

TASMANIA

**FOREST PRACTICES AMENDMENT
(VALIDATION) BILL 2022**

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FOREST PRACTICES AMENDMENT (VALIDATION) BILL 2022

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
3 May 2022

*(Brought in by the Minister for Resources, the Honourable
Guy Barnett)*

A BILL FOR

An Act to amend the *Forest Practices Act 1985*

Be it enacted by Her 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:

1. Short title

This Act may be cited as the *Forest Practices Amendment (Validation) Act 2022*.

2. Commencement

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

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3. Principal Act

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

4. Section 39 amended (Forest practices officers)

Section 39 of the Principal Act is amended by omitting subsections (3A), (3B) and (3C).

5. Section 43A inserted

After section 43 of the Principal Act, the following section is inserted in Division 4:

43A. Directions by chief forest practices officers

- (1) The chief forest practices officer –
 - (a) may give a direction to a forest practices officer in relation to the exercise or performance of a function or power of the forest practices officer under this Act; and
 - (b) may give a direction to a forest practices officer, or other person, in relation to a function or power of the Authority that has been delegated to the forest practices officer or person under section 43.

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(2) A direction under subsection (1) –

(a) to a forest practices officer in relation to the performance or exercise of –

(i) a function or power of the forest practices officer; or

(ii) a function or power of the Authority that has been delegated to the forest practices officer under section 43; or

(b) to a person in relation to the performance or exercise by the person of a function or power of the Authority that has been delegated to the person under section 43 –

may be a direction as to a policy, or matters, to be considered by the forest practices officer, or the person, before performing or exercising the function or power, but must not require the forest practices officer or the person to make a particular decision in performing or exercising the function or power.

(3) Without limiting subsection (1) –

(a) a direction under that subsection to a forest practices officer may require the forest practices officer to seek the advice of the chief

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forest practices officer before performing or exercising –

- (i) a function or power of the forest practices officer; or
 - (ii) a function or power of the Authority that has been delegated to the forest practices officer under section 43; and
- (b) a direction under that subsection to a person may require the person to seek the advice of the chief forest practices officer before performing or exercising a function or power of the Authority that has been delegated to the person under section 43.
- (4) A direction under subsection (1) may specify a period, that is reasonable in all the circumstances, in which the direction is to be complied with.

6. Section 43 amended (Delegation by Authority)

Section 43 of the Principal Act is amended by omitting subsection (4).

7. Section 49 inserted

After section 48 of the Principal Act, the following section is inserted in Division 4:

49. Validation of delegations

(1) In this section –

commencement day means the day on which the *Forest Practices Amendment (Validation) Act 2022* commences.

(2) A delegation that, on a day (the *relevant day*), before the commencement day, was made, or purportedly made, by the Authority under section 43, is taken to be, and to always have been, validly made on the relevant day.

8. Repeal of Act

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