

TASMANIA

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**FOREST PRACTICES AMENDMENT  
(ADMINISTRATIVE REFORM) BILL 2004**

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**FOREST PRACTICES AMENDMENT  
(ADMINISTRATIVE REFORM) BILL 2004**

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

**A BILL FOR**

**An Act to amend the *Forest Practices Act 1985***

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 (Administrative Reform) Act 2004*.

**Commencement**

2. This Act commences on a day to be proclaimed.

**Principal Act**

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

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\*No. 48 of 1985

**Section 3 amended (Interpretation)****4.** Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of “Board” and substituting the following definitions:

**“Authority”** means the Forest Practices Authority;

**“Board”** means the Board of Directors of the Authority;

- (b) by omitting “Board” from the definition of “certified forest practices plan” and substituting “Authority”;

- (c) by omitting the definition of “chief chairman” and substituting the following definition:

**“chief chairperson”** means the chief chairperson of the Tribunal;

- (d) by omitting the definition of “deputy chief chairman” and substituting the following definitions:

**“deputy chief chairperson”** means the deputy chief chairperson of the Tribunal;

**“director”** means a director of the Board;

**“discrete operational phase”**, of a forest practices plan, means a forest practice or a part of a forest practice that is specifically identified in the plan as constituting a discrete operational



phase, stage or component of the plan;

- (e) by omitting “Board” from the definition of “Forest Practices Code” and substituting “Authority”.

### **Part 1A: Heading amended**

5. Part 1A of the Principal Act is amended by omitting “**BOARD**” from the heading to that Part and substituting “**AUTHORITY**”.

### **Section 4AA amended (Forest Practices Authority)**

6. Section 4AA of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

(1) The body established under this section as in force immediately before the commencement of the *Forest Practices Amendment (Administrative Reform) Act 2004* continues in existence, after that commencement, under the name “Forest Practices Authority”.

- (b) by omitting from subsection (2) “Board” and substituting “Authority”.

### **Section 4A substituted**

7. Section 4A of the Principal Act is repealed and the following sections are substituted:

**Board of the Authority**

**4A. (1)** The Authority has a Board of Directors consisting of –

- (a) a person with expertise in public administration and in environmental or natural resource management and governance; and
- (b) a person with applied knowledge and expertise in environmental or natural resource management; and
- (c) a person with applied knowledge and expertise in sustainable forest management on private land; and
- (d) a person with applied knowledge and expertise in sustainable forest management on public land; and
- (e) a person with applied knowledge and expertise in community liaison and local government, from a municipal area in which forestry is a major land use; and
- (f) a person with expertise in biological science or nature conservation; and
- (g) the chief forest practices officer.

**(2)** The directors referred to in subsection (1)(a), (b), (c), (d), (e) and (f) are appointed by the Minister.

**(3)** The Minister is to ensure that one of the directors appointed under subsection (1)(c) and (d) has practical knowledge and experience in forest operations, including the harvesting and reforestation of forests.

(4) The director appointed under subsection (1)(a) is also, by virtue of that appointment, chairperson of the Board.

(5) The Board may elect a director referred to in subsection (1)(b), (c), (d), (e) or (f) to be deputy chairperson of the Board.

(6) Schedule 3 has effect with respect to the directors.

(7) Schedule 4 has effect with respect to meetings of the Board.

#### **Role of Board, &c.**

**4AB. (1)** The Board is responsible for –

- (a) the exercise and performance of the powers and functions of the Authority under this Act, consistent with the Authority's objectives; and
- (b) ensuring that the financial affairs of the Authority are managed and conducted in accordance with sound business practice; and
- (c) the exercise and performance of such other powers and functions as may be conferred or imposed on the Authority or the Board under this or any other Act.

(2) The Board has power to do all things necessary or convenient to be done in connection with the discharge of its responsibilities.

(3) Where in this Act the exercise or performance of a power or function of the Authority in relation to any matter is expressed to be dependent on an opinion, belief or state of mind of

the Authority, the Authority is taken to have that opinion, belief or state of mind in relation to that matter if the Board has that opinion, belief or state of mind in relation to that matter.

### **Section 4B amended (Objective of Authority)**

**8.** Section 4B of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”.

### **Section 4C amended (Functions of Authority)**

**9.** Section 4C of the Principal Act is amended as follows:

- (a) by omitting “Board” and substituting “Authority”;
- (b) by inserting the following paragraph after paragraph (fa):
  - (fb) to implement the State Permanent Forest Estate Policy, being the policy referred to in, and developed in accordance with, Attachment 9 to the Tasmanian Regional Forest Agreement made between the State and the Commonwealth on 8 November 1997;

**Section 4D amended (Powers of Authority)**

**10.** Section 4D of the Principal Act is amended by omitting “Board” and substituting “Authority”.

**Section 4E amended (Annual assessment of forest practices system)**

**11.** Section 4E of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” and substituting “Authority”.

**Section 4G substituted**

**12.** Section 4G of the Principal Act is repealed and the following section is substituted:

**Monitoring and enforcement of Act and Forest Practices Code**

**4G. (1)** The Authority is responsible for –

- (a) monitoring the degree of compliance with this Act and the Forest Practices Code; and
- (b) where it finds instances of non-compliance, causing appropriate enforcement action to be taken.

(2) To discharge its responsibility under subsection (1)(b), the Authority may do any of the following:

- (a) through the chief forest practices officer and other persons who it authorizes for the purpose, cause complaints to be made in respect of offences under this Act;
- (b) for the offences referred to in section 47B, exercise the Authority's powers under that section;
- (c) have forest practices officers investigate instances of suspected non-compliance, with a view to having the officers exercise their powers under section 41; and
- (d) take, or cause to be taken, any other enforcement measures that may be authorized by this or any other Act.

#### **Section 4H amended (Committees)**

13. Section 4H of the Principal Act is amended by omitting "Board" and substituting "Authority".

#### **Section 4J amended (Chief forest practices officer)**

14. Section 4J of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) "Board" and substituting "Authority";
- (b) by omitting from subsection (4) "Board" twice occurring and substituting "Authority".

**Section 4K amended (Role of chief forest practices officer)**

15. Section 4K(b) of the Principal Act is amended by omitting “Board” and substituting “Authority”.

**Section 4L amended (Staff)**

16. Section 4L of the Principal Act is amended by omitting “Board” and substituting “Authority”.

**Part 1B: Heading amended**

17. Part 1B of the Principal Act is amended by omitting “**BOARD**” from the heading to that Part and substituting “**AUTHORITY**”.

**Section 4M amended (Funds of Authority)**

18. Section 4M of the Principal Act is amended as follows:

- (a) by omitting “Board” first occurring and substituting “Authority”;
- (b) by omitting from paragraph (c) “Board” and substituting “Authority”;
- (c) by omitting from paragraph (d) “Board” and substituting “Authority”.

**Section 4N amended (Authorised deposit-taking institution accounts)**

19. Section 4N of the Principal Act is amended by omitting “Board” and substituting “Authority”.

**Section 4P amended (Investment)**

**20.** Section 4P of the Principal Act is amended by omitting “Board” and substituting “Authority”.

**Section 4Q amended (Reserves)**

**21.** Section 4Q of the Principal Act is amended by omitting “Board” and substituting “Authority”.

**Section 4R amended (Borrowing from Treasurer)**

**22.** Section 4R of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (3) “Board” and substituting “Authority”.

**Section 4S amended (Borrowing from person other than Treasurer)**

**23.** Section 4S of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (3) “Board” and substituting “Authority”;
- (c) by omitting from subsection (4) “Board” first occurring and substituting “Authority”;
- (d) by omitting from subsection (4) “Board” second occurring and substituting “Authority”;



- (e) by omitting from subsection (4)(d) “Board” and substituting “Authority”;
- (f) by omitting from subsection (7) “Board” twice occurring and substituting “Authority”.

**Section 4T amended (Effect of *Financial Agreement Act 1994*)**

**24.** Section 4T of the Principal Act is amended by omitting “Board” twice occurring and substituting “Authority”.

**Section 4U amended (Accounting records)**

**25.** Section 4U of the Principal Act is amended as follows:

- (a) by omitting “Board” first occurring and substituting “Authority”;
- (b) by omitting from paragraph (b)(i) “Board” and substituting “Authority”.

**Section 4V amended (Financial statements)**

**26.** Section 4V of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Authority”;
- (b) by omitting from subsection (1)(a) “Board” and substituting “Authority”;
- (c) by omitting from subsection (1)(b) “Board’s” and substituting “Authority’s”;
- (d) by omitting from subsection (2)(b) “Board” and substituting “Authority”;

- (e) by omitting from subsection (2)(d) “Board” and substituting “Authority”.

**Section 4W amended (Opinion of Auditor-General)**

**27.** Section 4W of the Principal Act is amended by omitting “Board” twice occurring and substituting “Authority”.

**Section 4X amended (Annual report)**

**28.** Section 4X of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2)(a) “Board” and substituting “Authority”;
- (c) by omitting from subsection (2)(c) “Board” and substituting “Authority”;
- (d) by omitting from subsection (2)(e) “Board” twice occurring and substituting “Authority”;
- (e) by omitting from subsection (2)(f) “Board” first occurring and substituting “Authority”;
- (f) by omitting from subsection (2)(f) “Board” second occurring and substituting “Authority”;
- (g) by omitting from subsection (3) “Board” and substituting “Authority”.

**Section 4Z amended (State of the forests report)**

**29.** Section 4Z of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (3) “Board” and substituting “Authority”;
- (c) by omitting from subsection (4) “Board” and substituting “Authority”.

**Section 4ZA inserted**

**30.** After section 4Z of the Principal Act, the following section is inserted in Part 1C:

**Forest practices report**

**4ZA. (1)** The Authority must, not later than 30 November 2007 and not later than 30 November in each fifth year thereafter –

- (a) review the operation of the State’s forest practices system, including the provisions and operation of the Forest Practices Code; and
- (b) give the Minister a written report on the outcome of the review.

**(2)** The Minister must cause a copy of each report prepared under subsection (1) to be laid on the table of each House of Parliament within 14 sitting-days of that House after the report is received by the Minister.

**Section 5 amended (Application to have land declared as private timber reserve)**

**31.** Section 5 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him” and substituting “the person”;
- (b) by omitting from subsection (1) “Board” and substituting “Authority”;
- (c) by omitting from subsection (2)(a) “Board” and substituting “Authority”;
- (d) by omitting from subsection (3) “Board” twice occurring and substituting “Authority”;
- (e) by omitting from subsection (4) “his” and substituting “his or her”;
- (f) by omitting from subsection (4) “he” and substituting “he or she”.

**Section 6 amended (Notice of application, &c.)**

**32.** Section 6 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2)(b) “Board” and substituting “Authority”;
- (c) by omitting from subsection (2)(c) “Board” and substituting “Authority”.

**Section 7 amended (Objections to declaration of land as private timber reserve)**

**33.** Section 7 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;

- (b) by omitting from subsection (2) “Board” first occurring and substituting “Authority”;
- (c) by omitting from subsection (2)(c) “Board” and substituting “Authority”;
- (d) by omitting from subsection (3) “him” and substituting “him or her”;
- (e) by omitting from subsection (3) “Board” and substituting “Authority”;
- (f) by omitting from subsection (3) “his” and substituting “his or her”.

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

**34.** Section 8 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” and substituting “Authority”;
- (d) by omitting from subsection (4) “Board” and substituting “Authority”;
- (e) by omitting from subsection (4) “him” and substituting “him or her”;
- (f) by omitting from subsection (5) “Board” and substituting “Authority”;
- (g) by omitting from subsection (5) “him” and substituting “him or her”.

**Section 9 amended (Appeal in respect of application under section 5)**

**35.** Section 9 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board to grant his application, he” and substituting “Authority to grant the person’s application, he or she”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (6) “Board” twice occurring and substituting “Authority”.

**Section 10 amended (Recommendation to Governor that land be declared as private timber reserve)**

**36.** Section 10 of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Board” and substituting “Authority”;
- (b) by omitting from paragraph (b) “Board” and substituting “Authority”;
- (c) by omitting from paragraph (c) “Board” three times occurring and substituting “Authority”;
- (d) by omitting “Board” sixth occurring and substituting “Authority”.

**Section 11 amended (Declaration of land as private timber reserve)**

**37.** Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”.

**Section 13 amended (Revocation of private timber reserve at instigation of Authority)**

**38.** Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” twice occurring and substituting “Authority”;
- (b) by omitting from subsection (1) “him” and substituting “him or her”;
- (c) by omitting from subsection (2) “Board” and substituting “Authority”;
- (d) by omitting from subsection (4) “Board” and substituting “Authority”;
- (e) by omitting from subsection (5)(a) “Board’s” and substituting “Authority’s”;
- (f) by omitting from subsection (5) “Board” and substituting “Authority”;
- (g) by omitting from subsection (6) “Board” and substituting “Authority”;
- (h) by omitting from subsection (7) “Board” and substituting “Authority”.

**Section 14 amended (Revocation of private timber reserve on application of owner of reserve)**

**39.** Section 14 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2)(a) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” twice occurring and substituting “Authority”;
- (d) by omitting from subsection (4) “Board” and substituting “Authority”;
- (e) by omitting from subsection (6) “Board” and substituting “Authority”;
- (f) by omitting from subsection (6) “him” and substituting “him or her”;
- (g) by omitting from subsection (7) “Board to grant his application, he” and substituting “Authority to grant the person’s application, he or she”;
- (h) by omitting from subsection (9) “Board” twice occurring and substituting “Authority”;
- (i) by omitting from subsection (10)(a) “Board” and substituting “Authority”;
- (j) by omitting from subsection (10)(b) “Board” four times occurring and substituting “Authority”;
- (k) by omitting from subsection (10) “Board” sixth occurring and substituting “Authority”;



- (l) by omitting from subsection (11) “Board” and substituting “Authority”;
- (m) by omitting from subsection (12) “Board” and substituting “Authority”.

**Section 15 amended (Registration of notice relating to private timber reserve)**

**40.** Section 15 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”.

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

**41.** Section 16 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “Board” and substituting “Authority”;
- (b) by omitting from subsection (1)(c) “he” and substituting “he or she”;
- (c) by omitting from subsection (1) “he” second occurring and substituting “he or she”;
- (d) by omitting from subsection (2)(a) “Board” and substituting “Authority”;
- (e) by omitting from subsection (2)(b) “Board” and substituting “Authority”;

- (f) by omitting from subsection (2)(c)(iii) “Board” and substituting “Authority”;
- (g) by omitting from subsection (3) “Board” and substituting “Authority”;
- (h) by omitting from subsection (5) “Board” and substituting “Authority”;
- (i) by omitting from subsection (6) “Board” and substituting “Authority”;
- (j) by omitting from subsection (7) “Board” and substituting “Authority”.

**Section 17 amended (Restrictions on harvesting timber, &c.)**

**42.** Section 17 of the Principal Act is amended as follows:

- (a) by omitting from subsection (4)(c) “paragraph (a) or (b)” and substituting “paragraph (a), (b) or (ba)”;
- (b) by omitting from subsection (4)(d) “paragraph (a) or (b)” and substituting “paragraph (a), (b) or (ba)”;
- (c) by omitting from the penalty under subsection (4) “150 penalty units” and substituting “1 000 penalty units”;
- (d) by omitting from the penalty under subsection (5) “150 penalty units” and substituting “1 000 penalty units”;
- (e) by omitting from the penalty under subsection (5A) “150 penalty units” and substituting “1 000 penalty units”.

**Section 18 amended (Application for certification of forest practices plan)**

**43.** Section 18 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “shall contain” and substituting “is to”;
- (c) by omitting from subsection (2)(a) “specifications” and substituting “contain specifications”;
- (d) by omitting from subsection (2)(b) “in the case” and substituting “contain, in the case”;
- (e) by inserting the following paragraph after paragraph (b) in subsection (2):
  - (baa) identify, if applicable, the discrete operational phases of the plan for the purposes of section 25A;
- (f) by omitting from subsection (2)(ba) “in the case” and substituting “contain, in the case”;
- (g) by omitting paragraph (c) from subsection (2) and substituting the following paragraph:
  - (c) provide an estimate of –
    - (i) the period during which the forest practices of the plan overall are to be carried out; and
    - (ii) if applicable, the period during which each discrete operational phase of the

plan identified under paragraph (baa) is to be carried out; and

- (h) by omitting from subsection (2)(d) “the name” and substituting “specify the name”;
- (i) by omitting from subsection (4)(b) “he has given his approval for the plan to be submitted to the Board” and substituting “he or she has given approval for the plan to be submitted to the Authority”;
- (j) by omitting from subsection (5) “Board” twice occurring and substituting “Authority”.

**Section 18A amended (Tags to be attached to tree ferns)**

**44.** Section 18A of the Principal Act is amended by omitting “Board” twice occurring and substituting “Authority”.

**Section 18B substituted**

**45.** Section 18B of the Principal Act is repealed and the following section is substituted:

**Trading in tree ferns**

**18B. (1)** A person must not, without the written approval of the Authority, trade in tree ferns unless a tag issued by the Authority is affixed to the stem of each tree fern.

Penalty: Fine not exceeding 150 penalty units.

**(2)** A forest practices officer may, on production of his or her warrant of authorization, require a person who appears to the forest practices officer to be trading in tree ferns contrary to subsection (1) to state all or any of the following:

- (a) the person's name and address;
- (b) when, where and how the person obtained the untagged tree ferns;
- (c) whether the untagged tree ferns were obtained from another person and, if so, the name and address of that other person;
- (d) whether the tree ferns were tagged or untagged when the person obtained them.

**(3)** A person must comply with a requirement under subsection (2).

Penalty: Fine not exceeding 10 penalty units.

**(4)** In this section –

“**sell**” means sell by wholesale or retail;

“**trade in tree ferns**” means to do one or more of the following:

- (a) collect, acquire or buy tree ferns;
- (b) barter or exchange tree ferns;
- (c) sell or agree to sell tree ferns;
- (d) offer, display or expose tree ferns for sale;

- (e) supply, send, forward, transport or deliver tree ferns for sale;
- (f) store or hold tree ferns;
- (g) authorise, direct, cause or permit a person to do a thing referred to in paragraph (a), (b), (c), (d), (e) or (f).

**Section 19 amended (Authority to certify or refuse to certify forest practices plan)**

**46.** Section 19 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsections:

**(1)** Where an application for the certification of a forest practices plan is made in accordance with section 18, the Authority may –

- (a) certify the plan; or
- (b) refuse to certify the plan; or
- (c) amend the plan in such manner as it considers necessary and certify the plan as so amended.

**(1A)** Without limiting the Authority's power under subsection (1)(c), it may amend the plan by doing one or more of the following:

- (a) inserting conditions and restrictions to be complied with in the harvesting of timber, the clearing of trees or the carrying

out of other forest practices covered by the plan;

- (b) inserting new specifications in the plan or amending or omitting specifications contained in the plan as submitted;
  - (c) identifying, for the purposes of section 25A(1), the discrete operational phases of the plan.
- (b) by omitting from subsection (2) “Board” twice occurring and substituting “Authority”;
  - (c) by omitting from subsection (3) “Board” and substituting “Authority”;
  - (d) by omitting from subsection (4) “Board” and substituting “Authority”;
  - (e) by omitting from subsection (5) “Board” and substituting “Authority”.

**Section 21 amended (Contravention, &c., of certified forest practices plan)**

**47.** Section 21 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (1) “150 penalty units” and substituting “1 000 penalty units”;
- (c) by omitting from subsection (1) “10 penalty units” and substituting “50 penalty units”;
- (d) by omitting from subsection (2) “150 penalty units” and substituting “1 000 penalty units”;

- (e) by omitting from subsection (3) “50 penalty units” and substituting “250 penalty units”;
- (f) by omitting from subsection (4) “he” and substituting “he or she”;
- (g) by omitting from subsection (4) “him” and substituting “him or her”.

**Section 22 amended (Variation of certified forest practices plan at instigation of Authority)**

**48.** Section 22 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” twice occurring and substituting “Authority”.

**Section 23 amended (Application for variation of certified forest practices plan)**

**49.** Section 23 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” three times occurring and substituting “Authority”;
- (b) by omitting from subsection (2)(a) “Board” and substituting “Authority”;
- (c) by omitting from subsection (2)(c) “he has given his approval” and substituting “he or she has given approval”;



- (d) by omitting from subsection (3) “Board” twice occurring and substituting “Authority”.

**Section 24 amended (Grant or refusal of application for variation of certified forest practices plan)**

**50.** Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”.

**Section 24A amended (Revocation of certified forest practices plans)**

**51.** Section 24A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” first occurring and substituting “Authority”;
- (d) by omitting from subsection (3)(b) “Board” and substituting “Authority”.

**Section 25 amended (Appeal in respect of forest practices plan)**

**52.** Section 25 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Authority”;
- (b) by omitting from subsection (1)(a) “Board” and substituting “Authority”;
- (c) by omitting from subsection (1)(b) “Board” and substituting “Authority”;
- (d) by omitting from subsection (1)(c) “Board” and substituting “Authority”;
- (e) by omitting from subsection (1)(d) “Board” and substituting “Authority”;
- (f) by omitting from subsection (1)(e) “Board” and substituting “Authority”;
- (g) by omitting from subsection (2)(a) “Board” and substituting “Authority”;
- (h) by omitting from subsection (2)(b) “Board” and substituting “Authority”;
- (i) by omitting from subsection (2)(c) “Board” and substituting “Authority”;
- (j) by omitting from subsection (2)(d) “Board” and substituting “Authority”;
- (k) by omitting from subsection (3) “Board” and substituting “Authority”;
- (l) by omitting from subsection (4) “Board” twice occurring and substituting “Authority”.

**Section 25A substituted**

**53.** Section 25A of the Principal Act is repealed and the following sections are substituted:

**Forest practices plan compliance reports**

**25A. (1)** The responsible person for a certified forest practices plan must lodge an interim compliance report with the Authority, in an approved form, within 30 days after the completion of each discrete operational phase of the forest practices authorised to be carried out under the plan stating –

- (a) whether or not the plan has been complied with in respect of that discrete operational phase; and
- (b) such other particulars regarding that discrete operational phase as the Authority considers appropriate.

Penalty: Fine not exceeding 10 penalty units.

**(2)** The responsible person for a certified forest practices plan must lodge a final compliance report with the Authority, in an approved form, within 30 days after the expiration of the period during which forest practices are authorised to be carried out under the plan stating –

- (a) whether or not the plan has been complied with; and
- (b) if the plan enables tree ferns to be harvested, the number of tree ferns harvested; and
- (c) such other particulars as the Authority considers appropriate.

Penalty: Fine not exceeding 10 penalty units.

**(3)** In this section –

**“approved form”** means a form approved by the Authority;

**“responsible person”**, for a certified forest practices plan, means the person who applied for the certification of the plan under section 18(1)(b).

### **Forest practices plan progress reports**

**25B. (1)** This section applies if the Authority considers on reasonable grounds that it should not rely solely on reports under section 25A to monitor compliance with a forest practices plan.

**(2)** The Authority, by notice in writing, may require the responsible person for the forest practices plan to give the Authority a progress report on the plan within such reasonable time, of not less than 21 days, as it specifies in the notice.

**(3)** The Authority’s power under subsection (2) is exercisable at any time in the period during which forest practices are authorised to be carried out under the forest practices plan.

**(4)** The responsible person for the forest practices plan must comply with the notice under subsection (2).

Penalty: Fine not exceeding 10 penalty units.

**(5)** The obligation referred to in subsection (4) is in addition to the reporting obligations referred to in section 25A.

**(6)** In this section –

**“progress report”** means a report, in a form approved by the Authority, specifying whether or not a forest practices plan

has been complied with up to a date or during a period, or as regards a matter, nominated by the Authority.

**Appeal to Tribunal by person aggrieved by notice under section 25B**

**25C. (1)** The responsible person for a certified forest practices plan may appeal to the Tribunal if the person is aggrieved by a notice under section 25B(2).

**(2)** The appeal is to be instituted by –

- (a) giving written notice to the registrar within 14 days after the responsible person is served with the notice; or
- (b) in such other manner as may be prescribed.

**(3)** At the hearing of the appeal, the Tribunal may confirm, modify or cancel the notice under section 25B(2).

**(4)** Pending the outcome of the appeal, the notice under section 25B(2) is suspended in effect.

**Section 27 amended (Three-year plans)**

**54.** Section 27 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (1A) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” three times occurring and substituting “Authority”;

- (d) by omitting from subsection (4) “Board” four times occurring and substituting “Authority”;
- (e) by omitting from subsection (5) “Board” and substituting “Authority”;
- (f) by omitting from subsection (6)(a) “Board” and substituting “Authority”.

**Section 28 amended (Power of Authority to call conference for purpose of varying three-year plan)**

**55.** Section 28 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” twice occurring and substituting “Authority”;
- (d) by omitting from subsection (4) “Board” and substituting “Authority”;
- (e) by omitting from subsection (4) “him” and substituting “him or her”;
- (f) by omitting from subsection (5) “Board” and substituting “Authority”;
- (g) by omitting from subsection (6) “him” and substituting “him or her”;
- (h) by omitting from subsection (6) “Board, the Board” and substituting “Authority, the Authority”;

- (i) by omitting from subsection (6) “Board” third occurring and substituting “Authority”;
- (j) by omitting from subsection (7) “Board” and substituting “Authority”.

**Section 29 amended (Aggrieved person may appeal to Tribunal)**

**56.** Section 29 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (1)(a) “Board’s” and substituting “Authority’s”;
- (c) by omitting from subsection (1)(b) “Board’s” and substituting “Authority’s”;
- (d) by omitting from subsection (2)(a) “Board” and substituting “Authority”;
- (e) by omitting from subsection (2)(a) “Board’s” and substituting “Authority’s”;
- (f) by omitting from subsection (2)(b) “Board” and substituting “Authority”;
- (g) by omitting from subsection (2)(b) “Board’s” and substituting “Authority’s”;
- (h) by omitting from subsection (3) “Board’s” and substituting “Authority’s”;
- (i) by omitting from subsection (3) “Board” and substituting “Authority”;

- (j) by omitting from subsection (4) “Board and direct the Board” and substituting “Authority and direct the Authority”.

**Section 30 amended (Issue of Forest Practices Code)**

**57.** Section 30 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3)(b) “Board” and substituting “Authority”;
- (d) by omitting from subsection (3)(c) “Board” and substituting “Authority”;
- (e) by omitting from subsection (5) “Board” and substituting “Authority”;
- (f) by omitting from subsection (6) “Board” and substituting “Authority”.

**Section 32 amended (Amendment, &c., of Forest Practices Code)**

**58.** Section 32 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;



- (c) by omitting from subsection (3) “Board” and substituting “Authority”;
- (d) by omitting from subsection (4)(a) “Board’s” and substituting “Authority’s”;
- (e) by omitting from subsection (4)(c)(i) “Board” twice occurring and substituting “Authority”;
- (f) by omitting from subsection (4)(c)(ii) “Board” and substituting “Authority”;
- (g) by omitting from subsection (4)(d) “Board” and substituting “Authority”.

**Section 33 amended (Objection to amendment, &c., of Forest Practices Code)**

**59.** Section 33 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” three times occurring and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” first occurring and substituting “Authority”;
- (c) by omitting from subsection (2)(b) “Board” and substituting “Authority”;
- (d) by omitting from subsection (3) “Board” and substituting “Authority”.

**Section 34 amended (Forest Practices Tribunal)**

**60.** Section 34 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “chairman” twice occurring and substituting “chairperson”;
- (b) by omitting from subsection (4) “chairman” four times occurring and substituting “chairperson”;
- (c) by omitting from subsection (4) “his” and substituting “his or her”;
- (d) by omitting from subsection (5) “chairman” three times occurring and substituting “chairperson”;
- (e) by omitting from subsection (7) “chairman” and substituting “chairperson”;
- (f) by omitting from subsection (7A) “chairman” twice occurring and substituting “chairperson”;
- (g) by omitting from subsection (8) “chairman may nominate himself or the deputy chief chairman” and substituting “chairperson may nominate himself or herself or the deputy chief chairperson”;
- (h) by omitting paragraph (a) from subsection (9) and substituting the following paragraph:
  - (a) the chief chairperson nominates himself or herself as a member of a division, he or she is to act as chairperson of the division; or
- (i) by omitting from subsection (9)(b) “chief chairman does not nominate himself” and substituting “chief chairperson does not nominate himself or herself”;

- (j) by omitting from subsection (9)(b) “chairman” second occurring and substituting “chairperson”;
- (k) by omitting from subsection (10) “chief chairman and the deputy chief chairman” and substituting “chief chairperson and deputy chief chairperson”.

**Section 35 amended (Registry of the Forest Practices Tribunal)**

**61.** Section 35 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “RMPAT”;
- (b) by omitting subsection (2) and substituting the following subsections:

**(2)** For the purposes of subsection (1), the Tribunal may arrange with the Secretary of the responsible Department in relation to the *Resource Management and Planning Appeal Tribunal Act 1993* for –

- (a) a State Service officer or State Service employee employed in that Department for the purposes of that Act to be the registrar of the Registry of the Forest Practices Tribunal; and
- (b) such other administrative support to be made available as may be necessary for the establishment and maintenance of the Registry of the Forest Practices Tribunal.

**(3)** In this section –

**“RMPAT”** means the Resource Management and Planning Appeal Tribunal.

**Section 36 amended (Procedure on receipt of an appeal)**

**62.** Section 36 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “chairman” and substituting “chairperson”;
- (b) by omitting from subsection (2) “chairman” and substituting “chairperson”;
- (c) by omitting from subsection (3) “Board” and substituting “Authority”;
- (d) by omitting from subsection (5) “him” and substituting “the registrar”;
- (e) by omitting from subsection (5) “chairman” and substituting “chairperson”;
- (f) by omitting from subsection (6) “chairman” and substituting “chairperson”;
- (g) by omitting from subsection (6) “him” and substituting “the chief chairperson”;
- (h) by omitting from subsection (6) “his” and substituting “his or her”;
- (i) by omitting from subsection (7) “chairman” and substituting “chairperson”.

**Section 37 amended (Procedure, &c., of Tribunal)**

**63.** Section 37 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “chairman” and substituting “chief chairperson”;
- (b) by omitting from subsection (3) “in his possession or under his control” and substituting “in the person’s possession or under the person’s control”;
- (c) by omitting from subsection (4) “him” and substituting “the person”;
- (d) by omitting from subsection (5) “chairman” and substituting “chief chairperson”;
- (e) by omitting from subsection (16) “Board” and substituting “Authority”.

**Section 37A amended (Forest Practices Advisory Council)**

**64.** Section 37A of the Principal Act is amended as follows:

- (a) by omitting paragraph (a) from subsection (2) and substituting the following paragraphs:
  - (a) a person with knowledge or expertise in sustainable forest management; and
  - (ab) a person with knowledge of the State’s resource management and planning system in relation to municipal areas in which forestry is a major land use, nominated by

the Local Government Association of Tasmania; and

- (ac) a person with expertise in, and operational experience of, forest harvesting or forest contracting; and
- (b) by inserting in subsection (2)(e) “, jointly nominated by the Forest Industries Association of Tasmania and the Tasmanian Country Sawmillers Federation” after “processing”;
- (c) by inserting in subsection (2)(g) “, jointly nominated by the Tasmanian Farmers and Graziers Association and the Forest Industries Association of Tasmania” after “land”;
- (d) by omitting from subsection (3) “referred to in subsection (2)(b), (c), (d), (e), (f) and (g)”;
- (e) by inserting the following subsections after subsection (4):

**(5)** If a body that is responsible for making a membership nomination under subsection (2) changes its name, the Governor, by order, may amend that subsection by substituting the body’s new name.

**(6)** If a body that is responsible for making a membership nomination under subsection (2) ceases to exist, the Governor, by order, may amend that subsection by substituting the name of a body which the Governor is satisfied substantially represents the interests that were represented by the first-mentioned body.

**(7)** If a body having sole responsibility for nominating a person for appointment to the Council under subsection (2) fails to discharge that responsibility within such reasonable period (of not less than 21 days) as the Minister allows when calling for the nomination, the Minister may make the appointment without further reference to that body.

**(8)** If bodies having joint responsibility for nominating a person for appointment to the Council under subsection (2) fail to discharge that responsibility within such reasonable period (of not less than 28 days) as the Minister allows when calling for the nomination, the Minister may –

- (a) if the failure is collective, make the appointment without further reference to those bodies; or
- (b) if the failure is due to an act or omission of only one of those bodies, accept and act on a nomination from the other body.

### **Section 37C amended (Functions of Council)**

**65.** Section 37C of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “Board” and substituting “Authority”;
- (b) by omitting from paragraph (b) “Board” and substituting “Authority”;

- (c) by omitting from paragraph (c) “Board” and substituting “Authority”.

**Section 38 amended (Appointment of officers for purposes of Act)**

**66.** Section 38 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” twice occurring and substituting “Authority”;
- (c) by inserting the following subsections after subsection (2):

**(2A)** However, the Authority may refuse to appoint a person nominated under subsection (2) as an officer for the purposes of this Act if the Authority, on reasonable grounds, is not satisfied that the nominee is a fit and proper person to be so appointed.

**(2B)** The matters that the Authority may have regard to for the purposes of subsection (2A) include the following:

- (a) whether the nominee has been convicted of an offence against the *Forestry Act 1920* or this Act;
- (b) whether the nominee has been convicted, in Tasmania or elsewhere, of an offence involving dishonesty;
- (c) whether the nominee is physically and mentally capable of



performing the functions of an officer.

**(2C)** If subsection (2A) applies, the Authority is to request, and the body corporate concerned is to make, a fresh nomination.

- (d) by omitting from subsection (4) “his” and substituting “his or her”;
- (e) by omitting from subsection (4) “Board” and substituting “Authority”;
- (f) by omitting from subsection (5) “his” and substituting “his or her”.

**Section 39 amended (Forest practices officers)**

**67.** Section 39 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by inserting the following subsection after subsection (2):

**(2A)** The revocation of a warrant authorizing a person to be a forest practices officer for the purposes of this Act also revokes, in the case of a person referred to in subsection (1)(b), the person’s appointment as an officer under section 38(2).

- (d) by omitting from subsection (3) “Board” twice occurring and substituting “Authority”;

- (e) by omitting from subsection (4) “Board” and substituting “Authority”.

**Section 40 amended (Powers, &c., of forest practices officers)**

**68.** Section 40 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “his warrant of authorization as such, may at any reasonable time and with such assistants as he” and substituting “his or her warrant of authorization, may at any reasonable time and with such assistants as he or she”;
- (b) by omitting paragraph (b) from subsection (1) and substituting the following paragraph:
  - (b) on any land that is a private timber reserve to ensure that the land is being used for establishing forests, growing or harvesting timber or other forest practices.
- (c) by omitting subsection (2) and substituting the following subsection:

**(2)** A forest practices officer, on production of his or her warrant of authorization, may at any reasonable time request any person associated with forest practices that are being (or in the officer’s opinion appear to have been) carried out on any land referred to in subsection (1) to do one or more of the following:

  - (a) answer any question relating to those forest practices;

- (b) produce any record or document relating to those forest practices;
- (c) answer any question relating to any such record or document.
- (d) by omitting from subsection (3)(a) “him” and substituting “the forest practices officer”;
- (e) by omitting from subsection (4) “his” and substituting “his or her”;
- (f) by omitting from subsection (4) “he” three times occurring and substituting “he or she”;
- (g) by omitting from subsection (5) “him or make him” and substituting “the person or make him or her”;
- (h) by omitting from subsection (5) “him shall not be admissible against him” and substituting “the person is not admissible against him or her”.

**Section 41 amended (Failure to comply with provisions of certified forest practices plan or Act)**

**69.** Section 41 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “he” and substituting “, he or she”;
- (b) by omitting from subsection (1A) “A request under subsection (1)” and substituting “The request, if it is in respect of the provisions of a certified forest practices plan,”;
- (c) by omitting from subsection (1A)(a) “relevant certified forest practices”;

- (d) by omitting from subsection (1A)(b) “relevant certified forest practices”;
- (e) by omitting subsection (2) and substituting the following subsection:

**(2)** If the forest practices officer who makes the request later considers (whether from a further inspection of the relevant land or from other evidence) that the request has not been complied with within a reasonable time, he or she may, by notice in writing personally served on the person apparently in charge of the forest practices carried out on that land, direct that person to do such one or more of the following as may be appropriate in the circumstances:

- (a) cease the forest practices specified in the notice;
- (b) where in the opinion of the officer it is practicable and economically feasible to do so, repair any damage caused by the forest practices specified in the notice in the manner and within the period specified in the notice;
- (c) carry out, within the period specified in the notice, such other work as may be specified in the notice;
- (d) take, within the period specified in the notice, such actions as may be specified in the notice to ensure that the provisions of this Act are complied with.

- (f) by inserting in subsection (6)(b) “or take the action” after “works”;
- (g) by inserting in subsection (8) “or taking any action” after “work”.

**Section 42 amended (Appeal to Tribunal by person aggrieved by notice served under section 41(2))**

**70.** Section 42 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “him” twice occurring and substituting “him or her”;
- (b) by inserting in subsection (6)(b) “or take the action” after “works”;
- (c) by inserting in subsection (8) “or taking any action” after “work”.

**Section 43 amended (Delegation by Authority)**

**71.** Section 43 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”;
- (c) by omitting from subsection (2) “Board’s” and substituting “Authority’s”;
- (d) by omitting from subsection (2) “he” and substituting “he or she”;
- (e) by inserting the following subsections after subsection (2):

**(3)** A delegation under subsection (2) may be unconditional or, if the instrument of delegation so provides, conditional.

**(4)** If the delegation under subsection (2) is conditional, the delegate is, in the performance and exercise of the delegated functions and powers, subject to the direction of the chief forest practices officer.

#### **Section 44 amended (Costs and expenses of Act)**

**72.** Section 44 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(h) “Board’s” first occurring and substituting “Authority’s”;
- (b) by omitting from subsection (1)(h) “Board’s” second occurring and substituting “Authority’s”;
- (c) by omitting from subsection (2) “Board’s” and substituting “Authority’s”.

#### **Section 45 amended (False or misleading statements)**

**73.** Section 45(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “Board” and substituting “Authority”;
- (b) by omitting from paragraph (c) “him pursuant to this Act by the Board” and substituting “him or her pursuant to this Act by the Authority”;

- (c) by omitting from paragraph (d) “Board” and substituting “Authority”.

**Section 45A amended (Seal of Authority)**

**74.** Section 45A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” first occurring and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”.

**Section 45B amended ( *Land Acquisition Act 1993* does not apply)**

**75.** Section 45B of the Principal Act is amended by omitting “Board” and substituting “Authority”.

**Section 46 amended (Service of notices and other documents)**

**76.** Section 46(2) of the Principal Act is amended as follows:

- (a) by omitting “Board” first occurring and substituting “Authority”;
- (b) by omitting from paragraph (a) “Board” and substituting “Authority”.

**Section 47 amended (Proceedings and prosecutions)**

**77.** Section 47 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “12 months” and substituting “3 years”;
- (b) by omitting from subsection (2)(c) “Board” and substituting “Authority”;
- (c) by omitting from subsection (3) “Board” and substituting “Authority”.

**Section 47A amended (Recovery of costs for loss or damage)**

**78.** Section 47A of the Principal Act is amended by omitting “section 17(4), 17(5), 21(1), 21(3), 41(5) or 42(5)” and substituting “section 17(4), 17(5), 18B, 21(1), 21(3), 41(5) or 42(5)”.

**Section 47B substituted**

**79.** Section 47B of the Principal Act is repealed and the following section is substituted:

**Alternative to prosecution**

**47B. (1)** If the Authority is satisfied that an offence under section 17(4), 17(5), 18B, 21(1), 21(3), 41(5) or 42(5) has been committed, it may, on payment of a prescribed fine by the alleged offender –

- (a) cause any proceedings in respect of the alleged offence to be waived or discontinued; and
- (b) if the alleged offence involved the unlawful harvesting of timber, allow the alleged offender or another person specified by the Authority to retain the whole or any part of that timber.



(2) For the purposes of this section, the Authority is to establish and maintain a fund.

(3) Prescribed fines are to be paid into the fund and are, for the purposes of section 44(2), taken to be at the disposal of the Authority.

(4) In this section –

**“prescribed fine”** means a fine of –

- (a) such amount as the Authority determines is equal, or approximately equal, to twice the amount required to make good the damage done or any loss incurred by the commission of the relevant offence; or
- (b) if the relevant offence is of a particularly serious kind or it will not be possible or practicable to make good the damage done or any loss incurred by the commission of the relevant offence, such amount as the Authority determines will constitute an appropriate sanction and deterrent in the circumstances.

### **Section 47C amended (Vicarious liability)**

**80.** Section 47C(1) of the Principal Act is amended by inserting “ 18B,” after “(5),”.

### **Section 47D amended (Salvage of illegally harvested timber)**

**81.** Section 47D of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “section 18B,” after “(5),”;
- (b) by omitting from subsection (1) “Board” and substituting “Authority”;
- (c) by omitting from subsection (2) “Board” first occurring and substituting “Authority”;
- (d) by omitting from subsection (2)(a)(ii) “Board” and substituting “Authority”;
- (e) by omitting from subsection (2)(b) “Board” and substituting “Authority”;
- (f) by omitting from subsection (3) “Board” and substituting “Authority”.

**Section 50 amended (Regulations)**

**82.** Section 50 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Board” and substituting “Authority”;
- (b) by omitting from subsection (2) “Board” and substituting “Authority”.

**Schedule 2 amended (Provisions with Respect to Membership of Forest Practices Tribunal)**

**83.** Schedule 2 to the Principal Act is amended as follows:

- (a) by omitting from clause 1(1) “the instrument of his” and substituting “the member’s instrument of”;

- (b) by omitting from clause 1(2) “instrument of his re-appointment” and substituting “member’s instrument of re-appointment”;
- (c) by omitting from clause 2(1) “his time to the duties of his office, that provision shall not operate to disqualify him” and substituting “his or her time to the duties of his or her office, that provision does not operate to disqualify him or her”;
- (d) by omitting from clause 3 “his” twice occurring and substituting “his or her”;
- (e) by omitting from clause 4(1)(a) “he” and substituting “he or she”;
- (f) by omitting paragraph (b) from clause 4(1) and substituting the following paragraph:
  - (b) if he or she becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors, or makes an assignment of his or her remuneration or estate for their benefit;
- (g) by omitting from clause 4(1)(d) “he” three times occurring and substituting “he or she”;
- (h) by omitting from clause 4(1)(e) “he” and substituting “he or she”;
- (i) by omitting paragraph (f) from clause 4(1) and substituting the following paragraph:
  - (f) if he or she resigns from office by writing under his or her hand addressed to the Governor and the

Governor accepts the resignation;  
or

- (j) by omitting from clause 4(1)(g) “he” and substituting “he or she”;
- (k) by omitting from clause 5 “his” and substituting “his or her”.

**Schedule 3 amended (Provisions with Respect to Membership of Board)**

**84.** Schedule 3 to the Principal Act is amended as follows:

- (a) by omitting from the heading “**MEMBERSHIP**” and substituting “**DIRECTORS**”;
- (b) by omitting the definitions of “appointed member” and “member” from clause 1 and substituting the following definitions:
  - “**appointed director**” means a director of the Board other than the chief forest practices officer;
  - “**director**” means a director of the Board and includes the chairperson.
- (c) by omitting from clause 1A “member” and substituting “director”;
- (d) by omitting from clause 1A “member’s” and substituting “director’s”;
- (e) by omitting from clause 2(a) “member” and substituting “director”;

- (f) by omitting from clause 2(b) “member” and substituting “director”;
- (g) by omitting from clause 2A “member if the member” and substituting “director if the director”;
- (h) by omitting from clause 2A(b) “member” and substituting “director”;
- (i) by omitting from clause 2A(c) “member’s” twice occurring and substituting “director’s”;
- (j) by omitting from clause 2B “member” and substituting “director”;
- (k) by omitting from clause 3(1) “member” and substituting “director”;
- (l) by omitting from clause 3(2) “member” and substituting “director”;
- (m) by omitting from clause 4(2) “member” and substituting “director”;
- (n) by omitting from clause 5(1)(a) “member” twice occurring and substituting “director”;
- (o) by omitting from clause 5(1)(b) “member’s” and substituting “director’s”;
- (p) by omitting from clause 5(1) “member” third occurring and substituting “director”;
- (q) by omitting from clause 5(1) “member’s” second occurring and substituting “director’s”;
- (r) by omitting from clause 5(2) “member” and substituting “director”;
- (s) by omitting from clause 5(3) “member” twice occurring and substituting “director”.

**Schedule 4 amended (Provisions with Respect to Meetings of Board)**

**85.** Schedule 4 to the Principal Act is amended as follows:

- (a) by omitting clause 1 and substituting the following clause:

**Interpretation**

**1.** In this Schedule –

**“director”** means a director of the Board and, unless the contrary intention is shown, includes the chairperson.

- (b) by omitting from clause 2 “members” and substituting “directors”;
- (c) by omitting from clause 3(1) “Three members” and substituting “Four directors”;
- (d) by omitting from clause 3(3) “members” and substituting “directors”;
- (e) by inserting in clause 4(2) “the deputy chairperson or, if a deputy chairperson has not been elected or is not present,” after “Board,”;
- (f) by omitting from clause 4(2) “member” and substituting “director”;
- (g) by omitting from clause 4(2) “members” and substituting “directors”.

**Schedule 5 amended (Provisions with Respect to Membership of Council)**

**86.** Schedule 5 to the Principal Act is amended as follows:

- (a) by omitting clause 1 and substituting the following clause:

**Interpretation**

**1.** In this Schedule, “**member**” means a member of the Council.

- (b) by omitting from clause 2 “An appointed member” and substituting “A member”;
- (c) by omitting from clause 4 “an appointed member” and substituting “a member”;
- (d) by omitting from clause 5 “An appointed member” and substituting “A member”;
- (e) by omitting subclause (2) from clause 6 and substituting the following subclause:

**(2)** All acts and proceedings of the Council or of a person acting under a direction of the Council are, despite the subsequent discovery of a defect in the appointment of a member or that any person was disqualified from acting as, or incapable of being, a member, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Council had been fully constituted.

**Schedule 6 amended (Provisions with Respect to Meetings of Council)**

**87.** Clause 3(1) of Schedule 6 to the Principal Act is amended by omitting “Four members” and substituting “Five members”.

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*Forest Practices Amendment  
(Administrative Reform)*

2004

**Schedule 7 amended (Objective of the Forest Practices System of Tasmania)**

**88.** Schedule 7 to the Principal Act is amended by inserting after paragraph (e) the following paragraph:

- (ea) an emphasis on research, review and continuing improvement; and