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Natural Resource Management Act 2002



Natural Resource Management Act 2002

An Act to establish committees for natural resource management and to provide for the development of regional strategies for natural resource management

[Royal Assent 14 November 2002]

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:

PART 1 - Preliminary

1. Short title

This Act may be cited as the Natural Resource Management Act 2002 .

2. Commencement

This Act commences on a day to be proclaimed.

3. Interpretation

In this Act –

draft regional strategy means a draft regional strategy prepared under section 12 ;

managing body means –

- (a) in the case of an incorporated association, the committee of that association; or
- (b) in the case of a body corporate, the board of management or the board of directors of that body corporate;

natural resource management means management of any activity that uses, develops or conserves –

- (a) air, water, land, plants, animals and micro-organisms; and
- (b) the systems they form;

natural resource management principles means the principles of natural resource management as determined by the Minister under section 17 ;

objectives means the objectives of the resource management and planning system of Tasmania as specified in Schedule 1 ;

priorities for natural resource management means the priorities as determined by the Minister under section 18 ;

public land manager means –

- (a) the Hydro-Electric Corporation as continued under the Hydro-Electric Corporation Act 1995 ; and
- (b) the Forestry corporation continued by section 6 of the Forest Management Act 2013 ;

region means –

- (a) the northern area and any adjacent State waters; and
- (b) the north-western area and any adjacent State waters; and
- (c) the southern area and any adjacent State waters;

regional committee means a regional committee for natural resource management –

- (a) as declared under section 9(2) ; or
- (b) established by the Minister under section 9(5) ;

regional strategy means a draft regional strategy accredited by the Minister under section 14 ;

relevant committee includes each regional committee and special advisory committee;

special advisory committee means a committee established by the Minister under section 11A ;

State waters means State waters within the meaning of the Living Marine Resources Management Act 1995 .

4. Interaction with other Acts

- (1) This Act is in addition to, and does not limit, or derogate from, any other Act.
- (2) A person who performs a function or exercises a power under this Act must do so in a manner that furthers the objectives.

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PART 3 - Committees

Division 1 - Regional committees

9. Regional committees

- (1) A body of persons in each region may establish an incorporated association or a body corporate for natural resource management.
- (2) The Minister, by order and subject to any terms and conditions the Minister determines, may declare any of the following to be a regional committee:
 - (a) the managing body of an incorporated association or a body corporate established under subsection (1) ;
 - (b) a committee established by an incorporated association or a body corporate for the purpose of this Act.
- (3) The Minister is not to declare a managing body or a committee referred to in subsection (2) to be a regional committee unless satisfied that it –
 - (a) consists of not more than 15 persons who together have experience, skills and knowledge in the following:
 - (i) best-practice governance;
 - (ii) business administration;
 - (iii) legal and contractual issues;
 - (iv) the achievement of natural resource management and conservation outcomes; and
 - (b)
 - (c) provides a balance of geographical areas and of natural resource management interests in the region; and
 - (d) comprises equal numbers of males and females as far as practicable.
- (4) The Minister, by order, may revoke a declaration made under subsection (2) if satisfied that –
 - (a) the managing body or committee referred to in that subsection no longer complies with subsection (3) ; or
 - (b) it is appropriate to do so.
- (5) If a regional committee is not declared under this section in respect of any region, the Minister is to establish a regional committee in that region.
- (6) The Minister is to appoint a member of each regional committee as chairperson of that regional committee.

10. General functions and powers of regional committees

- (1) The functions of a regional committee are as follows:
 - (a) to identify the priorities for natural resource management for the region;
 - (b) to prepare a draft regional strategy for the region;
 - (c) to facilitate the implementation of the regional strategy;
 - (d) to promote the natural resource management principles;
 - (e) to facilitate the integration of natural resource management and planning activities for the region;
 - (f) to seek, manage and allocate funds according to the regional strategy;

- (g) to coordinate the region's participation in national and State programs relating to natural resource management;
- (h) to monitor and evaluate the implementation of the regional strategy;
- (i) to develop and implement processes to ensure appropriate education and training in natural resource management.

(2) A regional committee may do anything necessary or convenient to perform any of its functions.

11. Annual report

- (1) A regional committee is to prepare an annual report for each financial year.
- (2) The annual report is to include the following information and documents:
 - (a) the financial statements of the regional committee for the financial year;
 - (b) a report on the operations of the regional committee during that financial year;
 - (c) a report on the implementation of the regional strategy;
 - (d) any further information the Minister may require;
 - (e) any other information the regional committee considers is appropriate or necessary.
- (3) A regional committee is to provide the annual report to the Minister on or before 30 September in each year.
- (4) The Minister is to table a copy of the report before each House of Parliament within 10 sitting-days after receiving the report.

Division 2 - Special advisory committees

11A. Special advisory committees

- (1) The Minister, by order, may establish one or more special advisory committees for the purpose of advising the Minister on –
 - (a) such matters in relation to the management of natural resources, including draft regional strategies and regional strategies, as are specified in the order; or
 - (b) such matters arising in relation to the performance of his or her functions under the Act as are specified in the order; or
 - (c) such matters arising in relation to the performance of functions of a regional committee under the Act as are specified in the order.
- (2) An order under subsection (1) –
 - (a) is not a statutory rule for the purposes of the Rules Publication Act 1953 ; and
 - (b) is not subordinate legislation for the purposes of the Subordinate Legislation Act 1992 .
- (3) An order under subsection (1) –
 - (a) may specify the number of members of the special advisory committee to which it relates; and
 - (b) subject to this section, may contain provisions –
 - (i) regulating the appointment of members of the committee; and
 - (ii) regulating the proceedings of that committee; and
 - (iii) giving the Minister, or a person nominated by the Minister, the right to attend meetings of that committee.
- (4) The members of a special advisory committee are appointed by the Minister, and the Minister may appoint a member of the committee as its chairperson.

(5) At a meeting of a special advisory committee –

(a) a quorum is constituted at the meeting if at least half the total number of members of the committee are present; and

(b) the chairperson, or, if the chairperson is absent or there is no chairperson, another member present and chosen by a majority of the members present, is to preside at the meeting; and

(c) the chairperson, or other member presiding at the meeting, has a deliberative vote only; and

(d) in the event of an equality of votes on any matter before the committee, the matter stands adjourned to the next meeting of the committee.

(6) The Minister may make arrangements to make available to a special advisory committee such assistance, resources and accommodation as the Minister considers appropriate.

(7) The members of a special advisory committee are to be paid such travelling and other allowances as the Minister determines.

PART 4 - Regional strategies

12. Preparation of draft regional strategy

- (1) A regional committee is to prepare a draft regional strategy for its region within 12 months after the commencement of this Act.
- (2) In preparing a draft regional strategy, a regional committee is to consult with –
 - (a)
 - (b) the community in the region; and
 - (c) State and local governments; and
 - (d) the public land managers; and
 - (e) the industries in the region; and
 - (f) any other relevant association or body.

13. Draft regional strategy

- (1) A draft regional strategy is to include the following:
 - (a) the aims of the draft regional strategy;
 - (b) the priorities for natural resource management for the region;
 - (c) processes for encouraging participation by the community in natural resource management in the region.
- (2) A draft regional strategy is to –
 - (a) take account of –
 - (i) the priorities for natural resource management for the State; and
 - (ii) existing policies, plans and strategies relevant to natural resource management in the region; and
 - (iii) the social, economic and environmental circumstances of the region.
 - (b)

14. Accreditation of regional strategy

- (1) A regional committee is to submit its draft regional strategy to the Minister as soon as practicable after it has prepared it.
- (2)
- (3) The Minister may –
 - (a) accredit a draft regional strategy; or
 - (b) refuse to accredit a draft regional strategy.
- (4) If the Minister refuses to accredit a draft regional strategy –
 - (a) the Minister is to –
 - (i) return it to the regional committee; and
 - (ii) give reasons in writing for not accrediting it; and
 - (b) the regional committee is to resubmit it to the Minister taking into account any reasons given under paragraph (a)(ii) .

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16. Review

A regional committee is to review its regional strategy –

- (a) at least once every 5 years; or
- (b) sooner if required to do so by the Minister.

PART 5 - Miscellaneous

17. Natural resource management principles

- (1) The Minister is to –
 - (a) determine the principles of natural resource management; and
 - (b) advise the relevant committees accordingly.
- (2) The Minister may amend any principle of natural resource management.
- (3)

18. Priorities for natural resource management

The Minister is to –

- (a) determine the priorities for natural resource management for the State; and
- (b) advise the relevant committees accordingly.

19. Disclosure of interest

- (1) A member of a relevant committee who has a direct or indirect interest in a matter under consideration by the relevant committee –
 - (a) must disclose the nature of the interest; and
 - (b) must not vote in relation to the matter; and
 - (c) must be absent while voting in relation to the matter is taking place.
- (2) Subsection (1) does not apply with respect to an interest in a matter that is held in common with all or a substantial proportion of persons within the State.
- (3)
- (4) A disclosure under subsection (1) is to be recorded in the minutes.
- (5) A member has an interest in a matter if the member or a close associate of the member would, if the matter were decided in a particular manner, receive, have an expectation of receiving or be likely to receive a pecuniary benefit or pecuniary detriment.
- (6) A person is a close associate of a member if that person is –
 - (a) a proprietary company in which the member is a shareholder; or
 - (b) a public company in which the member is directly or indirectly a substantial shareholder; or
 - (c) a beneficiary under a trust or an object of a discretionary trust of which the member is a trustee; or
 - (d) a business or commercial partner of the member; or
 - (e) the employer or an employee of the member; or
 - (f) a person from whom the member has received, or might reasonably be expected to receive, a fee, commission or other reward for providing professional or other services in relation to a matter being dealt with or to be dealt with by the relevant committee; or
 - (g) the spouse or partner of the member or of the member's son or daughter; or
 - (h) the son, daughter, brother, sister, mother or father of the member or their spouse or partner.
- (7) For the purposes of subsection (6)(g) and (h) ,

partner means the person with whom a person is in a personal relationship, within the meaning of the Relationships Act 2003 .

20. Review of Act

Not later than 5 years after the commencement of this Act and subsequently at intervals of not less than 4 years and not more than 10 years, the Minister is to review this Act –

- (a) determine the effectiveness of regional strategies; and
- (b)
- (c) determine whether the functions of the regional committees continue to be appropriate for the purpose of this Act.

21. Regulations

The Governor may make regulations for the purpose of this Act.

22. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the Administrative Arrangements Act 1990 –

- (a) the administration of this Act is assigned to the Minister for Primary Industries, Water and Environment; and
- (b) the department responsible to the Minister for Primary Industries, Water and Environment in relation to the administration of this Act is the Department of Primary Industries, Water and Environment.

SCHEDULE 1 - Objectives of the Resource Management and Planning System of Tasmania

Section 3

1. The objectives of the resource management and planning system of Tasmania are –

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and
- (c) to encourage public involvement in resource management and planning; and
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in Tasmania.

2. In clause 1(a) –

sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

SCHEDULE 2