

TASMANIA

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

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FOREST MANAGEMENT (CONSEQUENTIAL AMENDMENTS) BILL 2013

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.

P. R. ALCOCK, *Clerk of the House*
24 September 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

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does not prevent that provision or any other provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.

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This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.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