

TASMANIA

**FOREST PRACTICES AMENDMENT BILL
2003**

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**FOREST PRACTICES AMENDMENT BILL
2003**

*(Brought in by the Minister for Economic Development,
Energy and Resources, the Honourable Paul Anthony
Lennon)*

A BILL FOR

**An Act to amend the *Forest Practices Act 1985* and to
remove doubts as to the validity of certain decisions
taken under that Act**

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:

Short title

1. This Act may be cited as the *Forest Practices
Amendment Act 2003*.

Commencement

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

Principal Act

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

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

4. Section 8(2A) of the Principal Act is amended by omitting “that requirement is not to be taken as being” and substituting “neither that requirement nor any statutory provision that purports to enforce the observance of that requirement is taken to be”.

Section 16 amended (Compensation may be payable where application refused)

5. Section 16(2)(c) of the Principal Act is amended as follows:

- (a) by omitting “on the ground referred to in” and substituting “under”;
- (b) by omitting subparagraph (i) and substituting the following subparagraph:
 - (i) the prohibition referred to in that section was not a prohibition contained in a planning scheme or special planning order under the *Land Use Planning and Approvals Act 1993* or in a statutory provision that purports to enforce the observance of a requirement of any such scheme or order; and

*No. 48 of 1985

Validation

6. (1) In this section –

“**Board**” means the Forest Practices Board established under section 4AA of the Principal Act;

“**doubts removal period**” means the period commencing on 30 June 1999 (the day on which the *Forest Practices (Private Timber Reserves Validation) Act 1999* commenced) and ending on the commencement of this Act;

“**planning restriction**” means –

- (a) a requirement or prohibition contained in a planning scheme or special planning order under the *Land Use Planning and Approvals Act 1993*; or
- (b) a statutory provision that purports to enforce the observance of a requirement or prohibition referred to in paragraph (a).

(2) A declaration made or purportedly made under section 11 of the Principal Act during the doubts removal period is not to be taken as being invalid by reason only that the application for the declaration was granted by the Board contrary to a planning restriction that, at the relevant time, constituted or may have constituted a prohibition for the purposes of section 8(2)(d) of the Principal Act in relation to that application.

(3) If, during the doubts removal period, an application under section 5 of the Principal Act was granted by the Board but, by the end of that period, a declaration had not been made under section 11 of the Principal Act consequent on that application, the Board’s decision to grant the application is not to be taken as being

invalid by reason only that it was taken contrary to a planning restriction that, at the relevant time, constituted or may have constituted a prohibition for the purposes of section 8(2)(d) of the Principal Act in relation to that application.

(4) This section has effect subject to any order of a court or tribunal made during the doubts removal period.