

TASMANIA

**FOREST PRACTICES ADMINISTRATIVE
REFORM (TRANSITIONAL AND
CONSEQUENTIAL) BILL 2004**

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**FOREST PRACTICES ADMINISTRATIVE
REFORM (TRANSITIONAL AND
CONSEQUENTIAL) BILL 2004**

*(Brought in by the Minister for Infrastructure, Energy and
Resources, the Honourable Bryan Alexander Green)*

A BILL FOR

An Act to provide for savings and transitional matters, and to amend certain legislation, consequent on the enactment of the *Forest Practices Amendment (Administrative Reform) Act 2004*, and to repeal section 32A of the *Freedom of Information Act 1991*

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:

Short title

1. This Act may be cited as the *Forest Practices Administrative Reform (Transitional and Consequential) Act 2004*.

Commencement

2. This Act commences on the day on which the *Forest Practices Amendment (Administrative Reform) Act 2004* commences.

THIS BILL IS COGNATE WITH THE *FOREST PRACTICES AMENDMENT (ADMINISTRATIVE REFORM) BILL 2004*

SCHEDULE 1 – SAVINGS AND TRANSITIONAL

Section 3

Interpretation**1.** In this Schedule –

“commencement day” means the day on which the *Forest Practices Amendment (Administrative Reform) Act 2004* commences;

“Council” means the Forest Practices Advisory Council established under section 37A of the *Forest Practices Act 1985*;

“existing member” means –

- (a) in respect of the reconstituted regulatory body, a person who was a member of that body immediately before the commencement day; and
- (b) in respect of the Council, a person who, immediately before the commencement day, was a Council member referred to in paragraph (a), (e) or (g) of section 37A(2) of the *Forest Practices Act 1985*;

“reconstituted regulatory body” means the body, referred to in section 4AA of the *Forest Practices Act 1985*, which –

- (a) immediately before the commencement day, was named the “Forest Practices Board”; and
- (b) is continuing, on and after the commencement day, as the “Forest Practices Authority”.

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Continuation of reconstituted regulatory body's identity and rights

2. The corporate identity and rights of the reconstituted regulatory body are not affected by the change of its name or its reconstitution effected by the *Forest Practices Amendment (Administrative Reform) Act 2004*.

Membership of reconstituted regulatory body: termination of existing appointments

3. For the avoidance of doubt, the term of appointment of each existing member of the reconstituted regulatory body ceases on the commencement of the *Forest Practices Amendment (Administrative Reform) Act 2004* but, if qualified, he or she is eligible to be appointed to the Board of Directors of that body as reconstituted by that Act.

Membership of Forest Practices Advisory Council: termination of certain existing appointments

4. For the avoidance of doubt, the term of appointment of each existing member of the Council ceases on the commencement of the *Forest Practices Amendment (Administrative Reform) Act 2004* but, if qualified, he or she is eligible to be nominated or appointed as a member of the Council after that commencement.

SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 4

Forestry Act 1920

1. Section 4(1) is amended by omitting “Forest Practices Board” from the definition of “Forest Practices Code” and substituting “Forest Practices Authority”.

Government Business Enterprises Act 1995

1. Schedule 1 is amended by omitting

Forestry corporation established by the *Forestry Act 1920*
(other than that Division of the Forestry corporation
known as the Forest Practices Board)

from Part 2 and substituting:

Forestry corporation established by the *Forestry Act 1920*

2. Schedule 2 is amended by omitting

Forestry corporation established by the *Forestry Act 1920*
(other than that Division of the Forestry corporation
known as the Forest Practices Board)

and substituting:

Forestry corporation established by the *Forestry Act 1920*

3. Schedule 3 is amended by omitting

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Forestry corporation established by the *Forestry Act 1920*
(other than that Division of the Forestry Corporation
known as the Forest Practices Board)

and substituting:

Forestry corporation established by the *Forestry Act 1920*

4. Schedule 4 is amended by omitting

Forestry corporation established by the *Forestry Act 1920*
(other than that Division of the Forestry corporation
known as the Forest Practices Board)

and substituting:

Forestry corporation established by the *Forestry Act 1920*

Nature Conservation Act 2002

1. Section 33 is amended as follows:

- (a) by omitting “Forest Practices Board” from the definition of “affected owner” and substituting “Forest Practices Authority”;
- (b) by omitting the definition of “Forest Practices Board” and substituting the following definition:

“Forest Practices Authority” means
the body referred to in section 4AA
of the *Forest Practices Act 1985*;

2. Section 44 is amended as follows:

- (a) by omitting from subsection (7) "Forest Practices Board" and substituting "Forest Practices Authority";
- (b) by omitting from subsection (8) "Forest Practices Board" three times occurring and substituting "Forest Practices Authority";
- (c) by omitting from subsection (8)(a) "that Board" and substituting "that Authority";
- (d) by omitting from subsection (8)(b) "that Board" and substituting "that Authority";
- (e) by omitting from subsection (8)(c) "that Board" and substituting "that Authority";
- (f) by omitting from subsection (8)(d) "that Board" and substituting "that Authority";
- (g) by omitting from subsection (9) "Forest Practices Board" and substituting "Forest Practices Authority".

Ombudsman Act 1978

1. Clause 21 of Schedule 1 is amended by omitting "Forest Practices Board" and substituting "Forest Practices Authority".

Private Forests Act 1994

1. Section 3 is amended by omitting the definition of "Forest Practices Board" and substituting the following definition:

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“Forest Practices Authority” means the body referred to in section 4AA of the *Forest Practices Act 1985*;

2. Section 6(1) is amended as follows:

- (a) by omitting from paragraph (c) “Forest Practices Board” and substituting “Forest Practices Authority”;
- (b) by omitting from paragraph (g) “Forest Practices Board” and substituting “Forest Practices Authority”.