

DRAFT SECOND READING SPEECH

HON FELIX ELLIS MP

Forestry (Miscellaneous Amendment) Bill 2023

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I move that the Bill now be read a second time.

The purpose of the Forestry (Miscellaneous Amendment) Bill 2023 is to amend the *Forest Practices Act 1985* and the *Private Forests Act 1994* to improve and streamline Tasmania's private forestry management arrangements and ensure that our private forest resources are managed effectively and efficiently.

These proposed changes have been consolidated into the Forestry (Miscellaneous Amendments) Bill 2023. There are 11 amendments in total which can be grouped under the following three desired outcomes:

- Reducing red tape and improving the efficiency of the private timber reserve application process;
- Making the private forests service levy fairer and more equitable; and
- Modernising and clarifying other aspects of legislation relating to private forests and Private Forests Tasmania.

The amendments contained in this Bill in no way compromises the management of our forests. Rather, the amendments serve to streamline processes, and are in line with the Government's policy to reduce administrative costs, reduce red tape and update what are now superseded references in the *Private Forests Act 1994*.

Apart from minor consequential amendments, legislation pertaining to private forestry has not been substantially amended or updated in 20 years. Consistent with the Tasmanian Government's commitment to cutting red tape, the Board of Private Forests Tasmania (PFT) has undertaken a legislative reform project to identify miscellaneous legislative changes resulting from internal reviews and issues raised by private forestry stakeholders.

A private timber reserve is private land set aside for forestry purposes registered on a landowner's title. A private timber reserve secures the right to use the land for forestry purposes in the long-term, however any forestry operations on the land are still subject to regulation under the Forest Practices System. Currently a private landowner can apply under Part 2 of the Forest Practices Act to have their land declared as a private timber reserve. The application is in two parts, Part 1 to be completed by the applicant (landowner) and Part B,

completed by a person authorised by the Forest Practices Authority (FPA) Board which provides details on vegetation cover and on any natural or cultural values on the land.

Following a detailed assessment by the FPA Board, applicants are recommended by the FPA Board to the Governor declaring a private timber reserve on the land.

The introduction of a new section 4ZB will bring clarity to land boundary size. A minor boundary extension will be defined as an existing private timber reserve that is proposed to increase in size by no more than 10 per cent or 40 hectares, without any part of a new boundary being within 50 metres of a neighbouring property.

The proposal is for such an application to be assessed and determined by the FPA Board in much the same way, however without requiring the public notification phase and the opportunity for objections or appeals from prescribed persons. These amendments are highlighted by amendments to section 6 and 7 of the principal Act.

To negotiate the frequency of minor boundary extensions for private timber reserves a new Section 8 shall be inserted into the principal act, allowing only one extension in every three-year period.

Section 10 and Section 11 of the Act outlines the process for the FPA Board to recommend to the Governor that a private timber reserve be declared and Section 13 and 14 provides a similar process for revocations of private timber reserves. There is no legal or practical reason why the declaration of a private timber reserve needs to involve the Governor. Amendments focus on streamlining this process by the FPA Board to declare a private timber reserve. This will reduce the time it takes to process applications and result in efficiency gains for PFT, the FPA and the applicant. The legal status and land use provisions that apply to the private timber reserves will not change.

The provision of compensation as outlined in Section 16 of the *Forest Practices Act 1985* is to be repealed. More modern compensation provisions apply and are currently in force under section 41 of the *Nature Conservation Act 2002* and the *Public Land (Administration and Forests) Act 1991*. The repeal of this provision will have no practical impact on landowners and compensation for losing access to timber on their land will remain.

The Bill also clarifies and aligns the definition of forestry rights so rights holders under the *Forestry Rights Registration Act 1990* will be recognised by the *Forest Practices Act 1985* in a similar way to rights holders under the *Forest Management Act 2013*.

Amendments to the *Private Forest Act 1994* include a suite of amendments to Section 6 of the Act, which aim to modernise and update the Private Forest Tasmania legislative functions. This underpins the objectives of Private Forests Tasmania to facilitate and expand the development of the private forest resource in Tasmania in a manner which is consistent with sound forest land management practice.

Sections 25B(b) and (c) are amended by the definition of 'nett area of forest operation' to remove the requirement for landowners to pay the levy where the first rotation planting is on previously cleared ground (non-forest).

A new Section 25K is inserted in Division I, where the Authority may, in such circumstances as the Authority determines, waive all or part of a levy payable.

The levy will no longer be a financial disincentive to farm foresters, to establish a new plantation and will encourage the integration of more trees into the agricultural landscape.

The *Private Forests Act 1994* contains several references to “Stakeholder Minister” particularly in relation to consultation requirements when drafting Private Forest Tasmania’s Ministerial charter (Section 19A) corporate plans (Section 19D & 19E), annual reports (Section 32E) and quarterly reports (Section 32G and section 32H). Stakeholder Minister is no longer defined in the relevant legislation, so removing the references from the Act will have no practical or legal consequences and is considered a routine administrative tidy up.

An outdated legislative requirement for written quarterly reports will be removed from the *Private Forests Act 1994* to enable more contemporary and flexible reporting arrangements. The formal requirements for Annual reporting will remain.

Additionally, the Bill will modernise the passing of Private Forests Tasmania Board resolutions without a meeting being convened to accommodate modern forms of communications such as email and will also remove the requirement to prepare quarterly reports for the Minister. All other reporting requirements, including the Annual Report, will not change.

The final amendments relate to consequential amendments to the *Private Forests Act 1985*, including grammatical and spelling errors and identified superseded legislative requirements.

Mr Speaker, extensive consultation was undertaken by Private Forests Tasmania, including public consultation and face-to-face meetings with key stakeholder groups.

As the Minister for Resources, I am committed to these changes which will support our industry in remaining efficient and world class.

These amendments are not onerous, and as noted earlier, serve to improve and strengthen Tasmania’s Forest management arrangements, in relation to private forestry, and ensure that our private forest resources are managed effectively and efficiently.

Mr Speaker, this is an important Bill and I wish to thank the Office of Parliamentary Counsel for its work in delivering this Bill to the Parliament.

Mister Speaker, I commend this Bill to the House.