

DRAFT SECOND READING SPEECH

HON SARAH COURTNEY MP

Forest Practices Amendment Bill 2018

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

The Forest Practices Amendment Bill has been introduced by the Government to provide for the updating of the forest practices system in Tasmania, and for improvements in the efficiency and effectiveness of this important regulatory framework.

The forest industry continues to provide significant levels of employment in Tasmania, both in the forest operations side and the associated downstream industries. Updates as provided for in this Bill will improve the clarity of regulatory practices in the forest operations sector for both the regulator and the industry participants.

Madam Speaker, the forest practices system has evolved over more than 25 years to become a complex system with many inter-related elements. The system recognises the many values that forests have and it is designed to ensure the reasonable protection of natural and cultural values when forest practices are carried out. The forest practices system regulates forest practices which are the processes involved in establishing forests, growing or harvesting timber, clearing trees or clearing and converting native vegetation communities and associated works such as construction of roads and the development and operation of quarries.

The key objective of the Tasmanian forest practices system is to achieve sustainable management of public and private forests with due care for the environment.

Importantly, the forest practices system is based on a co-regulatory approach, involving self-management by the industry, with monitoring and enforcement by the Forest Practices Authority.

The Forest Practices Authority has the legislated function to implement and review the Act and undertake a role to implement continual improvement to the forest practices system. Through a process of ongoing review, a number of required amendments to the Act have been identified, that are necessary to ensure that the operational efficiency and effectiveness of the forest practices system in Tasmania can continue to be realised.

Madam Speaker turning to specifics, the Bill provides a series of minor amendments that will provide clarity in relation to the person responsible for reporting on operations under a certified forest practices plan, for the entire life of that plan. Currently, under the Act, there is no capacity for the original applicant to transfer their responsibilities under a certified plan to another person.

This is problematic when the original applicant is no longer involved with the implementation of the plan, either because the applicant has sold their interest to another party or the applicant has died, in the case of a natural person, or gone into liquidation, in the case of a company. The amendment allows for the original applicant's responsibilities to be transferred to another party, by agreement of both parties, and includes the requirement for the notification of the relevant landowner.

This both removes an administrative burden from the Authority and allows the new applicant to implement the provisions of the existing plan, without having to incur additional planning and application costs for a new plan. The Bill will provide for a specific way in which the responsibility can be re-assigned from the original applicant for the plan, and for the new responsible party to be identified to the Authority.

Madam Speaker, the Forest Practices Tribunal is an independent body established under the Act. Their role is to hear appeals against decisions made by the Forest Practices Authority under the Act. The Tribunal is made up of a panel of experts appointed by the Governor from specific areas of expertise including forestry, land management, agriculture, and conservation science and is chaired by an appointed legal practitioner. In order to maintain the independence of the Tribunal, the current requirement that nominations are sought from specific industry bodies, for the positions on the Tribunal of persons with expertise in agriculture and forestry, will be replaced with an open process, calling for expressions of interest from persons with relevant expertise. The Minister can then recommend preferred candidates to the Governor for appointment.

Madam Speaker, the Act provides for the establishment of the Forest Practices Advisory Council. The role and functions of the Council, which are further stipulated in the Act, are to provide advice to the Forest Practices Authority on a number of matters related to the operation and review of the Act and on matters directly associated with forest practices. The Council consists primarily of a representative body of stakeholders. However, persons employed by the relevant Departments in the areas of forest policy and nature conservation have, historically, participated in the Forest Practices Advisory Council meetings, as observers.

Madam Speaker, the input from these experts is considered to be integral to the role of the Forest Practices Advisory Council and, as such, the proposed amendments will provide for the formal appointment of two relevant persons with expertise in forest policy and nature conservation, to the Council, in addition to the current level of broad stakeholder representation.

A further change has been provided in this Bill, Madam Speaker, regarding the membership of the advisory council, with the addition of a forest practices officer, who is not the Chief Forest Practices Officer, to be appointed. This addition will provide a valuable set of skills and knowledge for the council to draw upon in advising the Forest Practices Authority.

Madam Speaker a key component of the forest practices system in Tasmania is the role that Forest Practices Officers play. They have powers that allow them to enforce the Act, the Forest Practices Code and provisions of a forest practices plan. In addition to these statutory powers, forest practices officers are trained to prepare and implement forest practices plans. Some forest practices officers also have a delegation from the Authority to consider applications for forest practices plans for certification.

Madam Speaker, a forest practices officer can be an employee of the Authority or employed by an external employer involved in the industry. The co-regulatory structure of the forest practices system makes it particularly important that high standards for forest practices officers are maintained, and seen by the broader community to be maintained. There is general agreement in the forest industry that a code of conduct would be useful to provide clear guidance to forest practices officers, when they are carrying out their responsibilities under the Act.

Madam Speaker, the Bill provides the Board of the Authority with the powers to prepare and issue a code of conduct for forest practices officers, and requires the officers to conduct themselves, in their professional roles, in accordance with such a code. The code will be prepared

in consultation with the Advisory Council and the forest practices officers, and will be required to be tabled in Parliament, as a disallowable instrument, prior to being formally issued by the Board.

The Bill also provides that the Chief Forest Practices Officer be able to direct a forest practices officer in the manner the forest practices officers are to undertake their required roles. The Chief Forest Practices Officer is not, however, able to direct a forest practices officer in the exercise of their delegated power to make particular decisions.

This set of amendments, Madam Speaker, is important and will go towards ensuring a modern and consistent approach to the regulation of forest practices are undertaken by and on behalf of the Forest Practices Authority. It recognises the important link between the Chief Forest Practices Officer, who must administer the forest practices system on a day to day basis, and that of forest practices officers who are implementing the system in the field.

One key element of the forest practices system is that it provides for reasonable protection of the environment and the effective and efficient management of the forestry resource. This Bill provides further clarification around the ability of the Authority, or forest practices officers, to direct a person responsible for forest operations.

Specifically, this Bill provides for directions to be given to a responsible person by a forest practices officer, or chief forest practices officer, where appropriate and reasonable to do so, to make good damage done and to rectify any such damage including to revegetate or rehabilitate the land where that damage has been caused by unauthorised activities. Madam Speaker, this is an important amendment and will result in even better outcomes for the environment and the forest practices system in general.

Madam Speaker, finally, the Bill provides the Authority with the discretion to allocate funds, received from fines, direct to a person who has incurred costs associated with revegetation or rehabilitation of any land damaged due to non-compliant activities under the Act by another party. The current provisions require a person to seek compensation through the civil court processes for costs incurred. The proposed amendment will provide a fair and equitable way of recompensing an aggrieved party under such circumstances.

The forest industry is an important provider of local employment and provides sustainably sourced timber for the Tasmanian community and national and international markets.

The co-regulatory approach to the oversight of forest practices has proved to be both resilient, and adaptive to change. The Tasmanian forest industry has been through significant upheavals over the past decade, but the forest practices system has continued to operate efficiently, and effectively. In doing so, it ensures our obligations under the Regional Forest Agreement to manage our production forests according to the principles of ecologically sustainable forest management are met.

This Bill fulfils a key objective of the Government in supporting the forest industry. It ensures that the forest industry of the future will continue to operate in a modern and efficient regulatory framework that reflects contemporary standards.

I commend this Bill to the House.