

FOREST MANAGEMENT BILL 2013

CLAUSE NOTES

Clause 1 Short title and citation.

Clause 2 The Act commences on a day to be proclaimed.

Clause 3 This clause provides definitions for the purpose of the Act.

Key definitions are:

forest operations – which is taken from the *Forestry Act 1920* but amended to clarify that this activity enables the Forest Manager to undertake the range of activities it requires in order to fulfil its core functions of undertaking forest operations on permanent timber production zone land for the purpose of selling forest products.

forest road – again taken from the *Forestry Act 1920* but amended to ensure that it is clear that the forest road network extends beyond the land under the direct management and control of the Forest Manager.

All existing forest roads will continue to be forest roads, including those forest roads that are in forest reserves that will become regional reserves or conservation areas under the Act.

The ability to construct and use new forest roads on land that is not permanent timber production zone land is necessary to enable the Forest Manager to access timber resources on permanent timber production zone land where such lands might be isolated from other parts of the production estate by non-production land.

permanent timber production zone land – this covers all the land that is now State Forest (except for the majority of forest reserves), plus any Crown land that Parliament determines should be permanent timber production zone land and any land purchased or acquired by the Forestry Corporation.

Clause 4 This clause provides that except as provided, the Act does not apply to certain types of land under both the *Nature Conservation Act 2002* and the *Crown Lands Act 1976*.

Any Crown land that is not a public reserve is not affected by that exclusion. Any Crown land that is not a public reserve can be made into permanent timber production zone land by the provisions set out in the Bill.

Clause 5 This clause provides that any permanent timber production zone land that is Future Reserve Land under the *Tasmanian Forests Agreement Act 2013* is to be dealt with under the *Tasmanian Forests Agreement Act 2013*.

The Future Reserve Land is still part of the permanent timber production zone land until that land is declared to be reserve land under the *Nature Conservation Act 2002*.

This provision makes it clear that this Act is not overriding the *Tasmanian Forests Agreement Act 2013*.

Clause 6

This clause provides that the Forestry Corporation established under the *Forestry Act 1920* continues to exist under this Act.

Clause 7 This clause provides that the Forestry Corporation is the Forest Manager and has the powers and functions specified and applies sections 9 and 10 of the *Government Business Enterprises Act 1995* to the Forestry Corporation in exercising its powers as the Forest Manager.

Section 9 of the *Government Business Enterprises Act 1995* sets out the powers of Government Business Enterprises. Section 10 sets out the limitations on those powers.

This clause is to ensure that although the Forestry Corporation is the Forest Manager it is also a Government Business Enterprise.

Clause 8 This clause provides for the functions of the Forest Manager.

Clause 9

This clause provides for the powers of the Forest Manager.

The functions of the Forest Manager are limited by the fact that as Government Business Enterprise, the Forestry Corporation (which is the Forest Manager) has to operate within the requirements of sections 9 and 10 of the *Government Business Enterprise Act 1995*.

Clause 10 This clause provides that the Minister may, by order, declare Crown land to be permanent timber production zone land.

The Minister must obtain advice from the Forest Manager that land to be declared is required for the supply of forest products.

The order along with that advice must be tabled in both Houses of Parliament within 5 sitting days of the order being made. The order has no effect unless it is accepted by both Houses of Parliament.

Both Houses of Parliament can move a motion to reject or accept the order, or if 5 sitting days elapse in both Houses and no motion to disallow the order has been moved in both Houses, the order is taken to have been accepted by both Houses of Parliament.

The clause provides that once the order is accepted by Parliament the land specified in the order becomes permanent timber production zone land.

It is not expected that this clause would be used other than for small areas of Crown land.

Clause 11 This clause provides that the Minister may, by order, revoke land as being permanent timber production zone land.

The Minister is required to obtain advice from the Forest Manager on the impact of revoking the land as permanent timber production zone land on the capacity of the Forest Manager to meet the annual supply of veneer and sawlog requirements and to supply logs to the holder of a forestry compensation certificate issued under the *Tasmanian Forests Agreement Act 2013*.

The Minister must lay a revocation order and the required advice before each House of Parliament within 5 sitting-days after the revocation order is made.

The order has no effect unless it is accepted by both Houses of Parliament.

Both Houses of Parliament can move a motion to reject or accept the order or if 5 sitting days elapse in both Houses and no motion to disallow the order has been moved in both Houses the order is taken to have been accepted by Parliament.

If the order is accepted by Parliament the land specified in the order becomes Crown land for the purposes of the *Crown Lands Act 1976*.

A revocation order is not required for any permanent timber production zone land that is not Crown land that is sold or disposed of by the Forestry Corporation. Once sold or disposed of that land is no longer permanent timber production zone land.

This would apply to private or freehold land, for example the freehold land that the Forestry Corporation holds in respect of areas of plantation forests it has acquired over time.

In addition, this whole clause does not apply to Future Reserve Land and, therefore, cannot be used to circumvent the *Tasmanian Forests Agreement Act 2013*.

There was a similar type of process under the *Forestry Act 1920* which provided for Parliamentary approval for revoking the status of State forest.

Clause 12 This clause provides that any land purchased or acquired by the Forestry Corporation automatically becomes permanent timber production zone land.

This provision is consistent with similar provisions contained within the *Forestry Act 1920*.

Clause 13 This clause provides that the Forest Manager must perform its functions and exercise its powers to allow access to permanent timber production zone land where this is not incompatible with the management of that land.

This is consistent with the requirements on the Forestry Corporation under the *Forestry Act 1920*.

Clause 14 This clause provides that the Forestry Manager may charge fees to access the permanent timber production zone land with the approval of the Minister.

There were powers under the *Forestry Act 1920* to charge fees but this clause clearly requires any fees that the Forestry Corporation may seek to charge people to use the permanent timber production zone land for recreational or commercial purposes need to be approved by the Minister.

Clause 15 This clause provides that the Forest Manager must perform its functions consistent with forest management principles in the Forest Practice Code and that this is a contribution to sustainable forest management by the Forest Manager.

Clause 16 This clause requires the Forest Manager to supply the veneer and sawmilling industries annually with a minimum aggregate quantity of eucalypt veneer and sawlogs from the permanent timber production zone land and sets the minimum aggregate level of supply at 137,000 cubic meters or another quantity if that quantity is set in regulations.

This reflects the *Forestry Act 1920* as amended by the *Tasmanian Forests Agreement Act 2013*.

It relates only to the provision of that level of supply in relation to the high quality veneer and sawlogs set out in the regulations.

Clause 17 This clause provides for the appointment of timber classification officers by the Forest Manager.

This provision is contained within the *Forestry Act 1920*.

Clause 18 This clause sets out that the Forestry Manager can construct and maintain drains and watercourses on land that adjoins or is near to permanent timber production zone land.

The Forest Manager is to notify in writing the owner and occupier of the land of the Forest Manager's intention to enter the land to undertake construction and maintenance.

The Forest Manager must pay compensation to the owner and occupier of the land for any damage or loss through the construction or maintenance of a drain or watercourse by the Forest Manager.

The compensation payable is to be determined in the same manner as a disputed claim under the *Land Acquisition Act 1993*.

This clause only applies to land that is not Crown Land, land owned or occupied by a government business enterprise, or land owned by any other person or body.

This provision is consistent with similar provisions contained within the *Forestry Act 1920*.

Clause 19 This clause provides that the Forest Manager may construct and maintain forest roads, works and other facilities in the permanent timber production zone land or for access to that land.

 This provision is consistent with similar provisions contained within the *Forestry Act 1920*.

Clause 20 This clause provides that the Forest Manager does not incur any liability if it fails to keep a forest road in repair for pedestrians or vehicles using that road.

This provision is consistent with similar provisions contained within the *Forestry Act 1920*.

Clause 21 This clause provides that the Forest Manager may erect sign on or in respect of forest roads, or on permanent timber production zone land.

A person must not undertake activities or or engage in conduct contrary to the direction expressed on a sign authorised by the Forest Manager.

This subclause includes a fine of 20 penalty units.

The Forest Manager can certify in writing that a sign was authorised by the Forest Manager and this certificate is admissible as evidence that the sign was authorised.

If a police officer reasonable considers a person is undertaking an activity or engaging in conduct contrary to an authorised sign the police officer may direct that person to leave a forest road or other land in the permanent timber production zone land. A person must comply with a direction given by a police officer.

This subclause includes fines of 20 penalty units.

As the Forestry Manager has an obligation to ensure access to the permanent timber production zone land where it is not incompatible with the Forest Manager carrying out its responsibilities under the Act

it is necessary to have powers to control and regulate access in line with its obligations as set out in the Act.

These provisions will allow the Forestry Manager to continue to be able to control and manage access to permanent timber production zone land in order to undertake its responsibilities and to protect the safety of people.

Clause 22 This clause provides for the appointment of authorised officers by the Forest Manager.

Authorised officers may request to persons not to enter and to leave permanent timber production zone land or a forest road, or cease an activity or engage in conduct where they are of the opinion that the activity or conduct is preventing or would prevent the Forest Manager from performing its functions.

An authorised officer may prohibit a person from entering or remaining in an area of permanent timber production zone land if the area has been declared an extreme fire hazard, or the area is one where another person has exclusive possession, or there is risk to the persons safety.

Failure to comply with such requests from an authorised officer is an offence. There are fines of 20 penalty units for these offences.

A person must not without lawful excuse, undertake an activity or engage in conduct on permanent timber production zone land or a forest road contrary to the directions of a police officer. There is a fine of up to 20 penalty units applying to this provision.

A certificate signed by the Forest Manager stating that a person was an authorised officer is admissible as evidence of that authorisation in any proceedings under this clause.

These provisions are consistent with similar provisions contained within the *Forestry Act 1920*.

There are authorised officer provisions in relation to owned businesses in other Tasmanian legislation.

The powers in this clause can be exercised in the interest of safety, or if those persons activities or conduct is preventing, or would prevent, the Forest Manager from performing its functions. This is to ensure that persons undertaking lawful activity are able to go about their business as they are required to do without disruption. This will help protect the Forestry Corporation and its employees, or persons that the Corporation has allowed to access the permanent timber production zone land or forest roads.

Clause 23 This clause provides the Forest Manager may close a forest road, or a section of a forest road, to pedestrians or vehicles to discharge its responsibility or in the interests of safety by means of a sign, or barricades or a combination of both.

A person must not drive or use a vehicle, or be on a closed forest road or the section of the forest road that has been closed.

The Forest Manager can certify in writing that at a particular time a forest road, or a section of forest road, was closed and this certificate is admissible as evidence that the forest road, or a section of a forest road, was closed.

This provision is consistent with similar provisions contained within the *Forestry Act 1920* and assist the Forest Manager undertake its functions.

Clause 24 This clause establishes that the consent of the Forest Manager is required for the conversion of forest roads to roads under both the *Roads and Jetties Act 1935* and the *Local Government (Highways) Act 1982*.

When a forest road is converted to either a State highway or subsidiary road or highway under the *Local Government (Highways) Act 1982* the land on which the converted road is situated ceases to be permanent timber production zone land when the forest road is converted.

This provision is consistent with the current provision within the *Forestry Act 1920*.

Clause 25

This clause provides that laws that would prohibit or restrict the use of a vehicle above a certain mass, weight or dimensions on a forest road do not apply to such vehicles on a forest road.

This provision is consistent with the current provision within the *Forestry Act 1920*.

The term “combination” is defined as meaning a motor vehicle connected to one or more trailers.

Clause 26 This clause provides that the Forest Manager may grant easements over Crown land in the permanent timber production zone land.

This provision is consistent with the current provision within the *Forestry Act 1920*.

Clause 27 This clause provides that the *Land Acquisition Act 1993* applies to the Forestry Corporation and that the Forestry Corporation is an acquiring authority under that Act.

The *Forestry Act 1920* did contain provisions that allowed the Minister to compulsorily acquire land for the Forestry Corporation.

This provision now provides that the Forestry Corporation is an acquiring authority under the *Land Acquisition Act 1993* and can access and is bound by the provisions of that Act itself rather than have a Minister undertake compulsory acquisition on its behalf.

Clause 28 This clause provides that the Forest Manager can apply an alternative to the prosecution of a person for an offence involving a forest product.

This provision is consistent with the current provision within the *Forestry Act 1920*.

The types of offences that this clause refers to are where persons may be taking wood without authority as fire wood, or for some other purpose.

It may not always be practicable to institute formal police proceedings against a person for taking wood without authority so this alternative mechanism can provide a very useful means of dealing with such an offence.

Clause 29

This clause provides that a person engaged in forest operations must take reasonable measures to protect the area of permanent timber production zone land from fire and promptly check and suppress any fire in the area.

A person can carry out reasonable and controlled burning off if approved in writing by the Forest Manager as part of forest operations, or for the purpose of land management or fire safety.

If requested by a police officer, or an employee of the Forest Manager, a person engaged in forest operations on permanent timber production zone land must provide reasonable assistance to the Forest Manager to check and suppress any fire that threatens the area.

This provision is consistent with the current provision within the *Forestry Act 1920*.

Clause 30

This clause provides that a person has no claim against the Crown or Forest Manager or cannot claim for breach of contract against the Forest Manager or terminate a contract or make a claim for any other remedy if the Forest Manager is required to provide information to the Minister or the Treasurer under section 58 of the *Government Business Enterprises Act 1995*.

Section 58 of the *Government Business Enterprises Act 1995* provides the power to the Portfolio Minister and the Treasurer to request information from a Government Business Enterprise.

It is sometimes necessary for information to be provided to the Government (as the shareholders of government businesses) on the operation and decisions of its businesses. For example, in seeking to approve additional functions for the Forest Manager under this Act it may be necessary for the additional information to be provided to the Minister and the Treasurer in order to inform that decision.

This protects the Forestry Corporation from claims like a breach of contract where the Forest Manager has to comply with such a request made through section 58 of the *Government Business Enterprises Act 1995*.

Clause 31 This clause provides that an employer is guilty of an offence if their agent or employee is guilty of an offence under this Act and liable to penalty unless the employer could not reasonably have prevented the employee or agent from committing the offence.

This provision is consistent with the current provision within the *Forestry Act 1920*.

Clause 32 This clause provides for the transfer of assets, rights or liabilities for the Forestry Corporation to another person or body and that sections 10A(1), (3) and (4) and Schedule 1A of the *Government Business Enterprises Act 1995* apply to any transfer.

This clause principally provides an additional transfer mechanism should any asset, right or liability associated with those forest reserves being declared as reserves under the *Nature Conservation Act 2002* need to be transferred.

Sections 10A(1), (3) and (4) of the *Government Business Enterprises Act 1995* defines assets, rights and liabilities and that transfer notices may include terms and conditions and apply the requirements of Schedule 1A of the *Government Business Enterprises Act 1995* to those notices.

Schedule 1A sets out when a notice is to take effect, what happens at that time and what requirements and impacts are (or are not) to apply in respect of those notices.

Clause 33

For Forestry Corporation employees who resign from the Corporation and are appointed to a position with the Department responsible for the *National Parks and Reserves Management Act 2002* (currently the Department of Primary Industries, Parks, Water and Environment) their period of service with the Forestry Corporation is taken to be continuous employment with the State Service for the purposes of the *Long Service Leave (State Employees) Act 1994* and calculating any redundancy payment if they are made redundant from the State Service.

Forestry Corporation employees who take up those positions can elect not to take a payment for their long service leave entitlements from the Corporation when they resign from the Corporation.

Under section 12(4) of the *Long Service Leave Act 1976* an employee, if their employment is terminated for any reason, is entitled to receive a payment for their long service leave entitlement. Similarly, under section 20(2) of the *Long Service Leave (State Employees) Act 1994*, an employee is entitled to an allowance for the period of long service leave they would have been entitled to before ceasing their employment.

The ability to elect not to be paid out for their entitlement with the Forestry Corporation will allow those Forestry Corporation employees being appointed to positions in DPIPWE to have their long service leave recognised in their employment under the *State Service Act 2000*.

Forestry Corporation employees entitled to long service leave with the Corporation on their resignation are entitled when they are appointed to the State service to the amount of long service leave they would have with the Corporation had if they had not resigned from the Corporation, and have not received any payment for their long service leave with the Corporation.

The method of calculating the long service leave of those Forestry Corporation employees entitled to long service leave on resignation is that it can be no more than the amount from their employment with the Forestry Corporation plus any long service leave they accrue from the date of their appointment under the *State Service Act 2000*. The latter amount is not to include the years of service of the employee with the Forestry Corporation. This is to ensure that the employee cannot claim additional long service leave with the State service for their service with the Forestry Corporation.

This clause also provides that persons who are not entitled to, or eligible for, long service with the Forestry Corporation because they have not meet the requirements to complete 10 years of continuous employment with the Corporation are entitled to long service leave once their combined years of service with the Corporation and the State service reach 10 years.

The amount of leave is calculated by combining the numbers of weeks of long service leave (determined from their years of service with the Corporation) together with the number of days of long service leave from their employment with the State Service.

For any Forestry Corporation employees who are not entitled to long service leave under section 8(2)(a)(ii) of the *Long Service Leave Act 1976* because they have not reached the next accrual date for long service leave under that Act, is to be entitled to that period of long service leave on appointment to the State Service.

The amount of that long service leave is to be no more than what that person would receive under the *Long Service Leave Act 1976* based on their years of continuous service with the Forestry Corporation.

If a person has taken or exhausted any of their long service leave to which they were entitled with the Forestry Corporation, the amount taken or exhausted must be deducted from the amount of the person is entitled to in their position with the State service.

This clause provides that access to these provisions only applies if period between the employee's resignation and the commencement of their employment with the Department of Primary Industries, Parks, Water and Environment is not longer than 3 months.

An additional provision has been included to ensure that if a Forestry Corporation employee has received payment for their long service leave accrued in that person employment with the Corporation that amount of long service leave cannot be recognised as long service leave that person would be entitled to on their appointment to the State Service.

Clause 34 This clause provides that if a Forestry Corporation employee resigns and takes up a position with the Department of Primary Industries, Parks, Water and Environment within three months of their resignation their superannuation entitlements are not affected.

This clause provides that access to this provision also only applies if the period between the employee's resignation and the commencement of their employment with the Department of Primary Industries, Parks, Water and Environment is not longer than 3 months.

Clause 35 This clause provides for the making of regulations under the Act.
Regulations can be made to determine when clauses 33 and 34 cease to have effect.

This provides the capacity to limit the time that persons taking up positions with the Department of Primary Industries, Parks, Water and Environment have access to the provisions set out at clauses 33 and 34.

This is because clauses 33 and 34 are only to apply to a recruitment program offered to employees of the Forestry Corporation by the Department of Primary Industries, Parks, Water and Environment for positions that Department has identified are required to manage the forest reserve estate that will be declared as a result of this Act to be either regional reserves or conservation areas and which would then come under the management of that Department through the *Nature Conservation Act 2002*.

The provisions of clauses 33 and 34 are not intended to apply to any employee who might take up a position outside of that particular program.

The current *Forestry Regulations 2009* still have force and are not repealed or otherwise impacted by this Act.

Clause 36 This clause provides for the assignment of the administration of this Act to the Minister for Energy and Resources and the Department of Infrastructure, Energy and Resources.

Clause 37 This clause provides that Schedule 1 has effect.

Clause 38 This clause provides that Schedule 2 has effect.

Clause 39 This clause provides that Schedule 3 has effect.

Clause 40 This clause provides that the legislation in Schedule 4 is repealed.

Schedule 1

Clause 1 This clause defines the term commencement day as used in this Schedule which is the day the Act commences.

Clause 2 This clause provides for the transition of all estates, interest in land other property and rights, obligations and liabilities to the Forestry Corporation continued under this Act.

As FT continues as a Corporation this ensures that these matters remain with the Forestry Corporation.

Clause 3 This clause provides that any act or thing done by or to or involving the Forestry Corporation survives and continues as an act, or thing done by the Forestry Corporation when the Act commences.

Clause 4 This clause provides that all legal and other proceedings continued or instituted by or against the Forestry Corporation can be continued or instituted by or against the Forestry Corporation continued under this Act.

This is to ensure that any legal proceedings now underway involving the Forestry Corporation are not disrupted or inadvertently ended by the introduction of this legislation.

Clause 5 This clause provides that any contract, agreement, arrangement or undertaking entered into by the Forestry Corporation is, if it has not been executed, discharged, otherwise terminated before this Act commences, is a contract, agreement, arrangement or undertaking entered into by the Forestry Corporation continued under this Act.

Clause 6 This clause provides that any lease, licence, permit or other authority granted by the Forestry Corporation if not surrendered, released, discharged or terminated before this Act commences is taken to be a lease, licence, permit or other authority granted by the Forestry Corporation continued under this Act.

This is to ensure that any lease or permit or licence issued by the Forestry Corporation and now in force can continue to be in force once the new legislation commences.

This will ensure that people can continue to enjoy the rights and privileges authorised by those permits or licences as the new legislation continues and that those matters are not inadvertently terminated or affected by the repeal of the *Forestry Act 1920* and the commencement of this new Act.

Clause 7 This clause provides that the person holding the position of Chief Executive Officer before this Act commences continues to hold that position on the same terms and conditions on and after this Act commences.

This ensures that the Chief Executive Officer of the Forestry Corporation can continue on in that position when the Act commences and that there is no doubt about that continuation despite the *Forestry Act 1920* being repealed.

Clause 8 This clause provides that existing forestry rights within the meaning of the *Forestry Act 1920* continue to exist under the new Act.

This provision ensures that those rights can continue to be exercised by the holders of those rights under the new Act.

The intention is not to end or interfere with forestry rights held by people under the *Forestry Act 1920*. This does not impact or involve any forestry rights held by persons under any other legislation. It is limited only to those forestry rights as defined by the *Forestry Act 1920*.

Clause 9 This clause provides that a person employed by the Forestry Corporation before this Act commences continues to be employed by the Forestry Corporation continued by this Act on the same terms and conditions on and after this Act commences.

This is to ensure that people currently employed by the Forestry Corporation and who will continue to be employed by the Corporation do not have that employment disrupted by the change in the legislation.

Clause 10 This clause provides that a person holding the position of a timber classification officer before this Act commences is taken to have been appointed as a timber classification officer under this Act on the same terms as before this Act commences.

This will ensure that timber classification officers will continue to be able to go about their work without disruption and without the need for them to be reappointed to their positions due to the change in legislation.

Clause 11 This clause provides that any arrangement entered into under the *Forestry Act 1920* and in force before this Act commences continues in force on the same terms and conditions as though it had been made by the Forestry Corporation continued by this Act.

An arrangement may not be extended after the terms specified in that arrangement without the written approval of the Minister and the Treasurer. This brings these arrangements in line with the *Government Business Enterprises Act 1995*.

This is to ensure that joint ventures to which the Forestry Corporation is a party can continue on for as long as the terms of those joint ventures allow.

It is not intended that these arrangements can be extended beyond the particular terms of any specific joint venture. However, this can be accommodated for if the Minister and Treasurer approves any such extension in writing.

Future joint ventures will not be entered into through this Act but would need to be approved in accordance with the *Government Business Enterprises Act 1995*.

Clause 12 This clause provides that any sign erected under the *Forestry Act 1920* is taken to have been erected under this Act.

This is to ensure that there is no need for the Forestry Corporation to change or remove any of signs that are currently in place for land that is to become permanent timber production zone land.

Clause 13 Any forest road closed under the *Forestry Act 1920* is taken to have been closed under this Act.

This is to ensure that decisions of the Forestry Corporation to close a forest road are not overturned by the change in legislation.

Schedule 2

Clause 1 This clause provides that certain land that was State forest under the *Forestry Act 1920*, except for land dedicated as forest reserves, becomes permanent timber production zone land under this Act.

This provides that the forest reserve land in the table in this Schedule becomes permanent timber production zone land.

These lands will be managed as informal reserves by the Forestry Corporation under its management decision classification system.

Schedule 3

Clause 1 This clause sets out the definition of the abbreviations CA and RR as used in the table in the Schedule.

CA is an abbreviation of the term conservation area.
RR is an abbreviation of the term regional reserve.

Clause 2 This clause provides that land that was State forest under the *Forestry Act 1920* and was dedicated as a forest reserve and included in the table in this Schedule ceases to be dedicated as a forest reserve, ceases to be dedicated as State Forest and is declared to be a class of regional reserve or conservation area as set out in column 4 and is given a name as listed in column 5 of the table.

The management objectives of regional reserves and conservation areas are virtually identical to forest reserves.

This allows all existing and future uses and rights in relation to forest reserves to be managed in accordance with the same objectives that currently exist on the areas being declared as regional reserves or conservation areas by this provision.

Clause 3

This clause provides that any lease, licence, occupation permit or easement existing and entered into before this Act commences in relation to the land in the table of this Schedule remains in force until it expires, is surrendered, released, discharged or terminated.

Any such authority is to be administered by the Department responsible for the *National Park and Reserves Management Act 2002*.

Any lease, licence or temporary licence granted by the *Crown Lands Act 1976* and in existence before the commencement of this Act continues to have effect.

Any contract for the sale of Crown land and not discharged or terminated before this Act commences continues to have effect.

Clause 4 Any contract, agreement, arrangement or undertaking entered into by the Forestry Corporation before this Act commences in relation to land in this table remains in force until it expires, is surrendered, released, discharged or terminated and it taken to have been entered into by the Crown.

Clause 5 This provides that any management plan made under the *National Parks and Reserves Management Act 2002* in relation to the land that is declared to be either a regional reserve or conservation area by clause 2 of this Schedule is continued as if it were a management plan for a class of reserve under the *Nature Conservation Act 2002*.

Some forest reserves being declared as regional reserves or conservation areas by this Act have management plans over them developed and approved in accordance with the *National Parks and Reserves Management Act 2002*. These management plans ensure that these forest reserves that lay within the World Heritage Area have the world heritage management plan applied to them.

Continuing these plans over these areas ensure the ongoing application of the world heritage management plans in these places. Without this provision those plans might otherwise be removed given that this Act no longer provides for the continuation of forest reserves.

Clause 6

This clause provides that the *Mineral Resources Development Act 1995* does not apply to certain land as identified in column 6 of the table in this Schedule.

The *Mineral Resource Development Act 1995* (MRDA) does not automatically apply to all forest reserves.

However, for some 90 per cent of forest reserves the *Mineral Resource Development Act 1995* has been applied to those lands meaning that mineral exploration and mining is now permitted on that land. For the remaining 10 per cent the *Mineral Resource Development Act 1995* still does not apply.

The provisions preserve the application of the *Mineral Resource Development Act 1995* to each reserve as it is now once those forest reserves become regional reserves or conservation areas under clause 2 of this Schedule.

Schedule 4

This Schedule details the legislation to be repealed by this Act.

The repeal of the notices is required as those notices no longer have effect as the provisions of the *Forestry Act 1920* that they were issued under have been repealed.

The *Forestry Amendment (Miscellaneous) Act 1999* made a series of amendments to the *Forestry Act 1920* – for example it introduced provisions relating to the appointment of timber classification officers, fire protection provisions and those provisions relating to the conversion of forest roads.

All the amendments of the amendment Act have been incorporated into the *Forestry Act 1920* and since that Act is being repealed it does not require the amendment Act to also continue, therefore this Schedule repeals the amending Act.