

TASMANIA

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**FOREST MANAGEMENT (CONSEQUENTIAL  
AMENDMENTS) BILL 2013**

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# **FOREST MANAGEMENT (CONSEQUENTIAL AMENDMENTS) BILL 2013**

*(Brought in by the Minister for Energy and Resources, the Honourable Bryan Alexander Green)*

## **A BILL FOR**

**An Act to amend certain legislation consequent on the enactment of the *Forest Management Act 2013***

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:

### **1. Short title**

This Act may be cited as the *Forest Management (Consequential Amendments) Act 2013*.

### **2. Commencement**

This Act commences on the day on which the *Forest Management Act 2013* commences.

### **3. Effect of certain consequential amendments**

The amendment by this Act of a provision of any regulations, rules or by-laws made under any Act does not prevent that provision or any other provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.

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**4. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.

**5. Consequential amendments**

The legislation specified in Schedule 1 is amended as specified in that Schedule.

**SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS**

**Section 5**

***Abt Railway Development Act 1999***

1. Section 3 is amended by omitting “established under section 6 of the *Forestry Act 1920*” from the definition of *Forestry corporation* and substituting “continued by section 6 of the *Forest Management Act 2013*”.
2. Section 16(3)(b) is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.

***Boundary Fences Act 1908***

1. Section 6A(1) is amended by omitting “established by section 6 of the *Forestry Act 1920*” and substituting “continued by section 6 of the *Forest Management Act 2013*”.

***Cat Management Act 2009***

1. Section 4 is amended by omitting paragraph (c) from the definition of *reserved land* and substituting:
  - (c) permanent timber production zone land within the meaning of the *Forest Management Act 2013*; or

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***Crown Lands Act 1976***

1. Section 2A is amended by omitting paragraph (b) and substituting the following paragraph:
  - (b) permanent timber production zone land within the meaning of the *Forest Management Act 2013*.
2. Section 13(8) is amended by omitting “established by section 6 of the *Forestry Act 1920*” and substituting “continued by section 6 of the *Forest Management Act 2013*”.

***Evidence Act 2001***

1. Section 177D(1)(b) is amended by omitting “State forest within the meaning of the *Forestry Act 1920*” and substituting “permanent timber production zone land within the meaning of the *Forest Management Act 2013*”.

***Explosives Regulations 2012***

1. Clause 3(1)(g) of Schedule 7 is amended by omitting “State forest, within the meaning of the *Forestry Act 1920*” and substituting “permanent timber production zone land, within the meaning of the *Forest Management Act 2013*”.

***Fire Service Act 1979***

**1. Section 3(1) is amended as follows:**

- (a) by omitting the definition of *forest officer* and substituting the following definition:

***forest officer*** means an employee of the Forestry corporation continued by section 6 of the *Forest Management Act 2013*;

- (b) by omitting “established by section 6 of the *Forestry Act 1920*” from the definition of *Forestry corporation* and substituting “continued by section 6 of the *Forest Management Act 2013*”.

***Firearms Act 1996***

- 1. Section 39(d) is amended by omitting “established under section 6 of the *Forestry Act 1920*” and substituting “continued by section 6 of the *Forest Management Act 2013*”.**

***Florentine Valley Paper Industry Act 1935***

- 1. Section 3(1) is amended by omitting “established by section 6 of the *Forestry Act 1920*” from the definition of *Forestry corporation* and substituting “continued by section 6 of the *Forest Management Act 2013*”.**

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***Forest Practices Act 1985***

**1.** Section 3(1) is amended as follows:

- (a) by omitting “established under section 6 of the *Forestry Act 1920*” from the definition of *Forestry corporation* and substituting “continued by section 6 of the *Forest Management Act 2013*”;
- (b) by omitting the definition of *forestry right* and substituting the following definition:

***forestry right*** means any forestry right continued under the *Forest Management Act 2013*;

- (c) by omitting “State forest within the meaning of the *Forestry Act 1920*” from paragraph (aa) of the definition of *owner of land* and substituting “permanent timber production zone land within the meaning of the *Forest Management Act 2013*”.

**2.** Section 4DA is amended by omitting “section 22AA of the *Forestry Act 1920*” and substituting “section 16 of the *Forest Management Act 2013*”.

**3.** Section 37(12)(b) is amended by omitting “section 22AA of the *Forestry Act 1920*” and substituting “section 16 of the *Forest Management Act 2013*”.



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4. Section 37CA is amended by omitting “section 22AA of the *Forestry Act 1920*” and substituting “section 16 of the *Forest Management Act 2013*”.
  5. Section 38(2B)(a) is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.
  6. Section 39(3)(b) is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.
  7. Clause 2A(e) of Schedule 3 is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.
  8. Clause 4(e) of Schedule 5 is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.

***Forest Practices Regulations 2007***

1. Regulation 3 is amended by omitting the definition of *State forest* and substituting the following definition:

***State forest*** means permanent timber production zone land within the meaning of the *Forest Management Act 2013*;

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***Forestry Rights Registration Act 1990***

**1.** Section 3 is amended as follows:

- (a) by omitting “State forest within the meaning of the *Forestry Act 1920*” from paragraph (aa) of the definition of *owner of land* and substituting “permanent timber production zone land within the meaning of the *Forest Management Act 2013*”;
- (b) by omitting “established under section 6 of the *Forestry Act 1920*” from paragraph (aa)(ii) of the definition of *owner of land* and substituting “continued by section 6 of the *Forest Management Act 2013*”;
- (c) by omitting “*Forestry Act 1920*” from the definition of *trees* and substituting “*Forest Management Act 2013*”.

***Government Business Enterprises Act 1995***

**1.** Schedule 2 is amended by omitting

Forestry corporation established by the *Forestry Act 1920*

and substituting:

Forestry corporation continued by section 6 of the *Forest Management Act 2013*

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**2.** Schedule 3 is amended by omitting

Forestry corporation established by the *Forestry Act 1920*

and substituting:

Forestry corporation continued by section 6 of the *Forest Management Act 2013*

**3.** Schedule 4 is amended by omitting

Forestry corporation established by the *Forestry Act 1920*

and substituting:

Forestry corporation continued by section 6 of the *Forest Management Act 2013*

***Justices Rules 2003***

- 1.** Schedule 2 is amended by omitting “*Forestry Act 1920*” from column 2 of item 8 and substituting “*Forest Management Act 2013*”.

***Land Acquisition Act 1993***

- 1.** Section 75(2) is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.

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***Land Tax Act 2000***

1. Section 7(1) is amended by omitting paragraph (c) and substituting the following paragraph:

(c) permanent timber production zone land within the meaning of the *Forest Management Act 2013*; or

***Local Government Act 1993***

1. Section 87(1)(b) is amended by omitting subparagraph (viii).

***Mineral Resources Development (Fossicking Areas) Order 1996***

1. Clause 3 is amended by omitting the definition of *State forest* and substituting the following definition:

***State forest*** means permanent timber production zone land within the meaning of the *Forest Management Act 2013*.

***Mineral Resources Development Act 1995***

1. Section 3 is amended as follows:
  - (a) by omitting “*Forestry Act 1920*” from the definition of *Crown lease* and substituting “*Forest Management Act 2013*”;

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- (b) by omitting the definition of *State forest* and substituting the following definition:

***State forest*** means permanent timber production zone land within the meaning of the *Forest Management Act 2013*;

2. Section 5(2) is amended by omitting paragraph (b) and substituting the following paragraph:

- (b) permanent timber production zone land within the meaning of the *Forest Management Act 2013*.

3. Section 147(2)(a) is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.

4. Section 161F(1) is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.

***Mining (Strategic Prospectivity Zones) Act 1993***

1. Section 7 is amended as follows:

- (a) by omitting paragraph (b) from subsection (4) and substituting the following paragraph:

- (b) is sold by the Forestry corporation continued by section

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6 of the *Forest Management Act*  
2013; or

- (b) by omitting from subsection (4)(c) “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”;
- (c) by omitting from subsection (4)(cb) “*Mineral Resources Development Act 1995*; or” and substituting “*Mineral Resources Development Act 1995* –”;
- (d) by omitting paragraph (d) from subsection (4);
- (e) by omitting paragraph (a) from subsection (5) and substituting the following paragraph:
  - (a) is permanent timber production zone land within the meaning of the *Forest Management Act 2013* and is not subject to an order under section 5(3) of the *Mineral Resources Development Act 1995*; or
- (f) by omitting from subsection (5)(d) “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”;
- (g) by omitting subsection (7);
- (h) by omitting from subsection (8) “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.

***National Parks and Reserves Management Act 2002***

1. Section 3(1) is amended by omitting the definitions of *forest reserve* and *Forestry corporation*.
2. Section 18 is amended by omitting the definitions of *class*, *management objectives*, *purposes of reservation* and *reserved land* and substituting the following definition:

***class***, in relation to reserved land, means the class, referred to in section 16 of the *Nature Conservation Act 2002*, that the reserved land is declared to be under that Act.
3. Section 19 is amended as follows:
  - (a) by omitting subsection (6);
  - (b) by omitting subsection (13).
4. Section 20 is amended by omitting subsection (7).
5. Section 48(7) is amended by omitting “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”.

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***Natural Resource Management Act 2002***

1. Section 3 is amended by omitting “established under the *Forestry Act 1920*” from paragraph (b) of the definition of *public land manager* and substituting “continued by section 6 of the *Forest Management Act 2013*”.

***Nature Conservation Act 2002***

1. Section 11(1) is amended by omitting paragraph (a) from the definition of *Crown land* and substituting:
  - (a) permanent timber production zone land within the meaning of the *Forest Management Act 2013*; or
2. Section 13(1) is amended by omitting paragraph (a) from the definition of *land vested in a public authority* and substituting:
  - (a) permanent timber production zone land within the meaning of the *Forest Management Act 2013*; or

***Private Forests Act 1994***

1. Section 3 is amended by omitting “established by section 6 of the *Forestry Act 1920*” from the definition of *private commercial forest* and substituting “, continued by section 6 of the *Forest Management Act 2013*,”.



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2. Section 25B(1) is amended by omitting “established by section 6 of the *Forestry Act 1920*” from the definition of *nett area of forest operation* and substituting “continued by section 6 of the *Forest Management Act 2013*”.

***Rail Safety National Law (Tasmania) Act 2012***

1. Section 5(1) is amended by omitting “*Forestry Act 1920*” from paragraph (b)(ii) of the definition of *private road* and substituting “*Forest Management Act 2013*”.

***Survey Co-ordination Act 1944***

1. Section 20A(2)(c) is amended by omitting “established by section 6 of the *Forestry Act 1920*,” and substituting “continued by section 6 of the *Forest Management Act 2013*”.

***Tasmanian Forests Agreement Act 2013***

1. Section 3(1) is amended as follows:
  - (a) by omitting “*Forestry Act 1920*” from the definition of *forest operations* and substituting “*Forest Management Act 2013*”;
  - (b) by omitting the definition of *Forestry Corporation* and substituting the following definition:

***Forestry Corporation*** means the  
Forestry corporation continued by

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section 6 of the *Forest Management Act 2013*;

- (c) by omitting the definition of *State forest* and substituting the following definition:

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

- (d) by omitting “*Forestry Act 1920*” from the definition of *timber* and substituting “*Forest Management Act 2013*”.

2. Section 5 is amended by omitting paragraph (c) and substituting the following paragraph:

(c) *Forest Management Act 2013*; or

3. Section 11(2)(a) is amended by omitting “section 22AA of the *Forestry Act 1920*” and substituting “section 16 of the *Forest Management Act 2013*”.

4. Clause 1 of Schedule 1 is amended by omitting paragraph (a) from the definition of *land* and substituting:

(a) permanent timber production zone land  
within the meaning of the *Forest Management Act 2013*; or

***Timber Promotion Act 1970***

**1. Section 2 is amended as follows:**

- (a) by omitting “established under section 6 of the Principal Act” from the definition of *Forestry corporation* and substituting “continued by section 6 of the Principal Act”;
- (b) by omitting “*Forestry Act 1920*” from the definition of *Principal Act* and substituting “*Forest Management Act 2013*”.

***Water Management Act 1999***

**1. Section 167(3) is amended as follows:**

- (a) by omitting paragraph (a) and substituting the following paragraph:
  - (a) permanent timber production zone land within the meaning of the *Forest Management Act 2013*;  
or
- (b) by omitting from paragraph (b) “*Forestry Act 1920*” and substituting “*Forest Management Act 2013*”;
- (c) by omitting “*Forestry Act 1920*” second occurring and substituting “*Forest Management Act 2013*”.