

In Brief:

Proposed Changes to Tasmanian Forest Laws

FORESTRY (REBUILDING THE FOREST INDUSTRY) BILL 2014

The *Forestry (Rebuilding the Forest Industry) Bill 2014* ('the Bill') was introduced to Parliament on 8 May 2014. The Ministerial Statement, presented prior to the introduction of the Bill stated:

the main role of the *Forestry (Rebuilding the Forest Industry) Bill* is to halt the reserve making process established through the TFA, thereby ensuring that future possibilities and opportunities remain available to Tasmania.

The Bill, if passed into law, will repeal the *Tasmanian Forests Agreement Act 2013* ('the TFA Act'). The Bill will also amend the following laws:

- *Forest Management Act 2013*
- *Forest Practices Act 1985*
- *Forest Practices Regulations 2007*
- *National Parks and Reserves Management Act 2002*
- *Nature Conservation Act 2002*

This briefing note provides a general overview of the terms of the *Forestry (Rebuilding the Forest Industry) Bill 2014*. Parliamentary debate in relation to the Bill is likely to commence at the end of May.

Changes to the Tasmanian Forest Agreement legislation

Whilst the Bill will repeal the TFA Act, much of what was contained in the TFA Act is effectively retained.

The definition of permanent timber production zone land – found in the TFA Act is retained. This used to be called "state forest" prior to the TFA Act.

Protection of forests

Under the TFA Act approximately 500,000 hectares of forest became *future reserve land*. This land was largely protected from logging whilst the reserve making process in the TFA Act proceeded.

The Bill confirms that approximately 100,000 hectares of reserves proclaimed in December 2013 under the TFA Act will remain reserved. The Bill provides that the proclamation may be "altered, amended or rescinded". There is no detail on what process must be followed before any such changes may occur.

However, the Bill also gives the Crown Land Minister the power to convert certain existing reserve land to FPPF land. This process does not require approval by both Houses of Parliament.

These conversion powers apply to land reserved as part of the TFA process in December 2013 and that "has been excluded from the World Heritage List".

Presumably this refers to the 74,000 hectares that the Federal Government is seeking to have removed from the Tasmanian Wilderness World Heritage Area through its application to the World Heritage Committee for a minor boundary adjustment. That land is currently classified variously as national park, regional reserve and conservation area.

The Bill replicates the compensation provisions of the TFA Act and inserts them into the *Forest Management Act 2013*.

In Brief:

Proposed Changes to Tasmanian Forest Laws

The Bill will continue the protection of the future reserve land identified in the TFA Act, however this land is renamed *future potential production forest land* ('the FPPF land'). With one minor exception, it appears the land area and location of FPPF land is the same as the future reserve land identified in the TFA Act (see *Notes on Lots* below).

The harvesting of native forest in the FPPF land is prohibited, other than in coupes specifically excluded by the Bill.

The Bill also includes a significant further exception to the prohibition on native forest harvesting by permitting "special species timber harvesting" in the FPPF land.

Any person can apply to the Crown Lands Minister (currently Minister Matthew Groom) for a permit for special species timber harvesting.

Logging on FPPF land

The Bill sets up two processes (exchange and conversion) which would pave the way for logging in FPPF land:

1. The Crown Land Minister, on the request of the Minister responsible for forestry (currently Minister Harriss), can **exchange** FPPF land for permanent timber production zone land. The order formalising the exchange must be approved by both Houses of Parliament.
2. The Crown Land Minister, on the request of the Minister responsible for forestry, can **convert** FPPF land into permanent timber production zone land.

Significantly, the Minister cannot make a request to convert FPPF land before **8 April 2020**. This restriction is presumably the basis for the claim in the Ministerial Statement that "[t]he Bill establishes a moratorium on native harvesting in the Future Potential Production Forest Land that will be in place for 6 years."

For both exchange and conversion, the Bill sets out the issues that must be considered prior to approval being granted. These include:

- The size, location and conservation values of the land
- The implications for Forestry Tasmania's forest management certification.

In contrast to the specific reference in the TFA Act to FSC certification, the Bill defines "forest management certification" as:

An internationally recognised forest management certification of forest management practices of an entity based on an independent assessment by an accredited forest management certification body.

While this approach could mean that a certification process other than FSC could be undertaken, the Ministerial Statement says:

The Government fully supports Forestry Tasmania's application for Forestry Stewardship Council (FSC) Certification. The Bill strongly reflects this.

The Government recognises that FSC certification could bring significant benefits to the native forest industry.

Special species timber harvesting is defined as the harvesting of listed species by *partial harvesting*.

Partial harvesting is defined as harvesting of single or groups of trees whilst retaining other trees including advanced growth trees, seed trees and shelter wood trees.

In Brief:

Proposed Changes to Tasmanian Forest Laws

Changes to National Parks and Nature Conservation Legislation

The Bill alters the objectives of Conservation Areas and Regional Reserves. The objectives of these reserves, if the Bill is passed, will include “to provide for...special species timber harvesting”.

According to the [Parks website](#), there are currently:

- 337 conservation reserves, covering 587,818 hectares.
- 25 regional reserves, covering 253650 hectares

The TFA Act had already made this change in part with regard to regional reserves.

The Bill also amends the process under the *Nature Conservation Act 2002* for creating reserves over land in the permanent timber production zone land. Currently both Houses of Parliament are required to approve a draft proclamation to create a reserve. If the Bill passes, support from a **two-third majority** of both houses will be required to convert permanent timber production zone land into a reserve.

Please note: although the legislation requiring two-thirds majority can be amended by a simple majority in both houses.

What happens now?

The Bill must now be read a second time and pass through the Committee stage prior to a vote in the House of Assembly.

If the Bill is passed by the House of Assembly, it will be sent to the Legislative Council for consideration.

Notes on the Lots

The lot numbers used in the TFA Act appear to have been replicated in the Bill. The total area of FPPF is **392,428** hectares.

The following are the lots from the TFA Act future reserve land not included in the FPPF:

1, 6, 13, 49, 70, 89, 140, 142, 146, 157, 167, 174, 181, 196, 197, 198, 200, 202, 203, 204, 211, 240, 243, 244, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 268, 275, 276, 277, 278, 279, 280, 282 and 283

These total an area of **122,543** hectares.

Further analysis is required to describe where these lots lie, however; presumably those areas placed in reserve under the TFA (about 100,000 hectares) have not been included.

In addition:

- Lot 113 has been reduced in size from 579 to 573 hectares.
- Lot 152 has been reduced in size from 6682 to 6645 hectares
- Lot 245 has been increased in size from 192 to 236 hectares.

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