



**FOREST PRACTICES (MISCELLANEOUS AMENDMENTS)  
ACT 1985**

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**No. 49 of 1985**  
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**TABLE OF PROVISIONS**

1. Short title.
2. Commencement.
3. Amendment of specified Acts.

**SCHEDULE 1—AMENDMENT OF SPECIFIED ACTS**

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**AN ACT to amend certain enactments in consequence of the enactment of the Forest Practices Act 1985.**

**[Royal Assent 23 May 1985]**

**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 *Forest Practices (Miscellaneous Amendments) Act 1985*. Short title.

Commence-  
ment.

**2**—This Act shall commence on the same day as that fixed by proclamation under section 2 (2) of the *Forest Practices Act 1985*.

Amendment of  
specified Acts.

**3**—Each Act specified in column 1 of Schedule 1 is amended in the manner specified in column 2 of that Schedule.

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## SCHEDULE 1

## Section 3

## AMENDMENT OF SPECIFIED ACTS

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
1 Edw. VIII No. 35	<i>Associated Pulp and Paper Mills Act 1936</i>	<p>Section 2—</p> <p>Insert the following definition after the definition of “the Company”:</p> <p>“Forest Practices Code” means the Code issued by the Commission pursuant to section 30 of the <i>Forest Practices Act 1985</i> and in force under that Act and includes any amendment to that Code;</p> <p>Section 9—</p> <p>(1) Omit “Governor and upon such terms and conditions as the Governor deems fit, to make, use, construct, repair, improve, and maintain such” from subsection (1) and substitute “Minister and on such terms and conditions as the Minister determines, to make, use, construct, repair, improve, and maintain such roads and”;</p> <p>(2) Insert in subsection (1) “roads and” after “along which such”.</p> <p>(3) Insert the following subsection after subsection (1):—</p> <p>(1A) After the day fixed under section 2 (2) of the <i>Forest Practices Act 1985</i>, the Minister shall not determine any term or condition for the purposes of subsection (1) that is inconsistent with the Forest Practices Code.</p>
26 Geo. V No. 27	<i>Florentine Valley Paper Industry Act 1935</i>	<p>Section 3 (1)—</p> <p>Insert the following definition after the definition of “court”:</p> <p>“Forest Practices Code” means the Code issued by the Commission pursuant to section 30 of the <i>Forest Practices Act 1985</i> and in force under that Act and includes any amendments to that Code;</p>

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
		<p>Section 9—</p> <p>(1) Insert the following subsection after subsection (3D):—</p> <p>(3E) The Commission shall not specify any alteration to be made in a working plan pending a settlement of a revision of the plan that would have the effect of making a provision of the plan inconsistent with the Forest Practices Code.</p> <p>(2) Insert the following subsection after subsection (6):—</p> <p>(7) A working plan shall not be revised after the day fixed under section 2 (2) of the <i>Forest Practices Act</i> 1985 so as to have the effect of making a provision of the plan inconsistent with the Forest Practices Code.</p> <p>Section 21—</p> <p>(1) Omit “deems fit” from subsection (1) and substitute “determines”.</p> <p>(2) Insert in subsection (1) “roads and” after “maintain such”.</p> <p>(3) Insert in subsection (1) “roads,” after “along which such”.</p> <p>(4) Insert the following subsection after subsection (1): —</p> <p>(1A) After the day fixed under section 2 (2) of the <i>Forest Practices Act</i> 1985 the Minister shall not determine any term or condition for the purposes of subsection (1) that is inconsistent with the Forest Practices Code.</p> <p>Section 21B—</p> <p>(1) Omit “reasonable for the purposes of the industry” from subsection (4) and substitute “specified in the Forest Practices Code in relation to a road of that type”.</p> <p>(2) Insert in subsection (5) “in accordance with the Forest Practices Code” after “maintain it”.</p>

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
11 Geo. V. No. 60	<i>Forestry Act</i> 1920	<p>Section 2 (1)—</p> <p>(1) Insert the following definition after the definition of “forest permit”:</p> <p>“Forest Practices Code” means the Code issued by the Commission pursuant to section 30 of the <i>Forest Practices Act</i> 1985 and in force under that Act and includes any amendments to that Code;</p> <p>(2) Insert the following definition after the definition of “purchaser”:</p> <p>“relevant day” means the day fixed under section 2 (2) of the <i>Forest Practices Act</i> 1985;</p> <p>Section 9B (1)—</p> <p>Insert “or any other Act” after “Act”, where secondly occurring.</p> <p>Section 22—</p> <p>Insert the following subsections after subsection (4):</p> <p>(5) After the relevant day, a working plan shall not be submitted to the Governor for approval if it contains a provision that is inconsistent with the Forest Practices Code.</p> <p>(6) After the relevant day, an alteration to a working plan shall not be submitted to the Governor for approval if it would have the effect of making a provision of the plan inconsistent with the Forest Practices Code.</p> <p>Section 22B—</p> <p>Insert the following subsection after subsection (2):</p> <p>(3) After the relevant day, a forest management plan shall not be submitted to the Governor for approval under section 22E if it contains a provision that is inconsistent with the Forest Practices Code.</p>

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
		<p>Section 27—</p> <p>(1) Insert the following subsection after subsection (1):—</p> <p style="padding-left: 40px;">(1AA) Notwithstanding subsection (1), a forest permit granted after the relevant day shall not contain a provision that is inconsistent with the Forest Practices Code.</p> <p>(2) Insert the following subsection after subsection (2):—</p> <p style="padding-left: 40px;">(2A) Notwithstanding subsections (1A) and (2), any regulations made for the purposes of those subsections after the relevant day shall not prescribe a condition that is inconsistent with the Forest Practices Code.</p> <p>Section 28—</p> <p>Insert the following subsection after subsection (1):—</p> <p style="padding-left: 40px;">(1A) An occupation permit granted after the relevant day shall not contain a provision that is inconsistent with the Forest Practices Code.</p> <p>Section 30A—</p> <p>(1) Insert the following subsection after subsection (3):—</p> <p style="padding-left: 40px;">(3A) Notwithstanding subsection (3) (a), a forest produce licence issued after the relevant day shall not contain a provision that is inconsistent with the Forest Practices Code.</p> <p>(2) Insert the following subsection after subsection (5):—</p> <p style="padding-left: 40px;">(5A) Notwithstanding subsection (5), any regulations made for the purposes of that subsection after the relevant day shall not prescribe a condition that is inconsistent with the Forest Practices Code.</p>

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
		<p>Section 30B—</p> <p>Insert the following subsection after subsection (1):—</p> <p>(1A) An agistment licence issued after the relevant day shall not contain a provision that is inconsistent with the Forest Practices Code.</p> <p>Section 33A—</p> <p>(1) Insert the following subsection after subsection (7):—</p> <p>(7A) Notwithstanding subsection (7), a contract of sale entered into after the relevant day shall not contain a provision that is inconsistent with the Forest Practices Code.</p> <p>(2) Insert the following subsection after subsection (8):—</p> <p>(8A) Notwithstanding subsection (8), any regulations made for the purposes of that subsection after the relevant day shall not prescribe a term or condition that is inconsistent with the Forest Practices Code.</p> <p>Section 34—</p> <p>Insert the following subsection after subsection (1):—</p> <p>(1AA) A forest lease granted after the relevant day shall not contain a provision that is inconsistent with the Forest Practices Code.</p> <p>Section 39—</p> <p>(1) Omit “reafforestation, and other works of forest improvement,” from subsection (1) and substitute “reafforestation, other works of forest improvement, and expenses incurred under the <i>Forest Practices Act</i> 1985 in relation to Crown land,”.</p> <p>(2) Insert in subsection (2) “or incurred under the <i>Forest Practices Act</i> 1985 in respect of land other than Crown land” after “(Private Forests)”.</p>

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
No. 49 of 1954	<i>Forestry Act</i> 1954	<p>Section 40—</p> <p>(1) Omit “ Act; and ” from paragraph (b) and substitute “ Act;”.</p> <p>(2) Omit “ Act,” from paragraph (c) and substitute “ Act; and ”.</p> <p>(3) Insert the following paragraph after paragraph (c):—</p> <p>(d) all fees received in respect of Crown land under the <i>Forest Practices Act</i> 1985,</p> <p>Section 60—</p> <p>Omit paragraph (za) from subsection (1).</p> <p>Section 2 (1)—</p> <p>Insert the following definition after the definition of “ approved sawmiller ”:—</p> <p>“ Forest Practices Code ” means the Code issued by the Commission pursuant to section 30 of the <i>Forest Practices Act</i> 1985 and in force under that Act and includes any amendments to that Code;</p> <p>Section 4A—</p> <p>(1) Insert “ (1) ” before “ Notwithstanding ”.</p> <p>(2) Insert the following subsection after subsection (1):—</p> <p>(2) After the day fixed under section 2 (2) of the <i>Forest Practices Act</i> 1985, the provisions of the working plan shall not be altered if the alteration would have the effect of making the plan inconsistent with the Forest Practices Code.</p> <p>Section 7—</p> <p>(1) Omit “ , in its absolute discretion ” from subsection (2) (a).</p>



COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
No. 70 of 1959	<i>Huon Valley Pulp and Paper Industry Act</i> 1959	<p>(2) Insert the following subsection after subsection (2):—</p> <p>(3) After the day fixed under section 2 (2) of the <i>Forest Practices Act</i> 1985, the Commission shall not impose a term or condition pursuant to subsection (2) (a) that is inconsistent with the Forest Practices Code.</p> <p>Section 2 (1)—</p> <p>Insert the following definition after the definition of "Financial Agreement":—</p> <p>"Forest Practices Code" means the Code issued by the Commission pursuant to section 30 of the <i>Forest Practices Act</i> 1985 and in force under that Act and includes any amendments to that Code;</p> <p>Section 9—</p> <p>Insert the following subsection after subsection (1):—</p> <p>(1A) After the day fixed under section 2 (2) of the <i>Forest Practices Act</i> 1985, the Minister shall not approve or determine any term or condition for the purposes of subsection (1) that is inconsistent with the Forest Practices Code.</p> <p>Section 756 (4)—</p> <p>(1) Omit "purposes; or" from paragraph (b) and substitute "purposes;".</p> <p>(2) Omit paragraph (c) and substitute the following paragraphs:—</p> <p>(c) vacant; or</p> <p>(d) declared as a private timber reserve under the <i>Forest Practices Act</i> 1985 and is being managed in accordance with that Act.</p> <p>Section 759—</p> <p>(1) Insert "(1)" before "Subject to".</p> <p>(2) Insert the following subsection after subsection (1):—</p> <p>(2) For the purposes of subsection (1) (a), the management of land declared as a private timber reserve under the <i>Forest Practices Act</i> 1985, in accordance with that Act shall be deemed to be a lawful use of land.</p>
No. 67 of 1962	<i>Local Government Act</i> 1962	

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
No. 71 of 1968	<i>Pulpwood Products Industry (Eastern and Central Tasmania) Act 1968</i>	<p>Section 2 (4)—</p> <p>Insert the following definition after the definition of " Crown lands " :—</p> <p>" Forest Practices Code " means the Code issued by the Commission pursuant to section 30 of the <i>Forest Practices Act 1985</i> and in force under that Act and includes any amendments to that Code;</p> <p>Section 6—</p> <p>Insert the following subsection after subsection (4):—</p> <p>(4A) Notwithstanding subsection (4), the continuation right shall not be conferred subject to a term or condition that is inconsistent with the Forest Practices Code.</p> <p>Section 12—</p> <p>Insert the following subsection after subsection (5):—</p> <p>(5A) Notwithstanding subsection (5) (d), a term or condition subject to which the licence is granted shall not, after the day fixed under section 2 (2) of the <i>Forest Practices Act 1985</i>, be varied so as to make that term or condition inconsistent with the Forest Practices Code.</p> <p>Section 20—</p> <p>(1) Omit " , in its absolute discretion," from subsection (2).</p> <p>(2) Insert the following subsection after subsection (2):—</p> <p>(3) After the day fixed under section 2 (2) of the <i>Forest Practices Act 1985</i>, the Commission shall not impose a term or condition pursuant to subsection (2) (a) that is inconsistent with the Forest Practices Code.</p>

COLUMN 1		COLUMN 2
Year and number of Act affected	Short title of Act affected	Amendment
No. 48 of 1961	Wesley Vale Pulp and Paper Industry Act 1961	<p>Section 23—</p> <p>Insert the following subsection after subsection (1):—</p> <p>(1A) After the day fixed under section 2 (2) of the <i>Forest Practices Act 1985</i>, the Minister shall not approve or determine any term or condition for the purposes of subsection (1) that is inconsistent with the Forest Practices Code.</p> <p>Section 2 (1)—</p> <p>Insert the following definition after the definition of “factory” :—</p> <p>“Forest Practices Code” means the Code issued by the Commission pursuant to section 30 of the <i>Forest Practices Act 1985</i> and in force under that Act and includes any amendments to that Code;</p> <p>Section 9—</p> <p>(1) Omit “, in its absolute discretion,” from subsection (2) (a).</p> <p>(2) Insert the following subsection after subsection (2):—</p> <p>(3) After the day fixed under section 2 (2) of the <i>Forest Practices Act 1985</i>, the Commission shall not impose a term or condition pursuant to subsection (2) (a) that is inconsistent with the Forest Practices Code.</p> <p>Section 14—</p> <p>Insert the following subsection after subsection (1):—</p> <p>(1A) After the day fixed under section 2 (2) of the <i>Forest Practices Act 1985</i>, the Minister shall not approve or determine any term or condition for the purposes of subsection (1) that is inconsistent with the Forest Practices Code.</p>

