

FORESTRY AMENDMENT ACT 1981

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No. 18 of 1981
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FORESTRY AMENDMENT ACT 1981

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AN ACT to amend the Forestry Act 1920 to provide for assistance with respect to the establishment, development, and proper management of a scheme for the planting of trees for purposes other than private forestry, and to make further provision with respect to the permanent head of the Forestry Department and the employment of officers and other persons in that department.

[Royal Assent 6 May 1981]

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:—

1—This Act may be cited as the *Forestry Amendment Act 1981*. Short title.

2—In this Act, the *Forestry Act 1920** is referred to as the Principal Act.
Principal Act.

* 11 Geo. V No. 60. For this Act, as amended to 1st September 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 117 of 1977 and Nos. 19 and 95 of 1980.

Substitution of
section 10 of
Principal Act.

3—Section 10 of the Principal Act is repealed and the following section is substituted:—

Appointment of
officers, &c.

10—(1) The Governor may, subject to the provisions of the *Public Service Act 1973*, appoint such persons as officers of the Department as may be necessary for the administration of this Act.

(2) The Commission may appoint and employ any person on a casual, temporary, or part-time basis for the purposes of carrying out work in the Department, other than work of a clerical or administrative nature, and may dismiss any such person.

(3) Any person appointed by the Commission under subsection (2) is not subject to the provisions of the *Public Service Act 1973*.

(4) For the purposes of the *Public Service Act 1973*, the Chief Commissioner shall be deemed to be the permanent head of the Department and shall have the same powers and authority in relation to that Department as if he were an officer under that Act.

(5) An officer of the Department who is appointed under subsection (1) and in respect of whom the Governor declares under section 5 (1) (p) of the *Public Service Act 1973* that the provisions of that Act shall not apply—

(a) shall be employed by the Commission on such terms and conditions as it may determine; and

(b) retains his existing and accruing rights in respect of leave of absence on account of sickness, long-service leave, and superannuation as if his employment by the Commission were a continuation of his service as an officer under that Act.

Insertion in
Principal Act
of new
Part IIB.

4—After Part IIA of the Principal Act, the following Part is inserted:—

PART IIB

SCHEME FOR PLANTING OF TREES FOR PURPOSES OTHER THAN
PRIVATE COMMERCIAL FORESTRY

12Q—(1) The Commission may render advice and assistance to any person with respect to the establishment, development, and proper management of a scheme for the planting of trees for such purposes, other than private commercial forestry, as the Commission may from time to time determine.

Commission may render advice and assistance for tree planting.

(2) Where the Commission renders any advice or assistance under subsection (1) it may impose such charges for the rendering of that advice or assistance as may be agreed between the Commission and the person to whom that advice or assistance is rendered.

(3) The Commission shall cause any payment received by it pursuant to subsection (2) to be credited to the Forestry Fund.

12R—(1) The Commission, with the approval of the Treasurer, may enter into and carry into effect agreements for rendering financial assistance for the purpose of assisting the establishment, development, and proper management of a scheme for the planting of trees for such purposes, other than private commercial forestry, as the Commission may from time to time determine.

Financial assistance.

(2) Financial assistance under this section shall be rendered on such terms and conditions as are determined by the Commission.

12S—(1) The expenses of the Commission under section 12R shall be paid out of money provided by Parliament for that purpose, and any revenue received by the Commission under that section shall be paid into the Consolidated Revenue.

Expenses of Commission.

(2) The Commission may receive funds from any source for the purpose of their application for any purposes of this Part and may so apply any such funds.

Consequential
amendments of
Principal Act.

5—The Principal Act is amended in the manner specified in Schedule 1.

Transitional
provisions.

6—A person who immediately before the commencement of this Act is appointed and employed under section 10 of the Principal Act shall, on the commencement of this Act, be deemed to have been appointed and employed under that section as substituted by section 3 of this Act.

SCHEDULE 1

Section 5

AMENDMENTS OF PRINCIPAL ACT

COLUMN 1 Provision of Principal Act amended	COLUMN 2 Amendment
(1) Section 4	(a) Insert "commercial" after "private" in the definition of "private forest". (b) Insert "commercial" after "private", twice occurring, in the definition of "private forestry".
(2) PART IIA—heading	Insert "COMMERCIAL" after "PRIVATE".
(3) Section 12A (2)	Insert "commercial" after "private".
(4) Section 12A (3)	Insert "commercial" after "private".
(5) Section 12A (5)	Insert "commercial" after "private".
(6) Section 12B (3)	Insert "commercial" after "private", wherever occurring.
(7) <i>Division II</i> of PART IIA—heading	Insert " <i>Commercial</i> " after " <i>Private</i> ".
(8) Section 12G (1)	Insert "commercial" after "private", twice occurring.
(9) Section 12G (3)	Insert "commercial" after "private".
(10) Section 12H (1)	Insert "commercial" after "private".