

CLAUSE NOTES

Forest Practices Amendment (Validation) Bill 2022

Clause 1 Short Title

Provides the title of the proposed Act.

Clause 2 Commencement

Provides that the Amendment Act will commence on the day it receives Royal Assent.

Clause 3 Principal Act

Identifies that the amendments relate to the *Forest Practices Act 1985* (the Act).

Clause 4 Section 39 amended (Forest practices officers)

Provides for the removal of sections 39 (3A), (3B) and (3C) from the Act.

Clause 5 Section 43A inserted

43A. Directions by Chief Forest Practices Officer

Provides for the insertion of a new clause into the Act.

Section 43A (1) allows the Chief Forest Practices Officer (CFPO), who is appointed under section 4J of the Act, to give a direction to:

- A Forest Practices Officer (FPO) in relation to:
 - functions or powers that the forest practices officer has owing to his or her appointment as an FPO; and
 - functions or powers that the Authority (the Forest Practices Authority (FPA) Board) has delegated to the FPO under section 43 of the Act.
- Any other person in relation to:
 - functions or powers that the FPA Board has delegated to the person under section 43 of the Act.

Section 43A (2) sets some parameters around the type of directions that can be issued under section 43A (1). Directions may relate to policy or other matters but cannot require the making of a particular decision.

Section 43A (3) makes it clear that a direction issued, in accordance with section 43A (1), can require the recipient of the direction to seek the advice of the CFPO before a function or power (delegated or otherwise) is carried out.

Section 43A (4) allows the CFPO to specify a time period within which the direction must be complied with. The time period must be reasonable in the given circumstances.

Clause 6 Section 43 amended (Delegation by Authority)

Provides for the removal of section 43 (4) from the Act.

Clause 7 Section 49 inserted

Validation of delegations

Inserts a new section (section 49) into the Act.

(1) Provides that the commencement day in (2) is defined in this section as the day which the Amendment Act commences, which as per clause 2 is on the day it receives Royal Assent.

(2) This subclause ensures the validity of any delegations made under section 43 of the Act. This subclause applies to all delegations made prior to the date which the Amendment Act commences. All delegations are deemed valid from the day which they were originally made – i.e. the day which they were signed off by the FPA Board.

Clause 8 Repeal of Act

Provides for the repeal of this Amendment Act a year after all provisions have commenced (at which time the amendments will be incorporated in the Principal Act).