

FACT SHEET

Forest Practices Amendment Bill 2018

The *Forest Practices Amendment Bill 2018* amends the *Forest Practices Act 1985* (the Act) to improve governance and administrative effectiveness and to provide further clarification on the intent of the Act.

The Bill is in keeping with the Government's first year agenda commitment to introduce legislation to update and improve the efficiency and effectiveness of the Act.

The Bill:

- provides for recovery of unpaid fees by the Forest Practices Authority (the Authority) where the fee for an application for a Forest Practices Plan (FPP) has not been paid, or not paid in full;
- provides for the assignation of the responsibility for an FPP from the original applicant to another person, this new provision has also been applied in all relevant sections throughout the Act;
- removes the current requirement for nominations to appointment to the Forest Practices Tribunal to be made by specific bodies and in place provide the Minister with the authority to nominate persons who possess the required expertise;
- provides for three additional members to the Forest Practices Advisory Council – one to be a nominated representative from the Department of State Growth with knowledge and expertise in the administration of forest policy; one from the Department of Primary Industries, Parks, Water and Environment with knowledge and expertise in the administration of natural or cultural heritage related issues, and one to be a FPO (who is not the Chief Forest Practices Officer);
- provides a consistent approach regarding the authority of the Chief Forest Practices Officer (CFPO) to direct all FPOs in the performance and exercise of their delegated functions and powers under the Act. Directions must be reasonable, state a timeframe for compliance and relate to the FPO's delegated functions and powers;
- provides for the development and issuance of a Code of Conduct by the Board of Directors of the Authority, and that a person authorised to be a FPO must comply with the Code;
- clarifies that the CFPO and a FPO can direct a person who has contravened the Act, or not complied with an FPP, to make good damage that person's act has caused to land (including rehabilitation and revegetation);

- provides the CFPO with the authority to directly recover costs incurred in undertaking repair works (or by engaging a suitably qualified person) from the person responsible for non-compliance with an FPP or a breach of the Act;
- provides consistency with other provisions in the Act and with contemporary legislation in relation to requirements for service of notices;
- provides powers to the Authority to direct monies received from fines for activities that contravene the Act directly to an aggrieved third party, where works are required to make good loss or damage as a result of that non-compliance; and
- actions minor amendments and updates references required through due diligence.