

TASMANIA

**FOREST PRACTICES AMENDMENT
REGULATIONS 2005
STATUTORY RULES 2005, No.**

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**FOREST PRACTICES AMENDMENT
REGULATIONS 2005**

I, the Administrator in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council and on the recommendation of the Forest Practices Authority, make the following regulations under *Forest Practices Act 1985*.

Dated 200 .

Administrator

By His Excellency's Command,

Minister for Infrastructure, Energy and Resources

1. Short title

These regulations may be cited as the *Forest Practices Amendment Regulations 2005*.

2. Commencement

These regulations take effect on 1 August 2005.

3. Principal Regulations

In these regulations, the *Forest Practices Regulations 1997** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by inserting the following definition after the definition of “applicable land”:

“conservation covenant” means a conservation covenant within the meaning of Part 5 of the *Nature Conservation Act 2002*;

- (b) by inserting the following definition after the definition of “Crown land”:

“fire management work” means burning-off vegetation and constructing firebreaks and access tracks where –

- (a) the sole purpose of the work is to reduce fire hazards or control wildfires; and
- (b) trees affected by the work are not harvested or cleared for any other purpose; and

*S.R. 1997, No. 50

- (c) reasonable precautions are taken to avoid harming natural and cultural forest values, including forest cover and regeneration;
- (c) by inserting the following definition after the definition of “State forest”:
 - “vegetation management agreement”** means an agreement that an owner of land enters into with an instrumentality or agency of the Crown for the purposes of managing native vegetation on that land;
- (d) by inserting the following paragraph after paragraph (d) in the definition of “vulnerable land”:
 - (e) consists of, or contains, a rare, vulnerable or endangered forest community of the kind specified in Schedule 1; or

5. Regulation 4 substituted

Regulation 4 of the Principal Regulations is rescinded and the following regulation is substituted:

4. Prescribed fees

- (1) For the purposes of section 18(4A) of the Act, the prescribed application fee is a fee determined in accordance with Table A in Part 1 of Schedule 2.

(2) The fees specified in Part 2 of Schedule 2 are prescribed as the fees that are payable for the matters to which they respectively relate.

(3) Fees prescribed pursuant to this regulation are GST inclusive.

(4) In this regulation –

“GST” has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

6. Regulation 5 amended (Forest practices plan not required)

Regulation 5(1) of the Principal Regulations is amended as follows:

(a) by omitting from paragraph (e)(ii) “year.” and substituting “year;”;

(b) by inserting the following paragraphs after paragraph (e):

(f) the harvesting of timber or the clearing of trees carried out in accordance with –

(i) a conservation covenant of a kind that the Authority, by instrument in writing, has approved for the purposes of this paragraph; or

- (ii) a vegetation management agreement of a kind that the Authority, by instrument in writing, has approved for the purposes of this paragraph;
- (g) the clearing of trees in the course of fire management work carried out under a fire management program of a kind that the Authority, by instrument in writing, has approved for the purposes of this paragraph.

7. Regulation 5A rescinded

Regulation 5A of the Principal Regulations is rescinded.

8. Schedules 1 and 2 inserted

After regulation 6 of the Principal Regulations, the following Schedules are inserted:

SCHEDULE 1 – ENDANGERED, VULNERABLE OR RARE FOREST COMMUNITIES

Regulation 3

1. *Banksia serrata* woodland.
2. *Callitris rhomboidea* forest.
3. *Eucalyptus amygdalina* inland forest.
4. *Eucalyptus amygdalina* forest on sandstone.

5. *Eucalyptus brookeriana* wet forest.
6. *Eucalyptus globulus* grassy forest.
7. *Eucalyptus globulus* - *Eucalyptus brookeriana* - *Eucalyptus viminalis* King Island forest.
8. *Eucalyptus morrisbyi* forest.
9. *Eucalyptus ovata* - *Eucalyptus viminalis* shrubby forest.
10. *Eucalyptus risdonii* forest.
11. *Eucalyptus tenuiramis* inland forest.
12. *Eucalyptus viminalis* Furneaux forest.
13. *Eucalyptus viminalis* wet forest.
14. *Eucalyptus viminalis* - *Eucalyptus globulus* coastal shrubby forest.
15. *Melaleuca ericifolia* coastal swamp forest.
16. *Notelaea ligustrina* - *Pomaderris apetala* closed forest.
17. King Billy pine - Deciduous beech forest.
18. King Billy pine forest.
19. Pencil pine - Deciduous beech forest.
20. Pencil pine forest.

SCHEDULE 2 – FEES

Regulation 4

PART 1 – FEE FOR APPLICATION TO CERTIFY FOREST PRACTICES PLAN

Table A - Determination of prescribed fee

| Column 1 | Column 2 |
|--------------------|--|
| FPP Ranking | Prescribed fee |
| 0 | 52 fee units |
| 1 | The higher of the following amounts: <ul style="list-style-type: none"> (a) 52 fee units; (b) 6 fee units for each hectare (or part hectare) of land covered by the plan |
| 2 | The higher of the following amounts: <ul style="list-style-type: none"> (a) 77 fee units; (b) 16 fee units for each hectare (or part hectare) of land covered by the plan |
| 3 | The higher of the following amounts: <ul style="list-style-type: none"> (a) 129 fee units; (b) 25 fee units for each hectare (or part hectare) of land covered by the plan |
| 4 | The higher of the following amounts: <ul style="list-style-type: none"> (a) 513 fee units; (b) 30 fee units for each hectare (or part hectare) of land covered by the plan |

In Table A –

| | |
|--------------------|-----------------------|
| Column 1 | Column 2 |
| FPP Ranking | Prescribed fee |

“FPP ranking” means a forest practices plan’s ranking on a scale of complexity ranging from 0 to 4, (with 0 being the least complex and 4 being the most complex) as determined under Table B.

Table B - Determination of FPP Ranking for Table A

| | | Type (operational code) of FPP (as assessed by forest practices officer) | | | | | |
|------------------------------------|----|---|--|---|---|---|---|
| | | LIGHT SELECTIVE LOGGING OR LOW-LEVEL OPERATION | RETENTION SYSTEM | CLEARFELL SYSTEM | CONVERSION TO NON-FOREST | CONVERSION TO PLANTATION | ROAD, QUARRY |
| | | <i>(eg collecting timber for firewood)</i> | <i>(eg thinning operation leaving forest substantially intact)</i> | <i>(eg felling all trees and allowing land to regenerate)</i> | <i>(eg felling all trees and converting land to agricultural use)</i> | <i>(eg converting native forest to pine plantation)</i> | <i>(eg constructing vehicular access to facilitate timber harvesting)</i> |
| Type of land covered by FPP | C | 0 | 0 | 0 | 0 | 2 | 3 |
| | P | 1 | 1 | 2 | 2 | 2 | 3 |
| | NF | 1 | 2 | 3 | 4 | 4 | 3 |

In Table B –

“C” signifies cleared land or land containing scattered or degraded forest that the Authority has determined comprises –

- (a) trees that –

| Type (operational code) of FPP (as assessed by forest practices officer) | |
|--|--|
|--|--|

- | | |
|-------|--|
| (i) | are mostly dead or show signs of severe dieback; and |
| (ii) | show no signs of healthy regeneration; or |
| (b) | trees that – |
| (i) | are mostly in poor health; and |
| (ii) | have an extensively disturbed or modified understorey dominated by introduced species of grass or other vegetation (such as broom, gorse or blackberry); and |
| (iii) | have a low potential to regenerate naturally or regain long-term health; or |
| (c) | mature trees that – |
| (i) | have, collectively, a canopy cover of less than 5% of the canopy cover that would be expected in a healthy forest; and |
| (ii) | occur only as solitary specimens, or in small stands of fewer than 10 trees, within a largely cleared landscape; or |
| (d) | regrowth with a mean dominant height of less than one metre on land that has been managed and maintained as non-forest land use at any time during the 5 year period preceding the date on which the section 18 application was lodged with the Authority; |

“**FPP**” means forest practices plan;

“**P**” signifies a forest established by planting trees;

Type (operational code) of FPP (as assessed by forest practices officer)

“**NF**” signifies a forest established by the natural or assisted regeneration of trees from seed or other natural propagules.

PART 2 – OTHER FEES

| | Fee units |
|---|------------------|
| 1. Application under section 5(2)(d) of the Act to have land declared as private timber reserve | 350 |
| 2. Issue of tree fern tag under section 18A(b) of the Act | 2 |

2005

Forest Practices Amendment Regulations

No.

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 200 .

These regulations are administered by the Forest Practices Authority .

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Forest Practices Regulations 1997* by –

- (a) prescribing fees for applications for the certification of forest practices plans; and
- (b) prescribing further circumstances in which key statutory embargoes on engaging in certain forest practices and related commercial dealings contrary to, or without, a forest practices plan do not apply; and
- (c) effecting minor statute law revision.