

TASMANIA

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**FOREST PRACTICES AMENDMENT  
(VALIDATION) BILL 2022**

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**CONTENTS**

1. Short title
2. Commencement
3. Principal Act
4. Section 39 amended (Forest practices officers)
5. Section 43A inserted
  - 43A. Directions by chief forest practices officers
6. Section 43 amended (Delegation by Authority)
7. Section 49 inserted
  49. Validation of delegations
8. Repeal of Act



**FOREST PRACTICES AMENDMENT  
(VALIDATION) BILL 2022**

*(Brought in by the Minister for Resources, the Honourable  
Guy Barnett)*

**A BILL FOR**

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

Be it enacted by Her 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 Practices Amendment (Validation) Act 2022*.

**2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

**3. Principal Act**

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

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\*No. 48 of 1985

*Forest Practices Amendment (Validation) Act 2022*  
*Act No. of 2022*

s. 4

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

Section 39 of the Principal Act is amended by omitting subsections (3A), (3B) and (3C).

**5. Section 43A inserted**

After section 43 of the Principal Act, the following section is inserted in Division 4:

**43A. Directions by chief forest practices officers**

(1) The chief forest practices officer –

- (a) may give a direction to a forest practices officer in relation to the exercise or performance of a function or power of the forest practices officer under this Act; and
- (b) may give a direction to a forest practices officer, or other person, in relation to a function or power of the Authority that has been delegated to the forest practices officer or person under section 43.

(2) A direction under subsection (1) –

- (a) to a forest practices officer in relation to the performance or exercise of –
  - (i) a function or power of the forest practices officer; or

*Forest Practices Amendment (Validation) Act 2022*  
*Act No. of 2022*

s. 5

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(ii) a function or power of the Authority that has been delegated to the forest practices officer under section 43; or

(b) to a person in relation to the performance or exercise by the person of a function or power of the Authority that has been delegated to the person under section 43 –

may be a direction as to a policy, or matters, to be considered by the forest practices officer, or the person, before performing or exercising the function or power, but must not require the forest practices officer or the person to make a particular decision in performing or exercising the function or power.

(3) Without limiting subsection (1) –

(a) a direction under that subsection to a forest practices officer may require the forest practices officer to seek the advice of the chief forest practices officer before performing or exercising –

(i) a function or power of the forest practices officer; or

(ii) a function or power of the Authority that has been delegated to the forest

*Forest Practices Amendment (Validation) Act 2022*  
*Act No. of 2022*

s. 6

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practices officer under  
section 43; and

(b) a direction under that subsection to a person may require the person to seek the advice of the chief forest practices officer before performing or exercising a function or power of the Authority that has been delegated to the person under section 43.

(4) A direction under subsection (1) may specify a period, that is reasonable in all the circumstances, in which the direction is to be complied with.

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

Section 43 of the Principal Act is amended by omitting subsection (4).

**7. Section 49 inserted**

After section 48 of the Principal Act, the following section is inserted in Division 4:

**49. Validation of delegations**

(1) In this section –

*commencement day* means the day on which the *Forest Practices Amendment (Validation) Act 2022* commences.

*Forest Practices Amendment (Validation) Act 2022*  
*Act No. of 2022*

s. 8

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- (2) A delegation that, on a day (the *relevant day*), before the commencement day, was made, or purportedly made, by the Authority under section 43, is taken to be, and to always have been, validly made on the relevant day.

**8. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.