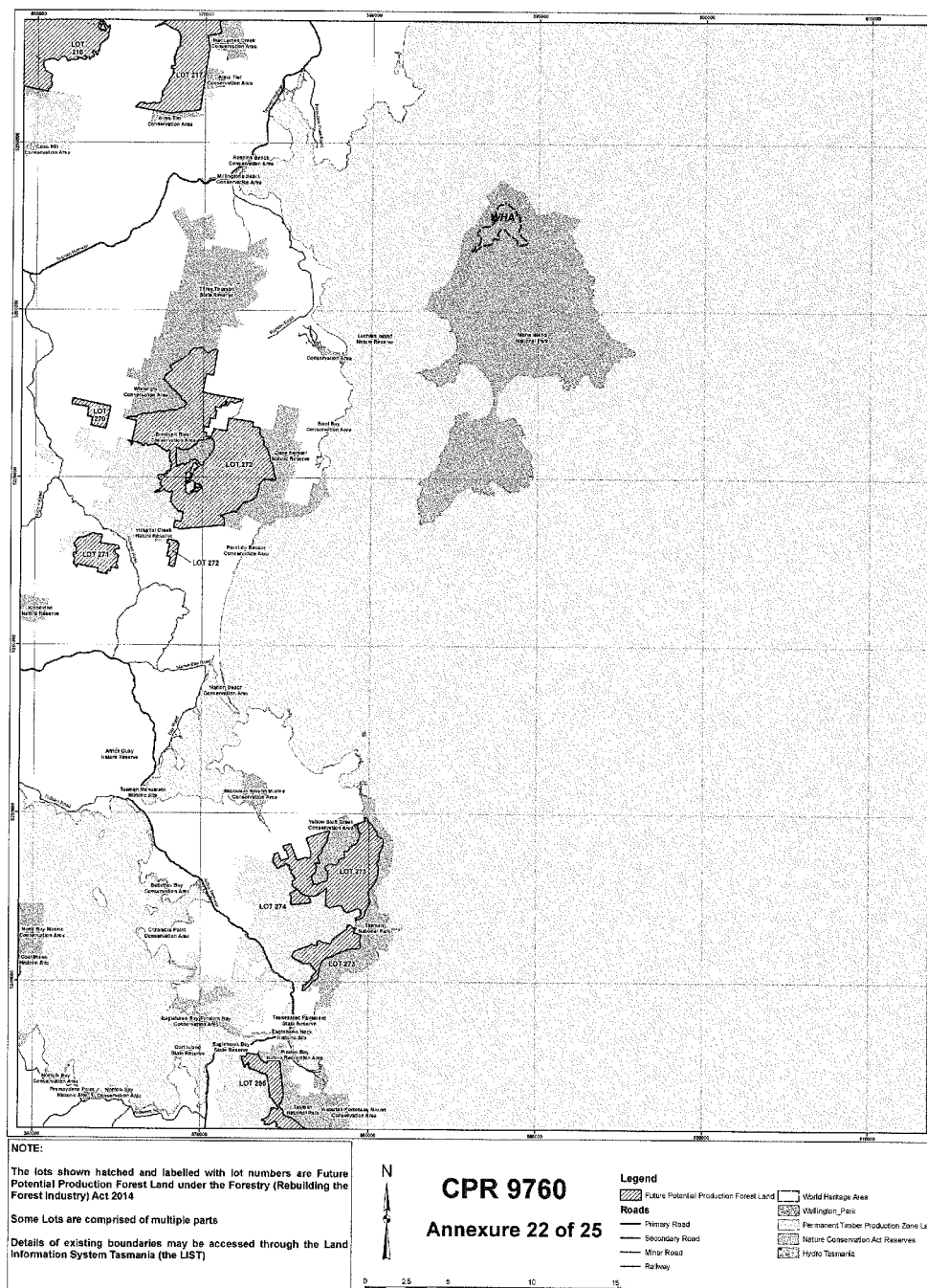
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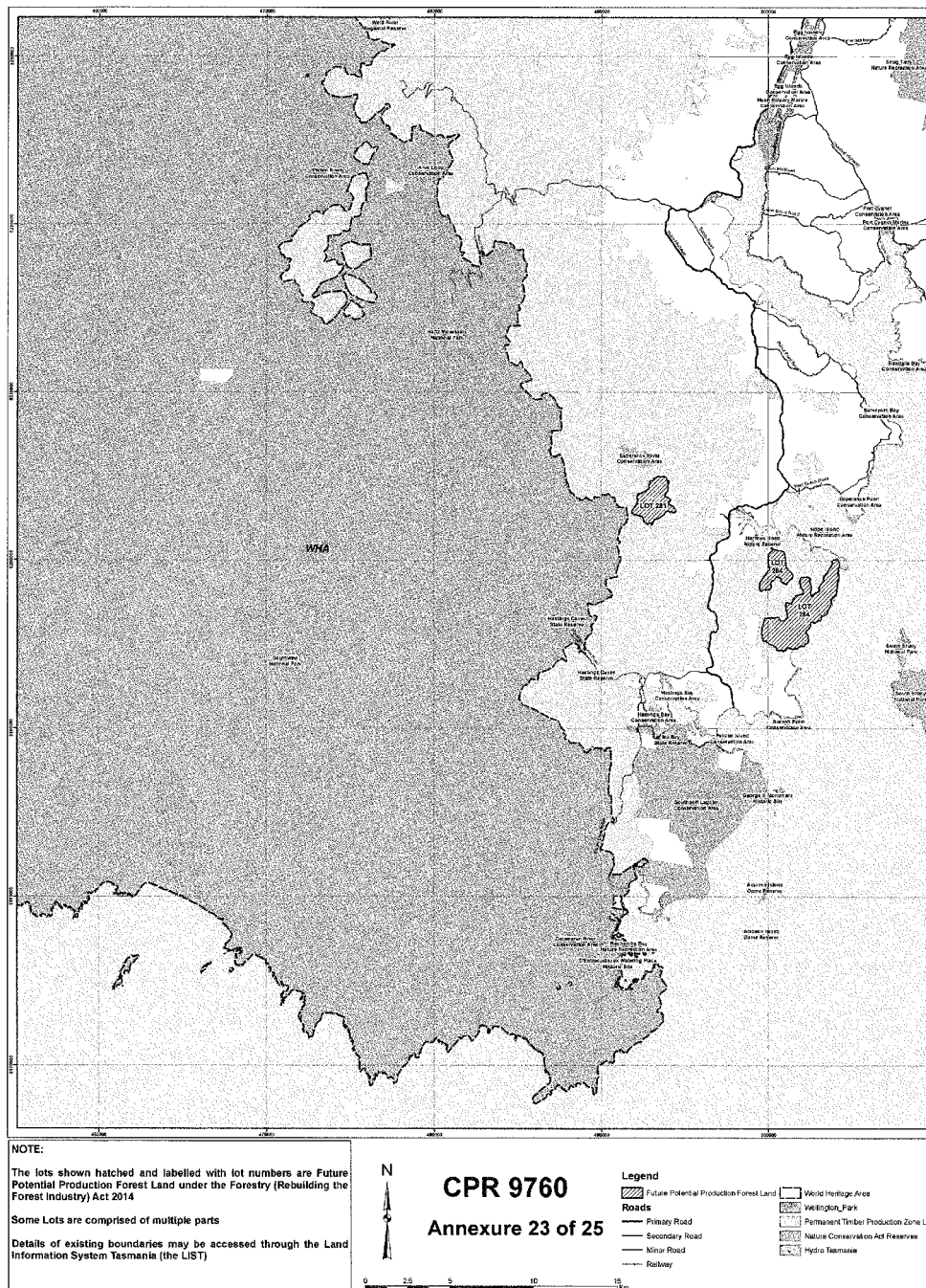
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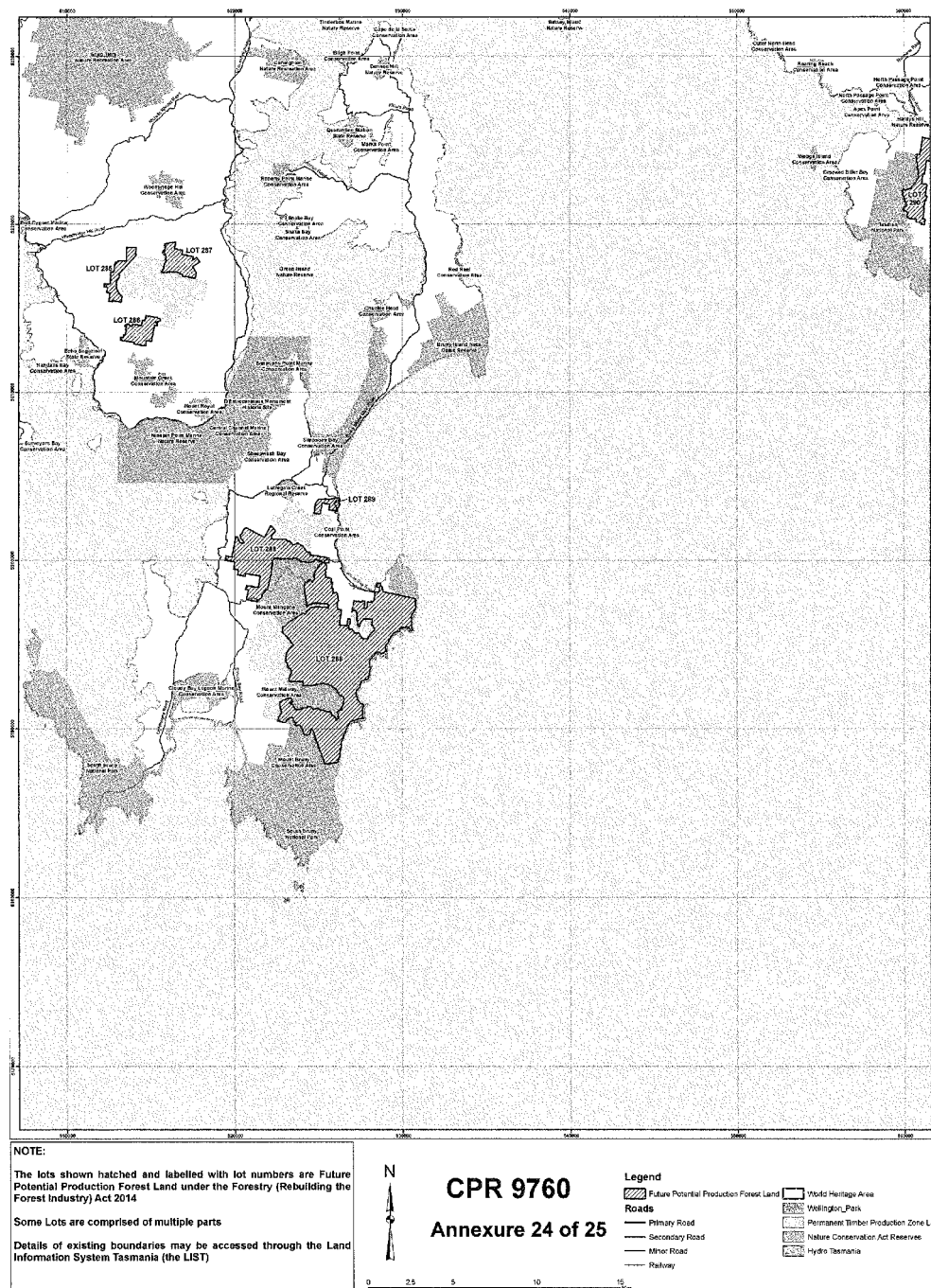
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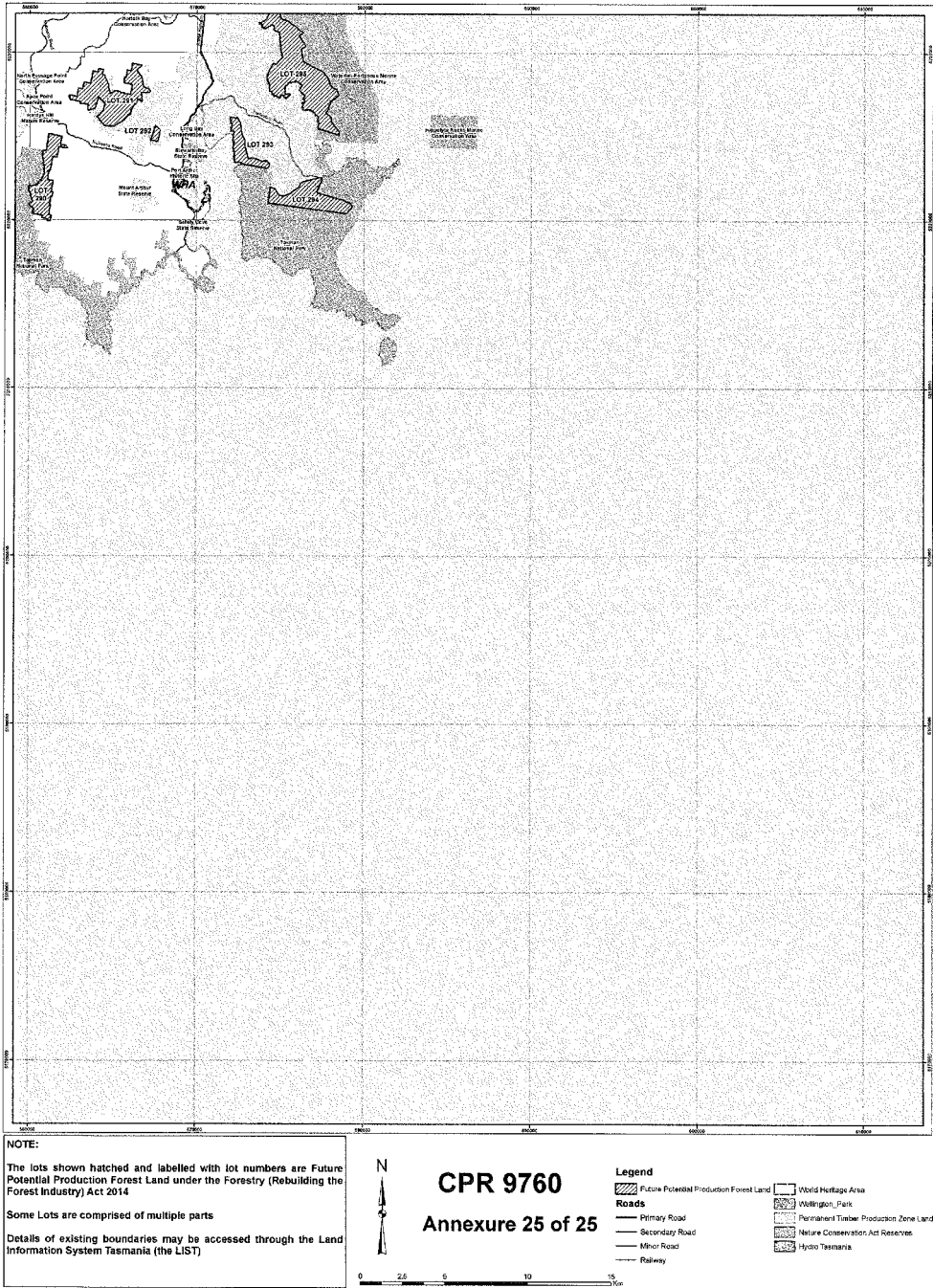
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SCHEDULE 6 – LEGISLATION REPEALED

Section 32

Tasmanian Forests Agreement Act 2013 (No. 7 of 2013)