



TASMANIA

Forestry Act 1920

An Act to establish a Forestry corporation and to provide for the better management and protection of forests

[Royal Assent 24 December 1920]

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 I - Preliminary

1. Short title and commencement

This Act may be cited as the *Forestry Act 1920* and shall come into force on 1st January 1921.

2.

3.

4. Interpretation

(1) In this Act, unless the contrary intention appears –

"**accumulation scheme**" means the Tasmanian Accumulation Scheme established under the *Public Sector Superannuation Reform Act 1999*;

"**annual supply of veneer and sawlog**" means the minimum aggregate quantity of eucalypt veneer logs and eucalypt sawlogs that the corporation must make available annually for the veneer and sawmilling industries in accordance with section 22AA(1);

"**biological diversity**" means the variety of –

(a) plants, animals and micro-organisms; and

(b) the genes contained in plants, animals and micro-organisms; and

(c) the ecosystems of which plants, animals and micro-organisms form part;

"**Board**" means the Board of Directors of the corporation appointed under section 11(2) of the Government Business Enterprises Act 1995;

"**chief executive officer**" means the chief executive officer of the corporation appointed under section 12M;

"**complying superannuation scheme**" means a complying superannuation fund as provided by the law of the Commonwealth;

"contributory scheme" means the superannuation arrangements provided by Part 5 of the Retirement Benefits Regulations 2005;

"corporation" means the Forestry corporation established under section 6;

"Crown land" has the meaning assigned to that expression by section 2 of the Crown Lands Act 1976;

"Crown wood" means timber obtained from State forest or from Crown land other than State forest;

"employee" has the same meaning as in the Government Business Enterprises Act 1995;

"enactment" means –

(a) an Act; or

(b) any other instrument of a legislative character; or

(c) any provision of an Act or of an instrument of a legislative character;

"forest management plan" means a forest management plan prepared and approved in accordance with Part IIIA;

"forest operations" means work connected with –

(a) planting trees; or

(b) managing trees before they are harvested; or

(c) harvesting forest products –

and includes any related land clearing, land preparation, burning-off, access construction or transport operations;

"Forest Practices Code" means the Code issued by the Forest Practices Authority pursuant to section 30 of the Forest Practices Act 1985 and in force under that Act and includes any amendments to that Code;

"forest produce" or **"forest product"** means any of the following:

(a) vegetable growth that is on or from State forest;

(b) a product of a growing or dead tree, shrub, timber or other vegetable growth that is on or from State forest;

(c) sand, gravel, clay, loam or stone that is on or from State forest and used for forestry purposes, either inside or outside State forest;

"forest reserve" means land dedicated as a forest reserve under section 20;

"forest road" means –

(a) any road constructed or maintained by or for the corporation; or

(b) any other road on State forest, other than a State highway, or subsidiary road, within the meaning of the Roads and Jetties Act 1935; or

(c) any other road that is –

(i) on Crown land; and

(ii) being managed by a person for the purpose of timber production; or

(d) any bridge, tunnel, embankment, causeway, culvert, drain or other works constructed in respect of a road referred to in paragraph (a), (b) or (c);

"forestry purposes" includes purposes which facilitate conservation, environmental care and recreation on land which is State forest;

"functions" includes duties;

"geological diversity" means the natural range of geological, geomorphological and soil features, assemblages, systems and processes;

"interim forest management plan" means a proposed forest management plan that has taken effect as an interim forest management plan under section 22E;

"multiple use forest land" means land specified in the Register of Multiple Use Forest Land;

"newspaper notice" means a notice published in at least 2 newspapers published and circulated generally in Tasmania;

"Portfolio Minister" has the same meaning as in the Government Business Enterprises Act 1995;

"Private Forests Tasmania" has the same meaning as in the Private Forests Act 1994;

"Register of Multiple Use Forest Land" means the register maintained by the corporation in accordance with section 17;

"regulations" means regulations made and in force under this Act;

"reserved trees" means trees declared by notification in the *Gazette* to be reserved trees within the meaning of this Act;

"RSA" means a Retirement Savings Account within the meaning of the *Retirement Savings Accounts Act 1997* of the Commonwealth;

"sustainable forest management" means the management of forests consistent with the practical principles of forest management established in the Forest Practices Code;

"Tasmanian Planning Commission" means the Tasmanian Planning Commission established under the Tasmanian Planning Commission Act 1997;

"timber" includes the trunks and branches of trees, whether standing or not, and all wood, whether or not the same is cut up, sawn, hewn, split, or otherwise fashioned;

"timber classification officer" means a person appointed as a timber classification officer under section 23;

"trees" includes not only timber trees, but trees, shrubs and bushes, seedlings, saplings, and re-shoots of every description and the roots of any such trees;

"wood supply agreement" means an agreement, made between the corporation and another person, the principal or a principal term of which is that the corporation should make available to that person over a period of time a supply of timber at a rate exceeding 100 000 tonnes a year in return for monetary or other consideration.

(2)

4A. "Parliamentary approval" defined

For the purposes of this Act, a House of Parliament is to be taken to have approved a draft of a proclamation if the draft has been laid on the table of that House, and –

(a) the draft is approved by that House; or

(b) at the expiration of 5 sitting days after the draft was laid on the table of that House no notice has been given of a motion to disapprove the draft or, if such a notice has been given, it has been withdrawn or the motion has been negatived; or

(c) any notice of a motion to disapprove the draft given during the period of 5 sitting days after the draft was laid on the table of that House is, subsequent to those 5 sitting days, withdrawn or the motion is negatived.

4B. "State forest" defined

(1) In this Act, "State forest" means land that is –

(a) dedicated as State forest under this or any other Act; or

(b) purchased by or on behalf of the corporation for forestry purposes; or

(ba) acquired by the Minister under section 12B; or

(c) entered in the Register of Multiple Use Forest Land; or

(d) deleted from the Register of Multiple Use Forest Land but remains State forest by virtue of section 17(13).

(2) For the purposes of subsection (1), land acquired by the Minister for forestry purposes before the commencement of the Public Land (Administration and Forests) Act 1991 is to be taken to be land purchased by or on behalf of the corporation for forestry purposes.

4C. Exemption of statutory instruments from Rules Publication Act 1953

The following statutory instruments under this Act are not statutory rules within the meaning of the Rules Publication Act 1953:

(a) proclamations under Part III;

(b) notices under sections 17(10) and Part IIIA;

(c) notifications in respect of the definition of "reserved trees" in section 4(1).

4D. Exemption of certain vehicles from laws specifying vehicle mass, weight or dimension limits

(1) In this section –

"combination" has the same meaning as in the Vehicle and Traffic Act 1999;

"vehicle" has the same meaning as in the Vehicle and Traffic Act 1999.

(2) Except as otherwise provided by the regulations, a law of Tasmania does not apply in respect of the use of a vehicle, or combination, on a forest road if the law would otherwise operate to prohibit or restrict the use on a forest road of a vehicle, or combination, that exceeds a certain mass, weight or dimension (whether inclusive or exclusive of its load).

5. Act not to apply to certain land

(1) This Act does not apply to Crown land that is reserved land within the meaning of the Nature Conservation Act 2002.

(2) This Act does not apply to Crown land that is reserved as a public reserve under the Crown Lands Act 1976.

PART II - Forestry Corporation

Division 1 - Forestry corporation

6. The Forestry corporation

(1) The Forestry corporation is established.

(2) The corporation has the legal capacity of a natural person.

(3) The corporate name of the corporation is the name specified by the corporation, by notice published in the *Gazette*, to be its corporate name.

(4) The corporation may change its corporate name by notice published in the *Gazette*.

(5) Section 9(3) of the Government Business Enterprises Act 1995 does not apply in relation to the corporation.

7. Objectives of corporation

As a manager of forest land with a commitment to multiple use, the objectives of the corporation are to optimize –

- (a) the economic returns from its wood production activities; and
- (b) the benefits to the public and the State of the non-wood values of forests.

7A.

8. Functions of corporation

(1) The corporation has the following functions:

(a) the development, control and delivery of –

(i) land use policy for State forest; and

(ii) sustainable forest management and forest produce production policy;

(b) the development, control and delivery of the commercial policy of the corporation;

(c) the exclusive management and control of –

(i) all State forest; and

(ii) all forest products on State forest including the processing, removal, selling or other disposition of those forest products; and

(iii) the establishment and tending of forests, and all forest operations, on State forest; and

(iv) the granting of all permits, licences, forest leases and other occupation rights, and the making of all contracts of sale, under this Act;

(d) to use multiple use forest land for wood production and, in a manner that is consistent with sustainable forest management and forest produce production policy, for other purposes including –

(i) the conservation of flora and fauna; and

(ii) the conservation of landforms; and

(iii) the conservation of cultural heritage; and

(iv) the care of the environment including scenery; and

(v) recreation;

(e) to regularly advise and inform the Minister with respect to all matters under the management and control of the corporation and the operation and review of this Act;

(f) to foster an internationally competitive wood production and processing industry in Tasmania;

(g) to conduct research in relation to the management of forests;

(h) such other functions as are imposed on the corporation by this Act, the *Forest Practices Act 1985* or any other Act.

(2) The corporation must perform its functions in a manner that is consistent with those practices that the corporation considers would best achieve sustainable forest management.

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10. Additional functions and powers

(1) The corporation has the following additional functions and powers:

(a) the promotion and encouragement of the use of State forests for purposes other than wood production, including in particular –

(i) the conservation of flora and fauna; and

(ii) the conservation of landforms; and

(iii) the conservation of cultural heritage; and

(iv) the care of the environment including scenery; and

(v) recreation; and

(vi) in the case of multiple use forest land, the exploration and development of mineral resources;

(b) the provision to the public of information and educational programmes on sustainable forest management;

(c) the maintenance of the Register of Multiple Use Forest Land under section 17;

(d) the management of forest reserves;

(e) the provision and maintenance of forest roads and other facilities for public access to and through State forest;

(f) the provision and maintenance of recreation and public information facilities;

(g) the provision of employees and facilities to ensure that persons other than the corporation are complying with this Act.

(2) Without limiting the purposes for which that portion of the funds of the corporation consisting of money provided by Parliament may be used, the costs and expenses incurred by the corporation in the performance and exercise of the functions and powers specified in subsection (1) are to be paid out of money provided by Parliament for the purpose.

(3) The corporation has the following additional functions and powers:

(a) the construction and maintenance of works it considers necessary in relation to the performance of its functions or the transport of forest products;

(b) the promotion and marketing of its work, services, goods and businesses.

10A.

11. Power to construct drains on adjoining land, &c.

(1) The corporation may construct or maintain a drain or watercourse in and through land adjoining or near a forest road as it considers necessary.

(2) The corporation must maintain a drain or watercourse constructed by it under subsection (1).

(3) The corporation must not enter land for any purpose specified in subsection (1) or (2) unless –

(a) the corporation has notified the owner and occupier of the land, in writing, of its intention to enter the land and the purpose of that entry; and

(b) not less than 14 days have elapsed since that notice was provided to the owner and occupier.

(4) The corporation must pay compensation to the owner and occupier of land entered under this section for any damage or loss suffered by reason of the construction or maintenance of a drain or watercourse by the corporation under this section.

(5) The compensation payable by the corporation under this section is to be determined in the same manner as a disputed claim for compensation under the Land Acquisition Act 1993.

12. Limitation on functions and powers in respect of environment protection

(1) Before commencing any work in relation to the performance of its functions or the exercise of its powers, the corporation must consult with the Director, Environment Protection Authority on how it may avoid, prevent or mitigate environmental harm if–

(a) the work appears to the corporation to be of a kind that will or may cause environmental harm; or

(b) the Director has informed the corporation that, for the reasons given by the Director in relation to the work, he or she considers it to be work of that kind and those reasons are satisfactory to the corporation.

(2) In subsection (1), "environmental harm" has the same meaning as in the Environmental Management and Pollution Control Act 1994.

(3) The Director, Environment Protection Authority may, on being consulted by the corporation on any matter to which subsection (1) relates, advise the corporation on how best to deal with that matter.

(4) Subsection (1) does not apply to or in relation to any work of a kind that the Director, Environment Protection Authority has, either generally or specially, advised the corporation is a kind of work in respect of which consultation under that subsection is unnecessary.

12A. Other limitations on functions and powers

(1) The corporation must treat the level of employment deriving from the use of public forest resources as an important consideration when examining options for competing claims for Crown wood including the provision of wood supply agreements.

(2) For the purposes of subsection (1), the corporation may require a prospective holder of a wood supply agreement or any other prospective recipient of Crown wood to nominate the employment numbers expected to eventuate from the receipt of the Crown wood.

(3)

12B. Minister's power to compulsorily acquire land

(1) On the recommendation of the corporation, the Minister may acquire land that the Minister considers is necessary to enable –

- (a) the improved management of State forest and forests on other Crown land by the corporation; or
- (b) the corporation to perform its functions.

(2) Land that may be acquired under this section may be acquired under and in accordance with the *Land Acquisition Act 1993* or by any means by which land may be surrendered to, or may revert to and revest in, the Crown.

(3) Where any land that may be acquired under this section is held under a single title with other land, the Minister may acquire the whole or part of that other land.

(4) Where the Minister is authorized under this section to acquire any land, that land may be acquired by the exchange for that land of any Crown land if the Director-General of Lands consents.

(5) An exchange of land under this section may be made on such terms and conditions as may be agreed, including terms and conditions with respect to the payment, giving or receipt of any money or other consideration by way of exchange.

(6) For the purpose of effecting an exchange, the Governor, in the name of the Crown, may grant any Crown land for an estate in fee simple.

12C. Ministerial directions

(1) In this section, "**ministerial charter**" means the charter provided to the corporation under section 36 of the *Government Business Enterprises Act 1995* and includes any amendment to that charter.

(2) Despite anything to the contrary in the *Government Business Enterprises Act 1995*, the Portfolio Minister and Treasurer must not give a direction under that Act or specify a broad policy expectation in the ministerial charter that–

(a) requires the corporation to do anything that it is not empowered to do by this Act or any other Act; or

(b) prevents the corporation from performing or substantially performing any function it is expressly required by this Act or any other Act to perform, whether conditionally or unconditionally; or

(c) interferes with the formation by the corporation of any opinion or belief in relation to any matter that has to be determined as a prerequisite to the performance or exercise by the corporation of any of its functions or powers under this Act or any other Act; or

(d) is inconsistent with sustainable forest management.

(3) If the Solicitor-General certifies that a direction has been given, or a broad policy expectation has been specified in the ministerial charter, in contravention of subsection (2)(a), (b) or (c), the direction or broad policy expectation is of no effect.

(4) Within 21 days after receiving a direction, the corporation may object to the direction on any ground.

(4A) Within 21 days after the ministerial charter takes effect, the corporation may object to a broad policy expectation specified in the ministerial charter.

(5) An objection is to –

(a) be in writing; and

(b) specify the grounds for the objection; and

(c) be provided to the Minister who gave the direction or provided the ministerial charter.

(6) If, after receiving an objection to a direction, the Minister who gave the direction determines that the direction is not to be withdrawn or amended, that Minister must cause a copy of the direction and the objection to be laid before each House of Parliament.

(6A) If, after receiving an objection to a broad policy expectation expressed in the ministerial charter, the Portfolio Minister determines that the broad policy expectation is not to be withdrawn or amended, that Minister must cause a copy of the broad policy expectation and the objection to be laid before each House of Parliament.

(7) The corporation must perform its functions and exercise its powers in a manner that is consistent with a direction if –

(a) the corporation has not objected to the direction within the period specified in subsection (4); or

(b) the corporation has objected to the direction and the direction has been tabled in both Houses of Parliament; or

(c) the corporation has withdrawn its objection.

(7A) Notwithstanding the *Government Business Enterprises Act 1995*, the corporation need not comply with a broad policy expectation specified in the ministerial charter if the corporation has objected to the broad policy expectation within the time specified in subsection (4A) and –

(a) the Portfolio Minister has not determined the objection; or

(b) the broad policy expectation and objection have not been tabled in both Houses of Parliament in accordance with subsection (6A).

12D.

Division 2 -

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Division 3 -

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Division 4 - Chief executive officer

12M. Chief executive officer

(1) The Board must appoint a person who has proven administrative skills and a sound knowledge of, and experience in, forestry as chief executive officer of the corporation for a term of not more than 5 years.

(2) The Board must not appoint the chairperson as chief executive officer.

(3)

(4) The chief executive officer is entitled to be paid the remuneration and allowances determined by the Board.

(5) The chief executive officer holds that office on the conditions determined by the Board.

(6) The chief executive officer must not engage in paid employment outside the duties of that office unless the Board has approved that employment.

(6A) Where a person is appointed as chief executive officer –

(a) he or she is not eligible to become a member of the contributory scheme; and

(b) the application of the *Public Sector Superannuation Reform Act 1999* extends to the chief executive officer as if he or she were an employee for the purposes of that Act; and

(c) subject to subsection (6B), he or she is to be a member of the accumulation scheme.

(6B) The chief executive officer may elect by notice in writing given to the Board, either before or after commencing the duties of that office, to become a member of an RSA or a complying superannuation scheme other than the accumulation scheme.

(6BA) If the chief executive officer has become a member of an RSA or a complying superannuation scheme that is not the accumulation scheme, he or she may elect at any time while holding office as such to become a member of the accumulation scheme.

(6C) The chief executive officer is entitled to employer superannuation contributions at the rate specified in the *Public Sector Superannuation Reform Act 1999*.

(6D) Subsections (6A), (6B) and (6C) do not apply to a person who, immediately before his or her appointment as chief executive officer, was a contributor to the contributory scheme.

(6E)

(7) The appointment of a person as chief executive officer is not invalid merely because of a defect or irregularity in relation to the appointment.

12N.

12O.

12P.

12Q. Acting chief executive officer

(1) In this section, "**absent**" means –

(a) absent from duty; or

(b) absent from Australia; or

(c) otherwise unable to perform the functions of the office of chief executive officer.

(2) The Board, on the recommendation of the chief executive officer, may appoint a person, other than the chairperson, to act as chief executive officer during any or every period during which the chief executive officer is absent.

(3) While a person appointed under subsection (2) is acting as chief executive officer –

(a) that person is taken to be the chief executive officer; and

(b) this Act applies to that person as if he or she were the chief executive officer.

(4) Notwithstanding subsection (3), an appointment under subsection (2) does not entitle the person appointed to act in the office of director referred to in section 12E(1)(c).

12QA. Application of Government Business Enterprises Act 1995

(1) Sections 18 and 20 of the Government Business Enterprises Act 1995 do not apply in relation to the corporation.

(2) The chief executive officer is taken to be a chief executive officer appointed under section 18 of the Government Business Enterprises Act 1995.

(3) A person appointed under section 12Q(2) is taken to be a person appointed under section 20(2) of the Government Business Enterprises Act 1995.

Division 5 - Other staff

12R.

12S. Arrangements relating to staff

The corporation may arrange with the Head of a State Service Agency for the services of State Service officers and State Service employees employed in that Agency to be made available to it.

Division 6 -

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12V.

Division 7 -

12W.

Division 8 -

12X.

Division 9 - Miscellaneous

12Y. Liability for failure to maintain a forest road

The corporation does not incur any liability by virtue of its failure to keep a forest road in repair.

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12ZA.

12ZB.

12ZC.

12ZD.

PART IIA -

PART IIB -

PART III - State Forest and Forest Reserves

13. Classification of forest lands

The corporation shall cause a classification of the forest lands of the State to be made for the purpose of determining which of such lands are suitable to be –

- (a) dedicated as State forest; or
- (b) dedicated as forest reserves.

14. Dedication of State forests

(1) The Governor may, by proclamation, dedicate as State forest any Crown land other than reserved land within the meaning of the Nature Conservation Act 2002.

(1A) The Governor may, by proclamation, dedicate as State forest any Crown land other than Crown land reserved as a public reserve under the Crown Lands Act 1976.

(2) Land so dedicated shall not be dealt with otherwise than in pursuance of this Act, and such dedication shall not be revoked or altered except under the authority of this Act.

(3)

15. Revocation of dedication of State forest

(1) The Governor may, by proclamation made after receiving a certificate from the corporation, revoke the dedication of any land as State forest.

(2) The corporation must not issue a certificate for the purposes of subsection (1) unless –

(a) a draft of the proclamation referred to in that subsection has been approved by each House of Parliament; or

(b) the Tasmanian Planning Commission has recommended that the dedication of the land as State forest be revoked.

(3) The Tasmanian Planning Commission must not recommend that the dedication of any land as State forest be revoked unless–

(a) the recommendation is made as a result of a reference given to that Commission–

(i) in accordance with the Public Land (Administration and Forests) Act 1991; and

(ii) on the instructions of the Minister, the Minister administering the Constitution Act 1934 and the Minister administering the Public Land (Administration and Forests) Act 1991; and

(b) the reference was made for one or more of the following reasons:

(i) the discovery of facts indicating that a species of flora or fauna may become endangered, vulnerable or rare if the land remains State forest;

(ii) the discovery of a physical feature, or entity, of cultural heritage or natural heritage value that may suffer substantial adverse effects if the land remains State forest;

(iii) the discovery of an area, object or physical characteristic of particular significance to Aborigines that may suffer substantial adverse effects if the land remains State forest;

(iv) the discovery of a physical feature, or entity, that is part of the natural or cultural environment of Australia, has aesthetic, historical, scientific, social or other special value for future generations as well as the present community and may suffer substantial adverse effects if the land remains State forest.

(4) When the dedication of land as State forest is revoked –

(a) in the case of land that before being dedicated as State forest was purchased by or on behalf of the corporation – the land may be sold or otherwise dealt with by the corporation; and

(b) in any other case – the land becomes subject to, and may be dealt with in accordance with, the Crown Lands Act 1976.

(5) For the purposes of subsection (4)(a), land acquired by the Minister for forestry purposes before the commencement of the Public Land (Administration and Forests) Act 1991 is to be taken to be land purchased by or on behalf of the corporation.

(6)

15A.

16. Other matters relating to land ceasing to be State forest or Crown land

(1) The corporation may sell or otherwise dispose of land referred to in section 4B(1)(b).

(2) On the sale or other disposition of land referred to in section 4B(1)(b), the land ceases to be State forest.

(3) Notwithstanding subsection (4)(b), land or any part of land acquired under section 12B may not be dealt with under the Crown Lands Act 1976 except with the written approval of the corporation.

(4) On the sale or other disposition of Crown land containing forests which were, immediately before the sale or other disposition, managed by the corporation, the corporation is entitled to be compensated out of money provided by Parliament for the purpose for –

(a) any reasonable costs and expenses incurred by the corporation in relation to the sale or other disposition; and

(b) the value of any improvements made to the land during the corporation's management of forest on that land.

(5) The amount of compensation payable is to be determined by agreement between the corporation and the Valuer-General.

(6) Where the corporation and Valuer-General do not agree on the amount of compensation payable, that amount is to be determined in the same manner as a disputed claim for compensation under the Land Acquisition Act 1993.

17. Register of Multiple Use Forest Land

(1) In this section, "**the register**" means the register maintained by the corporation in accordance with subsection (2).

(2) The corporation must maintain a register, called the Register of Multiple Use Forest Land, in accordance with this section.

(3) The Governor may, by proclamation –

(a) declare that Crown land is to be entered in the register; or

(b) declare that the whole or any part of an entry in the register is to be deleted from the register.

(4) A proclamation to delete an entry from the register is to be made after receiving a certificate from the corporation.

(5) Except as provided by subsection (6), the corporation must not issue a certificate for the purposes of subsection (4) unless –

(a) the corporation has, if it considers that the making of the proclamation is likely to reduce the annual supply of veneer and sawlog, caused a newspaper notice to be published –

(i) stating that it is proposed to delete the entry from the register and that a draft of a proclamation for this purpose is to be tabled in Parliament; and

(ii) identifying the relevant land; and

(b) the corporation has –

(i) in a case to which paragraph (a) applies – not less than 14 days after the publication of the newspaper notice; or

(ii) in any other case – at any time before the issue of the certificate –

caused a draft of the proclamation and advice on the effect the making of the proclamation is likely to have on the annual supply of veneer and sawlog to be laid on the table of each House of Parliament; and

(c) the draft of the proclamation has been approved by each House of Parliament.

(6) The corporation may issue a certificate for the purposes of subsection (4) if –

(a) the Tasmanian Planning Commission has recommended that the entry in the register be deleted; and

(b) the corporation has, if it considers that the making of the proclamation is likely to reduce the annual supply of veneer and sawlog, caused a newspaper notice to be published –

(i) stating that it is proposed to delete the entry from the register; and

(ii) identifying the relevant land; and

(c) the corporation has caused advice on the effect the making of the proclamation is likely to have on the annual supply of veneer and sawlog to be laid on the table of each House of Parliament.

(7) The Tasmanian Planning Commission must not recommend that an entry be deleted from the register unless–

(a) the recommendation is made as a result of a reference given to that Commission–

(i) in accordance with Part 2 of the *Public Land (Administration and Forests) Act 1991*; and

(ii) on the instructions of the Minister, the Minister administering the *Constitution Act 1934* and the Minister administering Part 2 of the *Public Land (Administration and Forests) Act 1991*; and

(b) the reference was made for one or more of the following reasons:

(i) the discovery of facts indicating that a species of flora or fauna may become endangered, vulnerable or rare if the entry remains in the register;

(ii) the discovery of a physical feature, or entity, of cultural heritage or natural heritage value that may suffer substantial adverse effects if the entry remains in the register;

(iii) the discovery of an area, object or physical characteristic of particular significance to Aborigines that may suffer substantial adverse effects if the entry remains in the register;

(iv) the discovery of a physical feature, or entity, that is part of the natural or cultural environment of Australia, has aesthetic, historic, scientific, social or other special value for future generations as well as the present community and may suffer substantial adverse effects if the entry remains in the register.

(8) Land purchased by the corporation may be entered in the register by the corporation.

(9) An entry in the register in respect of land purchased by the corporation may be amended, or wholly or partially deleted, by the corporation.

(10) If the corporation –

(a) makes or amends an entry in the register; or

(b) deletes an entry from the register –

under subsection (8) or (9), the corporation must give notice of the entry, deletion or amendment in the *Gazette*.

(11) A proclamation under subsection (3), and a notice under subsection (10), must identify the relevant land by reference to a plan in the Central Plan Register.

(12) When land is entered in the register –

(a) it becomes multiple use forest land; and

(b) if it was not State forest before being entered in the register – it becomes State forest.

(13) When land is deleted from the register –

(a) it ceases to be multiple use forest land; but

(b) whether or not it was State forest before it was entered in the register – it remains State forest except in a case to which subsection (14) applies.

(14) When land is deleted from the register under subsection (9) for the purpose of selling that land, it ceases by virtue of this subsection to be State forest and, in any such case, a notice under subsection (10) is to state that the land has ceased to be State forest.

(15) The following land is not capable of being entered in the register:

(a) Crown land that is reserved land within the meaning of the *Nature Conservation Act 2002*;

(b) Crown land that is reserved as a public reserve under the *Crown Lands Act 1976*;

(c) land that is dedicated as a forest reserve.

(16)

(17) Multiple use forest land is not capable of being reserved under –

(a) the *Nature Conservation Act 2002*; or

(b) the *Crown Lands Act 1976*.

(18) Notwithstanding any other enactment, multiple use forest land is available for timber production.

(19) Notwithstanding subsection (18), multiple use forest land may be dedicated as a forest reserve under section 20 but any such land must first be deleted from the register as provided by that section.

(20)

(21) Except as expressly provided in this or any other Act, multiple use forest land is otherwise subject to, and must be dealt with in accordance with, this Act.

17A.

18. Proclamations may be combined

A proclamation made under a provision of this Act may be combined with a proclamation made under any other provision of this Act.

19. Register to be available for public inspection

The corporation must, at all reasonable times and free of charge, make the Register of Multiple Use Forest Land available for public inspection at its main office.

20. Forest reserves

(1) The Governor may, by proclamation –

(a) dedicate any area of land within State forest as a forest reserve for one or more of the following purposes:

- (i) public recreational use;
- (ii) the preservation or protection of features of the land of aesthetic, scientific or other value;
- (iii) the preservation or protection of a species of flora or fauna; or

(b) revoke the dedication of any land as a forest reserve.

(2) A proclamation under subsection (1)(a) in respect of land that comprises any multiple use forest land is to be –

(a) made on the recommendation of the corporation; and

(b) combined with a proclamation to delete the multiple use forest land from the Register of Multiple Use Forest Land.

(2A) The corporation must not make a recommendation for the purposes of subsection (2) unless –

(a) the corporation has caused a newspaper notice to be published –

(i) stating the corporation's intention to make the recommendation; and

(ii) identifying the relevant land; and

(b) the corporation has, not less than 14 days after the publication of that newspaper notice, caused a draft of the combined proclamation and advice on the effect the making of the proclamation is likely to have on the annual supply of veneer and sawlog, to be laid on the table of each House of Parliament; and

(c) the draft of the combined proclamation has been approved by each House of Parliament.

(2B) A proclamation under subsection (1)(b) is to be made after receiving a certificate from the corporation.

(2C) The corporation must not issue a certificate for the purposes of subsection (2B) unless a draft of the proclamation has been approved by each House of Parliament.

(2D) The corporation must manage land that is dedicated as a forest reserve under this section having regard to the management objectives specified in Schedule 3.

(3) The corporation must not exercise a power in respect of a forest reserve if the exercise of that power would conflict with –

(a) the purpose for which that forest reserve was dedicated; or

(b) a forest management plan or an interim forest management plan applying to that forest reserve.

(3A) For the purposes of subsection (3), the corporation must maintain a register of the proclamations made under this section and the purposes for which they were made.

(3B) The corporation must, at all reasonable times and free of charge, make the register referred to in subsection (3A) available for public inspection at its main office.

(4) Any land that is set apart as a forest reserve under this section shall be deemed to be land that is required for use for a public purpose under this Act.

(5)

20AA. Minor alterations to boundaries

(1) This section applies to –

(a) any area of multiple use forest land; and

(b)

(c) any area of land, other than land referred to in paragraph (a), that has been dedicated as State forest; and

(d) any land that has been dedicated as a forest reserve.

(2) The Governor may, by proclamation, make minor alterations to the boundary of any land to which this section applies.

(3) For the purposes of subsection (2), an alteration to the boundary of land is a minor alteration if –

(a) in the case of land specified in subsection (1)(c) or (d) – any diminution in the overall area of the land resulting from the alteration does not exceed one per cent of the total area of that land; or

(b) in any case – no part of the boundary is relocated by a distance exceeding 100 metres.

(4) Subsections (4) and (5) of section 15 apply to any land that is excised from a State forest by virtue of subsection (2) as if the dedication of that land as State forest had been revoked under that section.

(5) Subsection (4) has effect in relation to the alteration of the boundary of a State forest subject to any agreement as to the exchange of lands made by the corporation with a person from whom land is acquired for incorporation into that State forest.

20A. Plans to be lodged in Central Plan Office, &c.

(1) The corporation must lodge a plan of each proposed –

(a) area of State forest; and

(b) forest reserve; and

(c) area of multiple use forest land –

(d)

in the Central Plan Office.

(2) Notwithstanding subsection (1) –

(a) the corporation is not required to lodge a plan pursuant to a paragraph of that subsection if a plan of the relevant land has been lodged pursuant to another of those paragraphs; and

(b) if the boundary of an item specified in that subsection is altered, the corporation is not required to lodge a new plan in respect of that item if the corporation lodges a plan showing the alteration.

(3) The Surveyor-General must, if satisfied that a plan lodged in the Central Plan Office pursuant to this section is in accordance with the provisions of the Survey Co-ordination Act 1944, register that plan in the Central Plan Register.

(4) Subsection (1) does not apply to land that was dedicated as State forest or as a forest reserve before the commencement of the Public Land (Administration and Forests) Act 1991.

20B. Public access to State forest

(1) The corporation must exercise its powers so as to afford members of the public access to State forest for such recreational purposes as are not incompatible with the management of State forest under this Act.

(2) Nothing in subsection (1) prevents the corporation from prohibiting a person from –

(a) entering, or remaining in, an area of State forest –

(i) that has been declared under section 68 of the Fire Service Act 1979 to be an area of extreme fire hazard; or

(ii) that is an area in respect of which another person has a right of exclusive possession; or

(iii) contrary to a restriction contained in a forest management plan pursuant to section 22C(6); or

(iv)

(b) using a forest road in contravention of the regulations or a forest road that has been temporarily or permanently closed.

(3) Nothing in subsection (1) prevents the corporation from charging a person a fee for the right to use –

(a) a forest road; or

(b) any facilities or conveniences provided by the corporation in areas of State forest for the benefit of visitors to those areas.

(4) In any proceedings where it is necessary to prove that a person did not have a right to enter or remain in a particular area of State forest at a particular time, a certificate in writing purporting to be signed by the chief executive officer stating that the corporation had closed that area of State forest to that person at that time is admissible as evidence of the matters stated in the certificate.

21.

22.

22A.

22AA. Production policy

(1) Each year, from multiple use forest land, the corporation must make available for the veneer and sawmilling industries a minimum aggregate quantity of eucalypt veneer logs and eucalypt sawlogs that meet the prescribed specifications.

(2) In subsection (1), "**minimum aggregate quantity**" means –

(a) 300 000 cubic metres; or

(b) if another quantity is prescribed – the prescribed quantity.

(3)

PART IIIA - Forest Management Plans

22A. Interpretation

In this Part, unless the contrary intention appears –

"forestry right" means –

(a) a private right conferred by or under this Act or subsisting immediately before the commencement of the *Public Land (Administration and Forests) Act 1991*; or

(b) a private right conferred, or to be conferred, by or under any of the following Acts immediately before that commencement:

(i) *Wood-pulp and Paper Industry Encouragement Act 1926*;

(ii) *Florentine Valley Paper Industry Act 1935*;

(iii) *Associated Pulp and Paper Mills Act 1936*;

(iv) *National Park and Florentine Valley Act 1950*;

(v) *Forestry Act 1954*;

(vi) *Huon Valley Pulp and Paper Industry Act 1959*;

(vii) *Wesley Vale Pulp and Paper Industry Act 1961*;

(viii) *Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968*;

"Government department" means a department established under the *State Service Act 2000*;

"private right" means an estate, interest or right in or over Crown land, not being an interest arising under a contract for the grant of an estate in fee simple, pursuant to which its holder has the right –

(a) to occupy or use that land for forestry purposes; or

(b) to build or maintain any structures on that land for forestry purposes; or

(c) to carry out any forestry operations on that land; or

(d) to take any forest produce of that land;

"responsible officer" means –

(a) in relation to a Government department – the Secretary of that department; or

(b) in relation to a State authority – the president, chairman or other principal or presiding member of that authority or the governing body of that authority or, if that authority or body is comprised of a single person, that person;

"restriction", in relation to a restriction imposed on the exercise of a statutory power, means a restriction specifying –

- (a) a condition subject to which that power may be exercised; or
- (b) the circumstances in which that power may or may not be exercised;

"State authority" has the same meaning as in the *State Service Act 2000*;

"statutory power" means a power under an enactment –

- (a) for the reservation or dedication of Crown land for any purpose; or
- (b) for the alienation of, or the grant of a private right in or over, Crown land; or
- (c) for the carrying out of any works or other operations on Crown land.

22B. Corporation may prepare forest management plans

(1) The corporation may prepare forest management plans in accordance with this Part for –

- (a) any area of State forest; and
- (b) the whole or any part of a forest reserve; and
- (c) any area of Crown land that, as at the date of the commencement of the *Public Land (Administration and Forests) Act 1991*, is subject to a forestry right.
- (d)

(2) The Minister may direct the corporation to prepare a forest management plan for any land specified in subsection (1).

22C. Forest management plans

(1) A forest management plan –

- (a) embodies the forest policy for; and
- (b) regulates the use and management of –
the land to which it applies.

(2) A forest management plan is to –

- (a) specify the purposes for which, and the manner in which, the land to which the plan applies is to be developed, used and managed; and
- (b) specify the period for which, if not superseded or revoked, it is to remain in force; and
- (c) indicate the nature and location of the forest operations to be carried out on the land to which the plan applies while it is in force; and

(d) indicate the means by which the management objectives specified in Schedule 3 are to be achieved for any forest reserve to which the plan applies.

(3) Subject to this Part, a forest management plan may prohibit or restrict the exercise of a statutory power in respect of the land to which it applies.

(4) Subsection (3) has effect notwithstanding any other enactment.

(5) A forest management plan is not to contain a provision that is inconsistent with this Act or the *Forest Practices Code*.

(6) A forest management plan may specify that the whole or any part of the land to which it applies is a restricted area to which the public does not have access –

(a) at any time; or

(b) at certain times; or

(c) except for certain purposes; or

(d) except for certain purposes at certain times.

(7) A State forest is to be managed in accordance with any forest management plan applying to it.

(8) A forest management plan may –

(a) revoke; or

(b) amend –

an existing forest management plan.

(9) A forest management plan supersedes any existing forest management plan or existing interim forest management plan for the land to which it applies.

22D. Duties of corporation in preparing forest management plans

(1) The corporation must, before preparing a forest management plan, cause a newspaper notice to be published –

(a) stating its intention to prepare the plan; and

(b) identifying the land to which the plan is to apply; and

(c) advising that any person who wishes to make a submission in respect of the plan must register with the corporation for that purpose; and

(d) advising when and how any such person is to register.

(2) The corporation must, when preparing a forest management plan, seek the views of –

(a) each person who has registered with the corporation under subsection (1); and

(b) each person whose forestry rights will, or may, be affected by the plan –

and may consult such –

(c) Government departments and State authorities; and

(d) local government bodies; and

(e) persons within the forest industry; and

(f) other persons –

as the corporation considers it necessary or desirable to consult.

(3) Any Government department or State authority may make a submission to the corporation in response to a notice published under subsection (1).

(4) If the corporation –

(a) intends to include in a forest management plan a provision that will prohibit, restrict or affect the exercise of a statutory power by a Government department, State authority or a person; or

(b) considers that the exercise of a statutory power by a Government department, State authority or a person may be affected by a provision it intends to include in a forest management plan –

the corporation must give a written notice to the responsible officer of that Government department or State authority, or to that person, requesting that the officer, or that person, provide the corporation with a submission on whether the proposed provision should –

(c) be included in the plan; or

(d) be included in the plan in amended form; or

(e) not be included in the plan.

(5) A notice under subsection (4) –

(a) may be sent by post or delivered personally; and

(b) is to allow at least 30 days for the officer, or the person, to respond.

(6) The corporation must, when it has prepared a forest management plan, cause a newspaper notice to be published –

(a) stating that the corporation has prepared the plan; and

(b) identifying the land to which the plan applies; and

(c) advising where the plan may be inspected and copies of it obtained; and

(d) advising of any fee that may be payable for obtaining a copy of the plan; and

(e) advising that submissions on the plan may be made to the corporation within such period as is specified in the notice, being a period of not less than 60 days from the day on which the notice is first published.

(7) The corporation may, as a result of any submissions received pursuant to subsection (4) or (6)(e), amend the plan.

(8) When the corporation has prepared a forest management plan in accordance with this section, the corporation must submit it to the Minister for approval.

(9) When the corporation submits a forest management plan to the Minister for approval, the corporation must provide the Minister with –

(a) details of –

(i) any submissions received pursuant to subsection (6)(e); and

(ii) any action taken by the corporation in respect of those submissions; and

(b) details of –

(i) any statutory powers that will, or may, be prohibited, restricted or affected by the plan; and

(ii) any submissions received pursuant to subsection (4); and

(iii) any action taken by the corporation in respect of those submissions; and

(c) a certification by the corporation that –

(i) the plan does not adversely affect any forestry rights; or

(ii) each person whose forestry rights are adversely affected by the plan has either consented, or raised no objection, to the plan; or

(iii) if any person whose forestry rights are adversely affected by a provision of the plan has objected to it – it is necessary or reasonable for that provision to be included in the plan and stating the grounds why this is the case; and

(d) a certification by the corporation that the plan has been prepared in accordance with this section; and

(e) a recommendation by the corporation as to whether or not the plan should take effect as an interim forest management plan.

22E. Interim forest management plans

(1) This section applies to a forest management plan that the corporation has recommended should take effect as an interim forest management plan.

(2) The Minister may, within 30 days of receiving a forest management plan from the corporation, direct that the plan is to –

(a) take effect; or

(b) not take effect –

as an interim forest management plan.

(3) If the Minister –

(a) issues a direction under subsection (2)(a); or

(b) does not issue a direction under subsection (2)(b) –

the plan is to come into force as an interim forest management plan in accordance with this section.

(4) For the purposes of subsection (3), the corporation must cause a newspaper notice to be published –

(a) stating that the corporation has prepared the plan and submitted it to the Minister for approval; and

(b) identifying the land to which the plan applies; and

(c) stating that on such day as is specified in the notice the plan is to –

(i) come into force as an interim forest management plan for the land to which it applies; and

(ii) supersede any existing forest management plan or interim forest management plan for that land; and

(d) giving details of any restriction included in the plan pursuant to section 22C(6); and

(e) advising where the plan may be inspected and copies of it obtained; and

(f) advising of any fee that may be payable for obtaining a copy of the plan; and

(g) advising that submissions on the plan may be made to the Minister within such period as is specified in the notice, being a period of not less than 30 days from the day on which the notice is first published.

(5) An interim forest management plan –

(a) has the same force and effect as a forest management plan; and

(b) supersedes any existing forest management plan or interim forest management plan for the land to which it applies.

(6) An interim forest management plan comes into force on the day specified in accordance with subsection (4)(c).

(7) An interim forest management plan remains in force until –

(a) it is superseded by a forest management plan or a subsequent interim forest management plan; or

(b) it is revoked by the Minister.

22F. Notification of plans other than interim plans

(1) This section applies to a forest management plan that the corporation has recommended should not take effect as an interim forest management plan.

(2) When the corporation submits a forest management plan to which this section applies to the Minister for approval, the corporation must cause a newspaper notice to be published in the same terms as the notice referred to in subsection (4) of section 22E, with the exception of the statement referred to in paragraph (c) of that subsection.

22G. Powers and duties of Minister in respect of forest management plans

(1) When a forest management plan has been submitted by the corporation to the Minister for approval, the Minister may –

(a) approve it without amendment; or

(b) recommend to the corporation that it make such amendments to, or take such other action in respect of, the plan as the Minister specifies and then resubmit it to the Minister; or

(c) refuse to approve it.

(2) The Minister must not exercise a power referred to in subsection (1) until the Minister –

(a) has received the documents referred to in section 22D(9); and

(b) has considered any submissions received pursuant to section 22E(4)(g) or 22F.

(3) The Minister must not approve a forest management plan that will prohibit, restrict or affect the exercise of a statutory power by a Government department, State authority or a person until the Minister has consulted, and obtained the agreement of, the responsible officer of that Government department, State authority or that person.

(4) The Minister must, on approving a forest management plan, cause a notice of the approval to be published in the *Gazette*.

(5) A notice under subsection (4) is to –

(a) specify the day on which the plan comes into force; and

(b) give details of any restriction included in the plan pursuant to section 22C(6).

(6) If the Minister refuses to approve a forest management plan that is in force as an interim forest management plan, the Minister may direct that it is to cease to have effect as an interim forest management plan and, in any such case, the Minister must cause to be published in the *Gazette* a notice –

(a) stating that the plan has not been approved; and

(b) declaring that it ceases to be of effect as an interim forest management plan on such day as is specified in the notice.

(7) The Minister may, by notice published in the *Gazette*, revoke in whole or in part –

- (a) a forest management plan; or
- (b) an interim forest management plan.

22H.

22I. Period during which forest management plans are in force

(1) A forest management plan comes into force on the day specified in the notice referred to in section 22G(5)(a).

(2) A forest management plan remains in force for the period specified in it unless –

- (a) it is superseded or revoked by –
 - (i) an interim forest management plan; or
 - (ii) another forest management plan; or
- (b) it is revoked by the Minister.

22J. Amendment of forest management plans

(1) The corporation may, at the request of the Minister or of its own accord, prepare an amendment to a forest management plan in accordance with this section.

(2) The corporation must, when preparing an amendment to a forest management plan, cause a newspaper notice to be published –

- (a) identifying the plan; and
- (b) advising of the intention to amend the plan; and
- (c) giving a brief description of the proposed amendment; and
- (d) advising that details of the proposed amendment are contained in a document that may be inspected at the corporation's main office free of charge; and
- (e) advising that submissions on the proposed amendment may be made to the corporation within such period as is specified in the notice, being a period of not less than 30 days from the day on which the notice is published; and
- (f) giving such other information in respect of the proposed amendment as the corporation considers necessary or desirable.

(3) Any Government department or State authority may make a submission to the corporation in response to a notice published under subsection (2).

(4) If the corporation –

- (a) intends to amend a forest management plan so as to prohibit, restrict or affect the exercise of a statutory power by a Government department, State authority or a person; or

(b) considers that the exercise of a statutory power by a Government department, State authority or a person may be affected by a proposed amendment to a forest management plan –

the corporation must give a written notice to the responsible officer of that Government department or State authority, or to that person, requesting that the officer, or that person, provide the corporation with a submission on the proposed amendment.

(5) A notice under subsection (4) –

(a) may be sent by post or delivered personally; and

(b) is to allow at least 30 days for the officer, or the person, to respond.

(6) The corporation must –

(a) after considering any submissions received pursuant to subsection (2)(e) or (4); and

(b) after taking any action it considers necessary or desirable in respect of those submissions –
submit the proposed amendment to the Minister for approval.

(7) When the corporation submits a proposed amendment to a forest management plan to the Minister for approval, the corporation must provide the Minister with –

(a) details of –

(i) any submissions received pursuant to subsection (2)(e); and

(ii) any action taken by the corporation in respect of those submissions; and

(b) details of –

(i) any statutory powers that will, or may, be prohibited, restricted or affected by the proposed amendment; and

(ii) any submissions received pursuant to subsection (4); and

(iii) any action taken by the corporation in respect of those submissions; and

(c) a certification by the corporation that –

(i) the proposed amendment does not adversely affect any forestry rights; or

(ii) each person whose forestry rights are adversely affected by the proposed amendment has either consented to, or raised no objection to, the proposed amendment; or

(iii) if any person whose forestry rights are adversely affected by the proposed amendment has objected to it – it is necessary or reasonable for the amendment to be made and stating the grounds why this is the case; and

(d) a certification by the corporation that the proposed amendment has been prepared in accordance with this section.

(8) When the proposed amendment is submitted by the corporation to the Minister for approval the Minister may –

- (a) approve it; or
- (b) recommend to the corporation that it make such changes to, or take such other action in respect of, the proposed amendment as the Minister specifies and then resubmit it to the Minister; or
- (c) refuse to approve it.

(9) The Minister must not exercise a power referred to in subsection (8) until –

- (a) the Minister has received the documents referred to in subsection (7); and
- (b) the Minister has caused a newspaper notice to be published –
 - (i) stating that the Minister has received the proposed amendment; and
 - (ii) specifying where details of the proposed amendment may be inspected; and
 - (iii) advising that further submissions in respect of the proposed amendment may be made to the Minister within such period as is specified in the notice, being a period of not less than 30 days from the day on which the notice is published; and
- (c) the period specified in the notice referred to in paragraph (b)(iii) has elapsed; and
- (d) the Minister has considered any submissions received pursuant to paragraph (b)(iii).

(10) The Minister must not approve an amendment to a forest management plan that will prohibit, restrict or affect the exercise of a statutory power by a Government department, State authority or a person until the Minister has consulted, and obtained the agreement of, the responsible officer of that Government department or State authority or that person.

(11)

(12) The Minister must, on approving an amendment to a forest management plan, cause a notice of the approval to be published in the *Gazette*.

(13) A notice under subsection (12) is to –

- (a) specify the day on which the proposed amendment comes into force; and
- (b) give details of any restriction included in the amendment pursuant to section 22C(6).

(14) An amendment to a forest management plan comes into force on the day specified in accordance with subsection (13)(a).

22K. Forest management plans to be available for public inspection

(1) The corporation must, at all reasonable times, make each –

- (a) draft of a proposed forest management plan; and

(b) interim forest management plan; and

(c) forest management plan –

available for public inspection at its main office and must, upon request, provide a copy of that plan to any person.

(2) The corporation may charge a fee for providing a copy of a plan under subsection (1), but such fee is not to exceed the reasonable cost of providing the copy.

PART IV - Miscellaneous

Division 1 - Forest produce and processing

23. Timber classification officers

(1) The corporation may appoint any of its employees, any person employed by a body corporate involved in the forest industry or any other person whom it regards as being suitably qualified to be a timber classification officer for the purposes of classifying timber and other forest produce on, or harvested from, State forest.

(2) A person who is not an employee of the corporation is to be appointed on such terms as the corporation determines and specifies in the instrument of appointment.

(3) A person appointed as a timber classification officer must perform such duties relating to the classification of timber and other forest produce as the corporation directs.

(4) A person appointed as a timber classification officer does not incur any personal liability for an act done or purported or omitted to be done by the officer acting as such in good faith.

(5) An employee or other person appointed as a timber classification officer may hold that appointment and perform the duties of a timber classification officer in conjunction with any other office or appointment held by that person.

(6) Notwithstanding the other provisions of this section, a State Service officer or State Service employee is not, without the prior approval of the Head of the State Service Agency in which the officer or employee is employed –

(a) capable of being appointed as a timber classification officer; or

(b) entitled to receive any remuneration or allowances in his or her capacity as a timber classification officer.

(7) In any proceedings, a certificate purporting to be signed by the chief executive officer and stating that a person named in the certificate is, or was at a particular time or during a particular period, a timber classification officer is admissible as evidence of the matter stated in the certificate.

23A.

24. Joint ventures

(1) The corporation may, by agreement in writing, enter into an arrangement with another person, or other persons, for and in relation to the carrying out on any land within State forest of a joint venture.

(2) An arrangement under subsection (1) is to continue for such term as is specified in the agreement, and may be extended for such further period or periods as may be agreed upon between the parties to the arrangement.

(3) Without limiting the generality of subsection (1), an agreement under that subsection may –

(a) make provision for the carrying out by the several parties to the arrangement of specified operations, including, in particular –

(i) the planting, tending and harvesting of trees; and

(ii) the construction and maintenance of fences, roads, bridges and other facilities; and

(iii) the payments, if any, to be made by the several parties to the arrangement to other such parties; and

(iv) the apportioning among those parties of the expenses and proceeds, if any, of the joint venture and of any royalties, or the liability to pay any royalties, relating to forest produce resulting from the undertaking of the joint venture; and

(v) the disposal of that forest produce; and

(b) include terms and conditions relating to –

(i) the obtaining, cutting and conversion of the forest produce resulting from the undertaking of the joint venture; and

(ii) the marking of that forest produce, its removal from the land from which it has been obtained and the protection and preservation of timber and other growth on that land; and

(iii) the cancellation of the arrangement by the corporation for default by any other party to the arrangement in the performance of its obligations under the agreement or on such other grounds as are specified in the agreement or the regulations; and

(iv) the suspension of any of the terms and conditions or any obligations of the agreement.

Division 2 - Access and protection

25. Signage

(1) The corporation may erect signs on or in respect of forest roads, forest reserves or other land in State forest –

(a) for the purposes of discharging its responsibilities; or

(b) in the interests of safety.

(1A) The corporation shall, wherever practicable, erect signs stating that a particular road is a forestry road.

(2) A person must not, without lawful excuse, undertake an activity or engage in conduct on a forest road, forest reserve or other land in State forest contrary to –

(a) the directions of the corporation expressed on a sign authorised by the corporation; or

(b) the directions of a police officer.

Penalty:

Fine not exceeding 20 penalty units.

(3) In any proceedings under subsection (2), a certificate purporting to be signed by the chief executive officer stating that at a particular time a sign was authorised by the corporation for the purposes of this section is admissible as evidence that, at that time, the sign was so authorised.

(4) A police officer who reasonably considers that a person is offending against subsection (2) may direct that person to leave the forest road, forest reserve or other land in State forest.

(5) A person who is given a direction by a police officer under subsection (4) must comply with that direction.

Penalty:

Fine not exceeding 20 penalty units.

26. Closure of forest roads

(1) In this section –

"artificial barricade" includes a gate or chain;

"prescribed sign" means a sign that clearly indicates that the forest road, or the section of forest road, in respect of which it is erected is closed to all traffic or to a class of traffic;

"traffic" means pedestrian or vehicular traffic.

(2) The corporation may close a forest road or any section of forest road to all traffic, or to a class of traffic, if the corporation considers that the closure is necessary or expedient –

(a) for the purposes of discharging its responsibilities; or

(b) in the interests of safety.

(3) The closure may be temporary or permanent but the corporation must not effect a permanent closure in a case of a forest road that is subject to significant established public use unless it has first consulted the council of the municipal area in which the road is located.

(4) The closure may be effected by means of –

(a) a prescribed sign; or

(b) a prescribed sign in conjunction with an artificial barricade; or

(c) a prescribed sign in conjunction with an earthen barricade; or

(d) a prescribed sign in conjunction with a trench –

or by any combination of those means.

(5) A person must not drive or use a vehicle on a forest road or a section of forest road that has been closed in accordance with this section.

Penalty:

Fine not exceeding 5 penalty units.

(6) In any proceedings under subsection (5), a certificate purporting to be signed by the chief executive officer and stating that, at a particular time, a forest road or a section of forest road was closed to all traffic, or to a class of traffic, and that the closure was effected in accordance with this section is admissible as evidence that, at that particular time, the forest road or section of forest road was so closed.

27. Conversion of forest roads to public roads

(1) In this section,

"**forest road**" means a forest road that is made up of land that has the status of State forest under this Act.

(2) The power that the Governor may exercise under section 7 of the *Roads and Jetties Act 1935* in respect of a road or any specified portion of a road within the meaning of that Act may also, with the consent of the corporation, be exercised in respect of a forest road or any specified portion of a forest road in all respects as if the forest road were a road within the meaning of that Act.

(3) If, pursuant to subsection (2), the Governor by proclamation declares any forest road or any specified portion of a forest road to be a State highway or subsidiary road for the purposes of Part II of the *Roads and Jetties Act 1935*, the land comprising that forest road or specified part of that forest road ceases, by virtue of the proclamation, to be State forest on the date on which the proclamation takes effect.

(4) The power that a council may exercise under section 12 of the *Local Government (Highways) Act 1982* in respect of a road or other way within its municipal area that is not a highway may also, with the consent of the corporation, be exercised in respect of a forest road in all respects as if that forest road were a road or way within the meaning of that section of that Act.

(5) If, pursuant to subsection (4), a council by resolution declares that a forest road within its municipal area is to become, as specified in the resolution, a highway maintainable by the council or a particular kind of highway so maintainable, the land comprising that forest road ceases, by virtue of the resolution, to be State forest on the date on which the resolution is published in the *Gazette* in accordance with section 12(4) of the *Local Government (Highways) Act 1982*.

(6) This section has effect notwithstanding any other enactment.

28. Easements over Crown land in State forest

(1) The corporation may, on behalf of the Crown, grant easements over Crown land in State forest for such purposes and upon such terms and conditions as the corporation determines.

(2) An easement granted under subsection (1) is registrable under the *Land Titles Act 1980*.

28A.

29. Alternative to prosecution for certain offences

(1) If –

(a) the corporation is satisfied that a person has committed an offence involving forest produce but that in the circumstances the offence does not merit prosecution; and

(b) the person pays or agrees to pay the corporation an amount not exceeding 3 times the commercial value of the forest produce as reasonably determined by the corporation –

the corporation may accept such payment or agreement to pay and, if so, it must waive or, if applicable, discontinue the proceedings for the offence.

(2) In a case to which subsection (1) applies the corporation may allow the person to take, remove or retain the whole or any part of the forest produce.

(3) If the whole or any part of an amount that a person has agreed to pay the corporation under subsection (1) is not paid by such date or within such period as that person and the corporation have agreed for the purpose, the corporation may recover the unpaid amount as a debt due to the corporation in a court of competent jurisdiction.

30. Fire protection

(1) A person who is engaged in any forest operations in an area of State forest must –

(a) take reasonable measures to protect the area from fire; and

(b) promptly check and suppress any fire that may occur in the area.

Penalty:

Fine not exceeding 20 penalty units.

(2) Nothing in subsection (1) prohibits a person from carrying out reasonable and controlled burning-off operations with the written approval of the corporation as part of any forest operations or for the purposes of land management or fire safety.

(3) A person who is engaged in any forest operations in an area of State forest must, if requested to do so by a police officer or an employee of the corporation, provide reasonable assistance to the corporation in taking action to check and suppress any fire on controlled land that is threatening, or likely to threaten, the area.

Penalty:

Fine not exceeding 20 penalty units.

(4) The corporation must reimburse a person for the reasonable costs incurred by that person in complying with a request under subsection (3).

Division 3 - Miscellaneous

30A.

30B.

31. Vicarious liability

(1) In this section, "employee" includes a contractor, whether independent or otherwise.

(2) Where an offence against this Act is committed by an agent or employee, the principal or employer is also guilty of an offence and liable to the same penalty as is provided for the first-mentioned offence unless it is proved that the principal or employer could not by the exercise of reasonable diligence have prevented the agent or employee from committing the offence.

(3) A principal or employer may be convicted of an offence under this section whether or not proceedings have been brought against the agent or employee.

32.

33. Regulations

(1) The Governor may make regulations prescribing matters –

(a) required or permitted by this Act to be prescribed; or

(b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may –

(a) be of general or limited application; and

(b) apply differently according to specified matters, limitations or restrictions, whether as to time, location, circumstance or otherwise; and

(d) authorise any matter to be determined, applied or regulated by the corporation or by a person or class of persons authorised by the corporation.

(3) The regulations may –

(a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and

(b) in respect of such an offence, provide for the imposition of a fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

33A.

33AB.

33AC.

33B.

33C.

34.

34A.

34B.

34C.

34D.

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35A.

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36A.

PART V -

36B.

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40A.

40B.

40C.

PART VI -

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44A.

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49A.

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PART VII -

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59A.

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59C.

59D.

PART VIII -

60.

SCHEDULE 1

SCHEDULE 2

SCHEDULE 3 - Objectives for management of forest reserves

Sections 20(2D) and 22C

1. The objectives for the management of forest reserves are as follows:

- (a) to conserve natural biological diversity;
- (b) to conserve geological diversity;
- (c) to preserve the quality of water and protect catchments;
- (d) to conserve sites or areas of cultural significance;
- (e) to encourage education based on the reserve's purpose and significance;
- (f) to encourage research, particularly that which furthers the purpose of reservation;
- (g) to protect the reserve against, and rehabilitate the reserve following, adverse impacts of fire, introduced species, diseases and soil erosion on the reserve's natural and cultural values and on assets within and adjacent to the reserve;
- (h) to encourage appropriate tourism, recreational use and enjoyment;
- (i) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the reserve's purpose and other reserve management objectives;
- (j) to provide for the controlled use of natural resources;
- (k) to provide for exploration activities and utilisation of mineral resources;
- (l) to provide for the taking on an ecologically sustainable basis of designated game species for commercial and private purposes.

SCHEDULE 4

Table Of Amendments

Act	Number and year	Date of commencement
Forestry Act 1920	No. 60 of 1920	24.12.1920
Forestry Act 1921	No. 68 of 1921	14.2.1922
Forestry Act 1924	No. 62 of 1924	13.1.1925
Forestry Act 1927	No. 95 of 1927	22.12.1927
Forestry Act 1929	No. 34 of 1929	13.11.1929
Forestry Act 1930	No. 55 of 1930	1.7.1930 (s. 2)

Statute Law Revision Act 1934 {and proclamations thereunder}	No. 78 of 1934	13.12.1934
Forestry Act 1938	No. 47 of 1938	1.11.1938
Forestry Act 1939	No. 47 of 1939	21.12.1939
Forestry Act 1940	No. 39 of 1940	31.10.1940
Forestry Act 1941	No. 58 of 1941	13.11.1941
Forestry Act 1942	No. 22 of 1942	22.7.1942
Forestry Act 1946	No. 42 of 1946	15.4.1947
Forestry Act 1952	No. 8 of 1952	22.4.1952
Forestry Act 1953	No. 29 of 1953	23.10.1953
Forestry Act 1957	No. 23 of 1957	11.4.1957
Forestry Act 1956	No. 4 of 1956	26.4.1957
Statute Law Revision Act 1958	No. 36 of 1958	24.7.1958
Forestry Act 1962	No. 15 of 1962	10.5.1962
Decimal Currency Act 1965	No. 55 of 1965	14.2.1966
Real Property Act 1966	No. 61 of 1966	1.2.1967
National Parks and Wildlife Act 1970	No. 47 of 1970	1.11.1971
Forestry Act 1974	No. 42 of 1974	14.10.1974
Forestry Act 1975	No. 37 of 1975	1.10.1975
Forestry Act (No. 2) 1975	No. 75 of 1975	22.12.1975
Crown Lands Act 1976	No. 28 of 1976	18.8.1976
Statute Law Revision Order (No. 3) 1977	S.R. 1977, No. 200	17.8.1977
Forestry Act 1977	No. 117 of 1977	14.12.1977
Forestry Amendment Act 1980	No. 95 of 1980	26.12.1980
Forestry Amendment Act 1981	No. 18 of 1981	6.5.1981

Land Titles Act 1980	No. 19 of 1980	1.10.1981
Forestry Amendment Act 1984	No. 56 of 1984	11.7.1984
Forestry Amendment Act (No. 2) 1984	No. 104 of 1984	21.12.1984
Tasmanian State Service (Miscellaneous Amendments) Act 1984	No. 29 of 1984	1.12.1985
Forestry Amendment Act 1986	No. 69 of 1986	3.10.1986
Forest Practices (Miscellaneous Amendments) Act 1985	No. 49 of 1985	2.11.1987
Forestry Amendment Act 1989	No. 27 of 1989	1.7.1988
Forestry Amendment (Joint Ventures) Act 1989	No. 28 of 1989	18.4.1989
Forestry Amendment (Boundaries) Act 1989	No. 18 of 1989	18.4.1989
Administrative Arrangements (Miscellaneous Amendments) Act 1990	No. 5 of 1990	1.7.1990
State Authorities Financial Management (Consequential Amendments) Act 1991	No. 40 of 1991	1.7.1991
Public Land (Administration and Forests) Act 1991	No. 42 of 1991	4.12.1991
Police Offences Amendment Act 1992	No. 4 of 1992	15.5.1992
Land Acquisition (Consequential Amendments) Act 1993	No. 24 of 1993	1.1.1994
Forestry Amendment (Forestry Corporation) Act 1994	No. 25 of 1994	1.7.1994
Statute Law Revision Act 1994	No. 68 of 1994	25.11.1994
Government Business Enterprises (Consequential Amendments) Act (No. 2) 1995	No. 52 of 1995	1.7.1995
Workplace Health and Safety (Consequential Amendments) Act 1995	No. 14 of 1995	16.8.1995
Environmental Management and Pollution Control (Consequential Amendments) Act 1996	No. 37 of 1996	25.1.1996
Forestry Amendment Act 1996	No. 66 of 1996	17.12.1996
Financial Institutions (Miscellaneous Amendments) Act 1996	No. 62 of 1996	1.1.1997
Resource Planning and Development Commission Act 1997	No. 85 of 1997	1.1.1998
Regional Forest Agreement (Land Classification) Act 1998	No. 45 of 1998	18.12.1998 (remaining provisions)
		30.4.1999 (ss. 31, 32, 36, 40, 45, 48, 49, 51 and 52)

Forest Practices Amendment Act 1999	No. 23 of 1999	1.7.1999
Forestry Amendment (Miscellaneous) Act 1999	No. 30 of 1999	1.1.2000
Superannuation (Miscellaneous and Consequential Amendments) Act 2000	No. 103 of 2000	13.12.2000 (remaining provisions)
State Service (Consequential and Miscellaneous Amendments) Act 2000	No. 86 of 2000	1.5.2001
Private Forests Amendment Act 2001	No. 116 of 2001	24.8.2001
Forestry (Fair Contract Codes) Act 2001	No. 117 of 2001	17.12.2001
Regional Forest Agreement (Land Classification) Act 1998	No. 45 of 1998	31.12.2001 (ss. 33, 37, 41, 74, 78 and 79)
Forestry Rights Registration Amendment Act 2002	No. 8 of 2002	30.5.2002
Forestry Amendment Act 2002	No. 45 of 2002	27.11.2002
National Parks and Wildlife Separation (Consequential Amendments) Act 2002	No. 64 of 2002	31.12.2002
Statute Law Revision Act 2003	No. 9 of 2003	16.4.2003
Police Service (Consequential Amendments) Act 2003	No. 76 of 2003	1.1.2004
Statutory Officers (Age for Retirement) Act 2005	No. 17 of 2005	10.6.2005
Forest Practices Administrative Reform (Transitional and Consequential) Act 2004	No. 56 of 2004	1.7.2005
Public Sector Superannuation (Miscellaneous Amendments) Act 2005	No. 65 of 2005	15.12.2005
Environmental Management and Pollution Control (Environment Protection Authority) (Consequential Amendments) Act 2007	No. 76 of 2007	1.7.2008
Government Business Enterprises and State-owned Companies Legislation Amendment Act 2009	No. 1 of 2009	27.4.2009
Resource Planning and Development Commission Legislation (Miscellaneous Amendments) Act 2009	No. 28 of 2009	1.9.2009
Forestry Amendment Act 2009	No. 53 of 2009	12.11.2009