

Version No. 012
Sustainable Forests (Timber) Act 2004
No. 48 of 2004
Version incorporating amendments as at 10 August 2007

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Version No. 012
Sustainable Forests (Timber) Act 2004
No. 48 of 2004

Version incorporating amendments as at 10 August 2007

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1 Purposes

The main purposes of this Act are—

- (a) to provide a framework for sustainable forest management and sustainable timber harvesting in State forests;
- (b) to amend the **Forests Act 1958** and the **Conservation, Forests and Lands Act 1987**.

2 Commencement

- (1) This Part, sections 97, 98, 100(1), 103, 104, 105, 107, 108, 110, 112, 116, 122, 123(1), 124 and 125, Part 12 (except section 130) and Part 13 (except section 138) come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (5), Division 1 of Part 4, section 95(1) and Schedule 1 come into operation on a day to be proclaimed.

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S. 2(3)
repealed by
No. 21/2006
s. 3(a).

- (4) Subject to subsection (5), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (5) If a provision referred to in subsection (2) or (4) does not come into operation before 1 July 2006, it comes into operation on that day.

S. 2(5)
amended by
No. 21/2006
s. 3(b).

3 Definitions

In this Act—

allocation order means an order made in accordance with Part 3;

approved timber release plan means a timber release plan approved by the Secretary in accordance with Part 5;

authorised officer has the same meaning as it has in section 3 of the **Conservation, Forests and Lands Act 1987**;

Code of Practice has the same meaning as it has in section 3 of the **Conservation, Forests and Lands Act 1987**;

coupe means a specific area of State forest identified for the purposes of timber harvesting and regeneration in a timber release plan;

forest stand means a group of trees within a State forest that share common characteristics relating to eucalypt species composition and age;

managed licence means a transferred agreement or transferred licence (east) which VicForests administers, manages and enforces under Part 4;

S. 3 def. of
*managed
licence*
amended by
No. 21/2006
s. 4(a).

Minister for Agriculture means the Minister administering the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**;

principles of ecologically sustainable development means the principles set out in section 5;

Secretary means the body corporate established by Part 2 of the **Conservation, Forests and Lands Act 1987**;

State forest has the same meaning as it has in the **Forests Act 1958**;

suspension notice means a notice issued under section 71;

timber harvesting operations means any of the following kinds of activities carried out by VicForests or by any other person or body for the purposes of sale or processing and sale—

- (a) felling or cutting of trees or parts of trees;
- (b) taking or removing timber;
- (c) delivering timber to a buyer or transporting timber to a place for collection by a buyer or sale to a buyer;
- (d) any works, including road works, ancillary to any of the activities referred to in paragraphs (a) to (c)—

but does not include—

- (e) those activities when undertaken by or on behalf of the Crown or the Secretary; or
- (f) the collection of firewood for domestic use;

timber harvesting operator's licence means a licence issued under Division 2 of Part 6;

timber release plan means a plan prepared by VicForests in accordance with Part 5;

timber resources means timber from the trees or parts of trees which are specified as available for timber harvesting in an allocation order but does not include firewood collected for domestic use;

transferred agreement means—

- (a) the agreement entered into pursuant to section 21 of the **Forests Act 1958** between the Secretary and Harris Daishowa (Australia) Pty Ltd, ACN 000 604 795 and dated 29 September 1997, as amended from time to time in accordance with its terms;
- (b) an agreement entered into pursuant to section 21 of the **Forests Act 1958** to which an order under section 35 applies;

transferred licence (east) means a licence or permit granted under section 52 of the **Forests Act 1958** in respect of the east of the State of Victoria—

- (a) specified in Schedule 1 and in existence immediately before the commencement of that Schedule; or
- (b) to which an order under section 35 applies;

Sustainable Forests (Timber) Act 2004
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Part 1—Preliminary

s. 4

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S. 3 def. of
*transferred
licence (west)*
repealed by
No. 21/2006
s. 4(b).

vested timber resources means timber resources
vested in VicForests under section 42;

VicForests has the same meaning as it has in the
**Conservation, Forests and Lands Act
1987.**

4 Act binds the Crown

This Act binds the Crown, not only in right of
Victoria, but also, so far as the legislative power
of the Parliament permits, the Crown in all its
other capacities.

PART 2—SUSTAINABLE FOREST MANAGEMENT

5 Principles of ecologically sustainable development

- (1) In undertaking sustainable forest management in accordance with this Act, regard is to be had to the principles of ecologically sustainable development set out in this section.
- (2) Ecologically sustainable development is development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.
- (3) The objectives of ecologically sustainable development are—
 - (a) to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
 - (b) to provide for equity within and between generations;
 - (c) to protect biological diversity and maintain essential ecological processes and life-support systems.
- (4) The following are to be considered as guiding principles of ecologically sustainable development—
 - (a) that decision making processes should effectively integrate both long-term and short-term economic, environmental, social and equity considerations;
 - (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for

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- postponing measures to prevent environmental degradation;
- (c) the need to consider the global dimension of environmental impacts of actions and policies;
 - (d) the need to develop a strong, growing and diversified economy which can enhance the capacity for environment protection;
 - (e) the need to maintain and enhance international competitiveness in an environmentally sound manner;
 - (f) the need to adopt cost effective and flexible policy instruments such as improved valuation, pricing and incentive mechanisms;
 - (g) the need to facilitate community involvement in decisions and actions on issues that affect the community.

6 Minister to determine sustainability criteria and indicators and reporting requirements

- (1) The Minister must determine criteria and indicators for sustainable forest management.
- (2) In determining criteria and indicators under subsection (1), the Minister may take into account any nationally or internationally agreed criteria and indicators for sustainable forest management.
- (3) As part of a determination under subsection (1), the Minister must also determine—
 - (a) the reporting requirements relating to each indicator determined under subsection (1); and
 - (b) the frequency at which such reports are to be made, being a period not less than every 5 years.

7 Determination to be published

The Minister must—

- (a) publish a copy of a determination under section 6 in the Government Gazette; and
- (b) cause a notice that a determination under section 6 has been made to be published in a newspaper circulating generally within the State.

8 Secretary to report on indicators

The Secretary must report to the Minister on the status, performance or achievement in relation to the indicators determined by the Minister under section 6 within the time determined under that section.

9 VicForests to provide certain information to the Secretary

- (1) For the purposes of section 8, the Secretary may require VicForests to provide such information as the Secretary specifies about the carrying out of VicForests' functions under an allocation order as those functions relate to the indicators determined under section 6.
- (2) A requirement under subsection (1) must be in writing.
- (3) VicForests must comply with a requirement of the Secretary under this section.

10 Minister may arrange audits

- (1) If the Minister believes it is appropriate to do so, the Minister may ask an appropriately qualified person to audit information provided in the Secretary's report under section 8 relating to status, performance or achievement in relation to the indicators determined by the Minister under section 6.

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- (2) In carrying out an audit under subsection (1), a person may audit—
- (a) any information provided to the Secretary by VicForests under section 9, including any information used by VicForests to prepare the information provided to the Secretary under that section; and
 - (b) any other information used by the Secretary to prepare the Secretary's report under section 8.

11 Sustainability Charter

- (1) The Minister may develop a Sustainability Charter.
- (2) A Sustainability Charter must set out objectives, consistent with the principles of ecologically sustainable development, for—
 - (a) the sustainability of forests; and
 - (b) the sustainability of the timber harvesting industry.
- (3) The Minister must consult with the Treasurer and the Minister for Agriculture in developing a Sustainability Charter.

12 VicForests to respond to Sustainability Charter

- (1) If the Minister prepares a Sustainability Charter under section 11, VicForests must develop initiatives and targets for those initiatives which respond to and support the objectives set out in the Charter.
- (2) VicForests must include the initiatives and targets referred to in subsection (1) in its statement of corporate intent required under the **State Owned Enterprises Act 1992**.

- (3) VicForests must include in its report of operations required under the **Financial Management Act 1994** a report on the status, performance or achievement of the initiatives and targets referred to in subsection (1).
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PART 3—ALLOCATION TO VICFORESTS

13 Minister may make allocation order

The Minister, by order published in the Government Gazette, may—

- (a) allocate timber in State forests to VicForests for the purposes of harvesting and selling, or harvesting or selling, timber resources; and
- (b) permit VicForests to undertake associated management activities in relation to that allocated timber including—
 - (i) preparation of sites for timber harvesting;
 - (ii) construction of access roads to coupes;
 - (iii) site rehabilitation;
 - (iv) forest regeneration;
 - (v) any other activities specified in the order.

14 Period of allocation order

Subject to this Part, an allocation order—

- (a) is for an initial period of 15 years; and
- (b) may be extended in accordance with this Act.

15 Contents of an allocation order

(1) An allocation order must include—

- (a) in relation to the timber resources allocated—
 - (i) a description of the forest stands to which VicForests has access;

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- (ii) references to, or details of, the extent and location of forest stands to which VicForests has access;
 - (iii) a table which is divided into three 5-year time periods listing—
 - (A) the total available area for each forest stand; and
 - (B) the area available for timber harvesting in the period of operation of the allocation order;
 - (b) a list of any activities additional to those referred to in section 13(b) which VicForests is permitted to undertake in the areas to which the allocation order applies;
 - (c) the conditions to which VicForests is subject in carrying out its functions under the allocation order, including any applicable performance measures and standards.
- (2) An allocation order may include any other conditions, limitations, matters or specifications that the Minister thinks fit.

16 VicForests' functions under allocation order

On the making of an allocation order, VicForests must carry out its functions in accordance with that order, in so far as those functions relate to timber resources or the area to which the order applies.

17 Power to amend or vary allocation order

- (1) The Minister, by order published in the Government Gazette, may amend or vary an allocation order for the following purposes—
- (a) to fix an obvious error or mistake;
 - (b) to change permitted activities or conditions referred to in section 15(1)(b) or (c);
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- (c) in the case of an amendment or variation relating to the allocation of timber resources, after a review under section 18.
 - (2) An order made under subsection (1) amending or varying an allocation order takes effect—
 - (a) on the date the order is published in the Government Gazette; or
 - (b) if a later date is specified in the order, on that later date.

18 Review of allocation of timber resources

- (1) The Minister must review the allocation of timber resources every 5 years.
- (2) The Minister may review the allocation of timber resources at any time if—
 - (a) the Minister considers that there has been a significant variation, as a result of fire, disease or other natural causes, in the timber resources in State forests which are available for timber harvesting in accordance with sustainable forest management; or
 - (b) there has been any significant increase or reduction in the land base which is zoned as available for timber harvesting; or
 - (c) the Minister considers that there has been any other event or matter which has a significant impact on the timber resources in State forests which are available for timber harvesting in accordance with sustainable forest management.

19 Minister to have regard to certain matters

In reviewing the allocation of timber resources under section 18, and in determining whether to amend or vary the allocation order, the Minister must have regard to the following matters—

- (a) the principles of ecologically sustainable development;
- (b) any report by the Secretary under section 8;
- (c) the structure and condition of the forest and its impact on future timber resource availability;
- (d) VicForests' compliance with the allocation order, including the conditions specified in the order, during the previous 5 years;
- (e) the provisions of any Code of Practice;
- (f) VicForests' compliance with any Code of Practice during the previous 5 years;
- (g) any existing timber commitments VicForests has under any managed licences and any agreements VicForests has entered into.

20 What happens after a review?

- (1) After conducting a review under section 18, the Minister, in accordance with section 17, may make any amendments or variations to the allocation order that the Minister considers appropriate.
- (2) Without limiting subsection (1), the Minister may—
 - (a) extend the allocation order for a further 5 year period;
 - (b) reduce or increase the timber resources allocated to VicForests;

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- (c) vary or amend any conditions in the allocation order.
- (3) If the Minister makes any amendment or variation to an allocation order as a result of a review referred to in section 18(1) or (2)(c) which reduces the timber resources allocated to VicForests, the amendment or variation must provide for the implementation of the reduction—
- (a) if the Minister and VicForests agree to a period (not exceeding 10 years) over which the reduction is to be implemented, in accordance with that agreed period; or
 - (b) if no period is agreed for the implementation of the reduction under paragraph (a), at the expiry of 10 years after the date that the order amending or varying the allocation order takes effect.

S. 20(3)
substituted by
No. 48/2005
s. 3.

21 Minister to consult on reduction of allocation

The Minister must consult with the Treasurer and the Minister for Agriculture before reducing any timber resources allocated to VicForests.

22 Secretary's powers and functions not affected by order

Nothing in an allocation order affects the powers and functions of the Secretary under this Act or the **Forests Act 1958** in respect of timber resources or in respect of an area to which an allocation order applies, other than the Secretary's powers and functions in relation to harvesting and selling or harvesting or selling vested timber resources.

23 Charges

- (1) VicForests and the Secretary must make reasonable endeavours to negotiate and enter into agreements relating to the charges payable by VicForests to the Secretary for the following matters—
 - (a) any reasonable costs incurred by the Secretary in developing trees for harvesting and sale or harvesting or sale and making such trees available to VicForests; and
 - (b) the reasonable costs of providing roads and other access for the purposes of timber harvesting in areas to which an allocation order applies; and
 - (c) the reasonable costs of any agreed silvicultural program.
- (2) If no agreement is entered into under subsection (1) within a reasonable time, the Minister administering section 8 of the **Financial Management Act 1994** may determine the charges to be paid to the Secretary by VicForests for the matters referred to in that subsection.

24 VicForests required to pay charges

- (1) VicForests must pay to the Secretary all charges required to be paid to the Secretary in accordance with section 23.
 - (2) All charges received by the Secretary from VicForests under subsection (1) are to be applied for the purposes of the matters referred to in section 23(1).
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PART 4—MANAGED LICENCES

Division 1—Transferred licences (east)

25 VicForests to administer and receive fees from transferred licences (east)

On and from the commencement of this section—

- (a) subject to this Part, the management, administration and enforcement of a transferred licence (east) is transferred from the Secretary to VicForests; and
- (b) despite anything to the contrary in section 52 of the **Forests Act 1958**, any rent, fee, royalty or charge determined by the Secretary under section 52 of the **Forests Act 1958** before that commencement in respect of a transferred licence (east) that is payable after that commencement—
 - (i) is payable to VicForests until the expiry of the transferred licence (east); and
 - (ii) may be collected and recovered by VicForests until the expiry of that transferred licence (east); and
- (c) a reference in a transferred licence (east) to the Secretary must be taken to be a reference to VicForests, unless the context otherwise requires.

26 VicForests powers

For the purposes of section 25, VicForests has, in respect of any transferred licence (east), and to the extent specified, the following powers of the Secretary under the **Forests Act 1958**—

- (a) the powers in section 5(1)(b) and (c) of that Act;

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- (b) the powers in section 52(1) of that Act to determine—
 - (i) additional covenants, terms and conditions which it is appropriate to impose in a particular case; and
 - (ii) any rent, fees, royalties or charges payable;
 - (c) the powers in section 52(3) of that Act to authorise the transfer of a transferred licence (east);
 - (d) the powers in section 52(5) of that Act to suspend or cancel a transferred licence (east), and for that purpose, a reference in that subsection to "the Minister" is to be taken to be a reference to the Minister for Agriculture;
 - (e) the powers in section 53(2) and (3) of that Act.

27 Expiry of licence and no compensation or proceedings

On and from the commencement of section 25, a transferred licence (east) expires at the end of its term (as existing immediately before the commencement of that section) and, despite anything to the contrary in that licence or section 52(6) of the **Forests Act 1958** as in force immediately before its repeal—

- (a) VicForests is not empowered to renew or reissue any transferred licence (east) or grant any further licences or permits in relation to that licence; and

-
- (b) any entitlement, right or purported right in existence before that commencement in respect of the granting of any further licence or permit under section 52(6) of the **Forests Act 1958** as in force immediately before its repeal ceases to exist; and
 - (c) the holder of a transferred licence (east) is not entitled to have that licence renewed or reissued, whether any entitlement, right or purported right to do so in respect of that licence arose under section 52(6), a term or condition of that licence or in any other manner; and
 - (d) no proceedings may be taken—
 - (i) in respect of any loss, damage or injury from or arising out of—
 - (A) the loss of any entitlement, right or purported right referred to in paragraph (b) or (c); or
 - (B) the enactment of this Division; or
 - (ii) to seek a renewal, reissue of a transferred licence (east) or the grant of any further licences or permits in relation to that licence, whether arising out of an entitlement or a right or purported right to do so under section 52(6), a term or condition of that licence or in any other manner; and
 - (e) no compensation is payable in respect of any loss, damage or injury from or arising out of—
 - (i) the loss of any entitlement, right or purported right referred to in paragraph (b) or (c); or
 - (ii) the enactment of this Division.
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Pt 4 Div. 2
(Heading and
ss 28–30)
repealed by
No. 21/2006
s. 5(1).

* * * * *

Division 3—Transferred agreements

31 VicForests to administer and receive fees from transferred agreements

On and from the commencement of this section—

- (a) subject to this Part, the management, administration and enforcement of a transferred agreement is transferred from the Secretary to VicForests; and
- (b) despite anything to the contrary in the **Forests Act 1958** or a transferred agreement, any rent, fee, royalty or charge payable to the Secretary under that agreement before that commencement is payable after that commencement—
 - (i) to VicForests until the expiry of the transferred agreement; and
 - (ii) may be collected and recovered by VicForests until the expiry of that transferred agreement; and
- (c) a reference in a transferred agreement to the Secretary must be taken to be a reference to VicForests, unless the context otherwise requires.

32 Powers in respect of transferred agreements

- (1) For the purposes of section 31, VicForests has, in respect of a transferred agreement, and to the extent specified, the following powers of the Secretary under the **Forests Act 1958**—
- (a) the powers in section 5(1)(b) and (c) of that Act;
 - (b) the powers in section 21(1)(a), (b) and (c) of that Act in so far as those powers relate to supplying commitments under a transferred agreement;
 - (c) the powers in section 53(2) and (3) of that Act.
- (2) A transferred agreement expires at the end of its term, as existing immediately before the commencement of section 31.

Division 4—General

33 VicForests cannot grant licence or permit

VicForests is not empowered to grant any licence or permit under section 52(1) of the **Forests Act 1958**.

34 Part does not operate to breach contracts etc.

Nothing effected or to be effected by this Part or done or suffered under this Part—

- (a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong; or

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- (b) is to be regarded as placing any person in breach of, or as constituting a default under, any Act or other law or obligation or any provision in any agreement, arrangement or understanding including, but not limited to, any provision or obligation prohibiting, restricting or regulating the assignment, transfer, sale or disposal of any property or the disclosure of any information; or
 - (c) is to be regarded as fulfilling any condition that allows a person to exercise a power, right or remedy in respect of or to terminate any agreement or obligation; or
 - (d) is to be regarded as giving rise to any remedy for a party to a contract or an instrument or as causing or permitting the termination of any contract or instrument because of a change in the beneficial or legal ownership of any asset, right or liability; or
 - (e) is to be regarded as causing any contract or instrument to be void or otherwise unenforceable; or
 - (f) is to be regarded as frustrating any contract; or
 - (g) releases any surety or other obligor wholly or in part from any obligation.

35 Ministerial orders

- (1) For the purposes of paragraph (b) of the definition of *transferred agreement*, the Minister, by order published in the Government Gazette, may declare an agreement entered into pursuant to section 21 of the **Forests Act 1958** and in existence immediately before the commencement of section 31 to be a transferred agreement.

(2) For the purposes of paragraph (b) of the definition of *transferred licence (east)*, the Minister, by order published in the Government Gazette, may declare a licence or permit granted under section 52 of the **Forests Act 1958** and in existence immediately before the commencement of section 25 in respect of an area in the east of the State of Victoria to be a transferred licence (east).

* * * * *

S. 35(3)
repealed by
No. 21/2006
s. 5(2).

**PART 5—MANAGEMENT OF TIMBER RESOURCES BY
VICFORESTS**

36 Timber resources are property of the Crown

- (1) All timber resources in State forest are the property of the Crown.
- (2) Property in timber resources only passes from the Crown—
 - (a) to VicForests in accordance with section 42;
or
 - (b) otherwise in accordance with this Act.

37 VicForests to prepare timber release plan

- (1) VicForests must prepare a timber release plan in respect of an area to which an allocation order applies for the purposes of—
 - (a) harvesting and selling, or harvesting or selling, timber resources; and
 - (b) undertaking associated management activities in relation to those timber resources.
- (2) A timber release plan is to be for a period not exceeding 5 years.

38 Contents of plan

- (1) A timber release plan must include—
 - (a) a schedule of coupes selected for timber harvesting and associated access road requirements;
 - (b) details of the location and approximate timing of timber harvesting in the proposed coupes;
 - (c) details of the location of any associated access roads.

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- (2) A timber release plan may include any other matters necessary or convenient to be included in a timber release plan.

39 Plan to be submitted to Secretary

VicForests must submit a timber release plan to the Secretary.

40 Secretary may approve plan

- (1) The Secretary may approve a timber release plan if the Secretary is satisfied that the plan is not inconsistent with—
- (a) the allocation order to which it relates; and
 - (b) any Code of Practice relating to timber harvesting.
- (2) In approving a timber release plan under subsection (1), the Secretary may approve the plan—
- (a) wholly or as to part of the plan; or
 - (b) subject to any conditions which the Secretary considers appropriate.
- (3) The Secretary must not unreasonably withhold approval of a timber release plan under this section.

41 Secretary to publish notice

- (1) The Secretary must cause notice of the approval of a timber release plan to be published in the Government Gazette.
- (2) A notice published under subsection (1) must include details of where the approved timber release plan may be viewed.

42 Property vests in VicForests on publication of notice

- (1) On the publication of a notice in the Government Gazette under section 41, property in the timber resources to which the approved timber release plan applies is vested in VicForests.
- (2) Subject to this Act and any allocation order, VicForests is entitled to retain the revenue received from harvesting and selling or harvesting or selling vested timber resources.

43 Review of and changes to approved timber release plan

- (1) An approved timber release plan may be reviewed at any time at the instigation of either the Secretary or VicForests.
 - (2) An approved timber release plan may be changed at any time if—
 - (a) both the Secretary and VicForests agree to the change; and
 - (b) the change is not inconsistent with—
 - (i) the allocation order to which the plan relates; and
 - (ii) any Code of Practice relating to timber harvesting.
 - (3) An approved timber release plan cannot be changed in relation to any vested timber resources in respect of which property has passed to a third party and nothing in this section is to be taken to affect the rights of a third party in relation to such vested timber resources.
 - (4) If an approved timber release plan is changed under this section, the Secretary must cause a notice of the change to the plan to be published in the Government Gazette.
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- (5) On publication of a notice under subsection (4)—
- (a) the changed approved timber release plan takes effect in accordance with its terms; and
 - (b) if the change relates to vested timber resources—
 - (i) the vested timber resources specified in the previous approved timber release plan are divested from VicForests and vest in the Crown; and
 - (ii) the timber resources specified in the changed plan vest in VicForests as if those resources had been vested under section 42.

44 VicForests to operate in accordance with approved timber release plan

In carrying out its functions and powers under this Act in relation to vested timber resources or in relation to an area to which an allocation order applies, VicForests must do so in accordance with any approved timber release plan.

45 Offence to undertake unauthorised timber harvesting operations

- (1) A person must not undertake timber harvesting operations in any part of a State forest unless those operations are authorised operations.

Penalty: 60 penalty units, in the case of a natural person;

240 penalty units, in the case of a body corporate.

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- (2) For the purposes of this section, *authorised operations* means—
- (a) in the case of vested timber resources—
 - (i) timber harvesting operations undertaken by, or on behalf of, VicForests in accordance with an approved timber release plan; or
 - (ii) timber harvesting operations undertaken by, or on behalf of, a person who has entered into an agreement with VicForests for the harvesting and sale of timber resources, or the harvesting or sale of timber resources; or
 - (iii) timber harvesting operations undertaken by, or on behalf of, a person in accordance with a managed licence;
 - (b) in any other case, timber harvesting operations undertaken by, or on behalf of, a person in accordance with—
 - (i) this Act; or
 - (ii) a licence or permit granted by the Secretary under section 52 of the **Forests Act 1958**.
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PART 6—MANAGEMENT OF TIMBER HARVESTING

Division 1—Codes of Practice

46 Compliance with Codes of Practice

The following persons must comply with any relevant Code of Practice relating to timber harvesting—

- (a) VicForests;
- (b) a person who has entered into an agreement with VicForests for the harvesting and sale of timber resources or the harvesting or sale of timber resources;
- (c) the holder of a timber harvesting operator's licence;
- (d) any other person undertaking timber harvesting operations in a State forest.

47 Minister may arrange audits

If the Minister believes it is appropriate to do so, the Minister may ask an appropriately qualified person to audit compliance with any relevant Code of Practice relating to timber harvesting by all or any of the following—

- (a) VicForests;
- (b) a person who has entered into an agreement with VicForests for the harvesting and sale of timber resources or the harvesting or sale of timber resources;
- (c) the holder of a timber harvesting operator's licence;
- (d) any other person undertaking timber harvesting operations in a State forest.

48 VicForests to respond to audit

- (1) If an audit conducted under section 47 in relation to VicForests includes any adverse findings against VicForests, the Minister must make those adverse findings available to VicForests.
- (2) On receiving adverse findings under subsection (1), VicForests must prepare a written response to those findings, including details of measures VicForests intends to undertake or has undertaken to improve compliance with the relevant Code of Practice.
- (3) VicForests must provide a response under subsection (2) to the Minister within—
 - (a) 30 days of receiving the adverse findings under subsection (1); or
 - (b) such longer period as is specified by the Minister to VicForests in writing.

49 Minister to make findings available

- (1) The Minister must cause any adverse findings against VicForests as a result of an audit conducted under section 47 and any response by VicForests under section 48 to be available for inspection by the public at the head office of the Department of Sustainability and Environment.
- (2) The Minister may cause the findings and the response referred to in subsection (1) to be published on the Internet.

Division 2—Licensing of timber harvesting operators

50 Offence to carry out certain activities without a licence

- (1) A person must not, in a State forest, carry out a prescribed activity or class of activity for which a timber harvesting operator's licence is required unless the person is the holder of a timber harvesting operator's licence of a class prescribed for that activity or class of activity.

Penalty: 60 penalty units.

- (2) A person must not, in a State forest, supervise the carrying out of a prescribed activity or class of activity for which a timber harvesting operator's licence is required unless that person is the holder of a timber harvesting operator's licence to supervise timber harvesting operations.

Penalty: 60 penalty units.

51 Offence to engage, contract with or employ unlicensed timber harvesting operators

A person must not engage, contract with or employ any person to carry out, in a State forest, a prescribed activity or class of activity for which a timber harvesting operator's licence is required unless the person engaged, contracted with or employed is the holder of a timber harvesting operator's licence of a class prescribed for that activity or class of activity.

Penalty: 60 penalty units, in the case of a natural person;

240 penalty units, in the case of a body corporate.

52 Offence to direct contravention of licence or regulations

A person who engages, contracts with or employs a person to carry out, in a State forest, a prescribed activity or class of activity for which a timber harvesting operator's licence is required or a person supervising the carrying out of that activity or class of activity must not direct the holder of a timber harvesting operator's licence—

- (a) to contravene a condition of that person's licence; or
- (b) to contravene a regulation relating to the licence.

Penalty: 60 penalty units, in the case of a natural person;

240 penalty units, in the case of a body corporate.

53 Application for licence

- (1) A natural person may apply to the Secretary for a timber harvesting operator's licence.
- (2) An application must—
 - (a) be in a form approved by the Secretary; and
 - (b) specify the prescribed activity or class of activity for which a timber harvesting operator's licence is required; and
 - (c) be accompanied by the prescribed application fee (if any).

54 Issue of licence

- (1) The Secretary may issue a timber harvesting operator's licence to an applicant if the Secretary is satisfied that the applicant has the appropriate qualifications, competencies or experience to carry out the prescribed activity or class of activity to which the application for the licence relates—
 - (a) in a safe manner; and
 - (b) in accordance with any Code of Practice relating to timber harvesting.
- (2) A timber harvesting operator's licence must specify the prescribed activity or class of activity to which the licence relates.
- (3) A timber harvesting operator's licence—
 - (a) is for a period not exceeding 3 years; and
 - (b) is not transferable.

55 Application for renewal

- (1) The holder of a timber harvesting operator's licence may apply for renewal of the licence.
- (2) An application must—
 - (a) be in a form approved by the Secretary; and
 - (b) be accompanied by the prescribed renewal fee (if any).

56 Secretary may renew licence

- (1) The Secretary may renew a timber harvesting operator's licence if satisfied that the applicant for renewal continues to have the appropriate qualifications, competencies or experience to carry out the prescribed activity or class of activity to which the licence relates—
 - (a) in a safe manner; and

- (b) in accordance with any Code of Practice relating to timber harvesting.
- (2) The Secretary may refuse to renew a timber harvesting operator's licence if the licence has been cancelled or suspended at any time.

57 General conditions

- (1) A timber harvesting operator's licence is issued subject to any conditions that the Secretary considers appropriate and specifies in the licence.
- (2) The Secretary may change any licence condition.

58 Notice and submissions on change of licence conditions

- (1) Before changing a licence condition under section 57, the Secretary must—
 - (a) give the holder of the timber harvesting operator's licence at least 14 days' written notice of the proposed change; and
 - (b) permit the holder of that licence to make submissions on the change within the time period specified in the written notice.
- (2) The Secretary must consider any submissions received from the holder of the timber harvesting operator's licence within the time specified in the written notice under subsection (1).

59 Notification of refusal

The Secretary must—

- (a) notify an applicant for a timber harvesting operator's licence or for renewal of a timber harvesting operator's licence in writing of the Secretary's refusal to issue or renew a licence; and
- (b) include the reasons for the refusal to issue or renew the licence in the notification.

60 Review by VCAT

- (1) An applicant for a timber harvesting operator's licence or for the renewal of a timber harvesting operator's licence may apply to the Victorian Civil and Administrative Tribunal established by the **Victorian Civil and Administrative Tribunal Act 1998** for review of a decision of the Secretary—
 - (a) to refuse to issue a timber harvesting operator's licence; or
 - (b) to refuse to renew a timber harvesting operator's licence.
- (2) An application for review must be made within 28 days after the later of—
 - (a) the day on which the decision is made; or
 - (b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the person or the person is informed under section 46(5) of that Act that a statement of reasons will not be given.

61 Suspension of licence

- (1) The Secretary may suspend a timber harvesting operator's licence if the holder of the licence has incurred a prescribed number of demerit points.
- (2) The Secretary must notify a holder of a timber harvesting operator's licence of the suspension of that licence.
- (3) A notification under subsection (2) must be in the prescribed form.
- (4) A licence may be suspended for a prescribed period of suspension, being a period not exceeding 12 months.

62 Cancellation of licence

- (1) The Secretary may cancel a timber harvesting operator's licence if the holder of the licence—
 - (a) fails to comply with any conditions of the licence; or
 - (b) carries out timber harvesting operations in a State forest during any period that the licence is suspended.
- (2) The Secretary must notify a holder of a timber harvesting operator's licence of the cancellation of that licence.
- (3) A notification under subsection (2) must be in the prescribed form.

63 Application for review of suspension or cancellation

- (1) The holder of a timber harvesting operator's licence whose licence is suspended under section 61 or cancelled under section 62 may apply to the Secretary for a review of that decision.
- (2) An application under subsection (1) must—
 - (a) be in the prescribed form; and
 - (b) be made within 14 days after the holder of the licence—
 - (i) in the case of a suspension, receives notification under section 61(2); or
 - (ii) in the case of a cancellation, receives notification under section 62(2).

64 Secretary to appoint panel

- (1) On receiving an application under section 63, the Secretary must appoint a panel to review the Secretary's decision to suspend or cancel the timber harvesting operator's licence (as the case requires).
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- (2) A panel appointed under subsection (1) is to be constituted by 3 persons who are employed under Part 3 of the **Public Administration Act 2004** in the Department of Sustainability and Environment who have relevant knowledge of—
- (a) any Code of Practice relating to timber harvesting; or
 - (b) the regulatory processes and procedures relating to timber harvesting.

S. 64(2)
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 199).

65 Panel to review Secretary's decision

- (1) A panel appointed under section 64 must—
- (a) review the Secretary's decision to suspend or cancel the timber harvesting operator's licence; and
 - (b) make a decision—
 - (i) affirming the Secretary's decision to suspend or cancel the timber harvesting operator's licence; or
 - (ii) revoking the Secretary's decision to suspend or cancel the timber harvesting operator's licence; or
 - (iii) varying the Secretary's decision to suspend or cancel the timber harvesting operator's licence in the manner specified in the panel's decision.
- (2) The panel must make a decision under subsection (1) within 28 days after being appointed under section 64.

66 Secretary to notify holder of outcome of review

The Secretary must notify the holder of the timber harvesting operator's licence who has applied under section 63 for the review of a decision to suspend or cancel the licence of the outcome of the review of the Secretary's decision by the panel under section 65 within 14 days after the Secretary has received the panel's decision.

67 Decision to cancel or suspend not affected by review process

Pending the outcome of a review of a decision to suspend or cancel a timber harvesting operator's licence—

- (a) the original decision of the Secretary to suspend the licence under section 61 or cancel the licence under section 62 (as the case requires) is not affected; and
- (b) the licence is suspended or cancelled accordingly.

68 Register

- (1) The Secretary must establish a register of timber harvesting operator's licences.
- (2) The Secretary must ensure that the following details are recorded in the register—
 - (a) the name and address of the holder of any timber harvesting operator's licence; and
 - (b) the licence number of each timber harvesting operator's licence issued; and
 - (c) any demerit points issued in respect of a timber harvesting operator's licence; and
 - (d) any suspension of a timber harvesting operator's licence; and

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- (e) any cancellation of a timber harvesting operator's licence; and
 - (f) any other prescribed matters.
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**PART 7—CONDUCT OF TIMBER HARVESTING
OPERATIONS**

69 Direction to produce licence

- (1) An authorised officer may direct a person who is the holder of a timber harvesting operator's licence to produce that licence for inspection—
 - (a) immediately; or
 - (b) within 7 days at a place determined by the authorised officer.
- (2) A person must comply with a direction under this section.

Penalty: 5 penalty units.

70 Direction in relation to conduct of timber harvesting operations

- (1) An authorised officer may give directions as to the conduct of timber harvesting operations in a State forest to any person who is the holder of a timber harvesting operator's licence.
- (2) A person must comply with a direction under this section.

Penalty: 60 penalty units.

71 Suspension of timber harvesting operation

- (1) An authorised officer may issue a suspension notice to suspend any timber harvesting operation in a State forest if the authorised officer is of the opinion that—
 - (a) there has been a failure to comply with a direction under section 70; and

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- (b) continuation of the timber harvesting operation would cause—
 - (i) imminent damage to the environment;
or
 - (ii) a serious risk to the safety of any person.
 - (2) A notice under subsection (1) may be issued to—
 - (a) the holder of a timber harvesting operator's licence; or
 - (b) the person who has, or may reasonably be presumed to have, control over the timber harvesting operation in the State forest.

72 What must a suspension notice contain?

A suspension notice must—

- (a) state that the authorised officer is of the opinion that the timber harvesting operation is causing or may cause—
 - (i) imminent damage to the environment;
or
 - (ii) a serious risk to the safety of any person;
- (b) state the reasons for that opinion;
- (c) specify the activity which, in the authorised officer's opinion, involves or may involve the damage or risk and the matters which give or will give rise to the damage or risk.

73 Notices may include directions

- (1) An authorised officer may include in a suspension notice directions as to the measures to be taken to remedy any damage, risk, matter or activity to which the notice relates.

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- (2) Any direction under subsection (1) may—
- (a) refer to any Code of Practice; and
 - (b) offer the person to whom it is issued a choice of ways in which to remedy the damage, risk, matter or activity.

S. 74
substituted by
No. 48/2005
s. 4.

74 Expiry of suspension notice once matter remedied

- (1) Subject to this Part, if the damage, risk, matter or activity to which a suspension notice relates is remedied to the satisfaction of an authorised officer, the authorised officer may issue a notification in writing that he or she is so satisfied to—
- (a) the holder of the timber harvesting operator's licence to whom the suspension notice was issued; or
 - (b) the person who has, or may reasonably be presumed to have, control over the timber harvesting operation in the State forest in respect of which the suspension notice was issued.
- (2) A suspension notice expires on notification being issued under subsection (1).

75 Offence not to comply with suspension notice

A person to whom a suspension notice is issued in relation to which an appeal has not been made under section 76 must comply with that notice.

Penalty: 60 penalty units.

76 Appeals against suspension notices

- (1) A person to whom a suspension notice is issued or, if that person is an employee, that person's employer, may appeal against the notice to the Magistrates' Court.

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- (2) An appeal under subsection (1) must be—
 - (a) in writing; and
 - (b) made within 7 days after a suspension notice is issued.
 - (3) The Magistrates' Court must inquire into the circumstances relating to the notice and may—
 - (a) affirm the notice; or
 - (b) affirm the notice with such modifications as it thinks fit; or
 - (c) cancel the notice.
 - (4) Subject to any order to the contrary made by the Magistrates' Court, the operation of the suspension notice continues pending the decision of the Magistrates' Court under subsection (3).
 - (5) If the Magistrates' Court affirms the suspension notice or affirms the suspension notice with modifications, the person to whom the suspension notice was issued must comply with the suspension notice as so affirmed.

Penalty: 60 penalty units.

77 Occupational Health and Safety Act 2004 prevails

Nothing in this Part affects the operation of the **Occupational Health and Safety Act 2004** and, to the extent that there is any conflict or inconsistency with the provisions of the **Occupational Health and Safety Act 2004**, that Act prevails.

S. 77
substituted by
No. 107/2004
s. 185.

PART 8—FIRE PREVENTION AND SUPPRESSION

78 Agreements for prevention and suppression of fire

VicForests and the Secretary may enter into agreements or arrangements relating to the prevention and suppression of fire.

79 Secretary may direct VicForests staff

- (1) The Secretary may direct VicForests or any staff of VicForests to undertake fire suppression works if the Secretary and VicForests have entered into an agreement or arrangement under section 78.
- (2) A person must comply with a direction under this section.

80 Secretary and authorised officers may direct timber harvesters

The Secretary or an authorised officer may direct any person undertaking or engaged in timber harvesting operations to make that person's employees, plant and equipment available to assist in fire suppression when the Secretary or an authorised officer (as the case requires) gives such a direction.

81 Person must comply with direction

A person must comply with a direction of the Secretary or an authorised officer (as the case requires) under section 80.

82 Secretary to reimburse for assistance

If a person provides assistance to the Secretary pursuant to a direction under section 80, the Secretary must reimburse that person for the reasonable costs incurred by that person in providing that assistance.

83 Part does not derogate from certain Acts

Nothing in this Part derogates from the **Forests Act 1958** or the **Country Fire Authority Act 1958**.

PART 9—ENFORCEMENT

84 Requirement to give name and address

- (1) If an authorised officer believes on reasonable grounds that a person has committed or is committing an offence against this Act or the regulations, the officer may ask the person to state his or her name and ordinary place of residence or business.
- (2) In making a request under subsection (1), the authorised officer must inform the person of the grounds for the authorised officer's belief that the person has committed or is committing the offence.
- (3) A person must not, in response to a request under subsection (1)—
 - (a) refuse or fail to comply with the request without a reasonable excuse for doing so; or
 - (b) state a name that is false in a material detail; or
 - (c) state an address that is not the full and correct address of his or her ordinary place of residence or business.

Penalty: 5 penalty units.

- (4) If a person states a name and address in response to a request under subsection (1) and the authorised officer suspects on reasonable grounds that the stated name and address may be false, the officer may request the person to produce evidence of the correctness of the name and address.

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- (5) A person to whom a request under subsection (4) is made must comply with the request, unless he or she has a reasonable excuse for not doing so.

Penalty: 5 penalty units.

- (6) It is not an offence for a person to fail to comply with a request under subsection (1) or (4)—
- (a) if the authorised officer did not inform the person, at the time the request was made, that it is an offence to fail to comply with the request; or
 - (b) if the authorised officer did not identify himself or herself in accordance with section 85 before making the request.

85 Authorised officers must identify themselves

An authorised officer must produce proof of his or her identity and official status—

- (a) before exercising a power under section 84; and
- (b) at any time during the exercise of a power under section 84, if asked to do so.

86 Offence to hinder or obstruct an authorised officer

A person must not, without reasonable excuse, hinder or obstruct an authorised officer who is exercising that authorised officer's duties or powers under this Act or the regulations.

Penalty: 60 penalty units.

87 Offence to threaten or abuse an authorised officer

A person must not threaten or abuse an authorised officer who is exercising that authorised officer's duties or powers under this Act or the regulations.

Penalty: 60 penalty units.

88 Power to seize items

- (1) If an authorised officer believes on reasonable grounds that a person has committed or is committing an offence against this Act or the regulations, the authorised officer may seize any item used or being used by that person in the commission of the offence.
- (2) If an authorised officer seizes an item under this section, the authorised officer must immediately give the person a written receipt for the item seized indicating—
 - (a) the nature of the item seized; and
 - (b) the date and time that the authorised officer took possession of the item; and
 - (c) the name of the authorised officer who seized the item and the address where the item will be held.

89 Return of seized items

- (1) An authorised officer who seizes an item under section 88 must—
 - (a) as soon as practicable after seizing the item, inform the person from whom the item was seized of that person's right to have it returned; and
 - (b) ensure that the item is returned to the person from whom it was seized within 90 days after the date on which it was seized.
- (2) A person from whom an item was seized may apply at the office of the authorised officer who seized the item for its return within 90 days after it was seized.

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- (3) This section does not apply if proceedings for an offence against the Act or the regulations in relation to which the item was seized have been commenced within 90 days of the item being seized.

90 Recovery of seized item and compensation

If an item seized under section 88 has not been returned to the person from whom it was seized and—

- (a) proceedings are not instituted for an offence against this Act or the regulations in relation to the seized item within 90 days of the seizure; or
- (b) after proceedings have been instituted and completed, the defendant is not found guilty—

the person from whom the item was seized is entitled to recover the seized item, or, if it has been destroyed, compensation equal to the market value of the item at the time of the seizure.

91 Forfeiture to Crown

- (1) An item seized under section 88 that is not returned to the person from whom it was seized within 12 months after being so seized is forfeited to the Crown.
- (2) If any seized item is forfeited to the Crown under subsection (1)—
 - (a) the Minister may direct that it be disposed of in any manner that the Minister thinks fit; and
 - (b) if it is sold, the proceeds of the sale must be paid into the Consolidated Fund.

92 Court may order forfeiture to the Crown

- (1) A court which finds a person guilty of an offence against this Act or the regulations may order that any item used in the commission of the offence be forfeited to the Crown.
- (2) If any item is forfeited to the Crown under subsection (1)—
 - (a) the Minister may direct that the item be disposed of in any manner that the Minister thinks fit; and
 - (b) if the Minister directs that the item is to be disposed of by sale, the proceeds of the sale must be paid into the Consolidated Fund.

93 Direction to remove obstructions

- (1) An authorised officer may direct the owner of, or a person responsible for, an obstruction in a State forest to remove the obstruction from—
 - (a) any road or track used for timber harvesting operations; or
 - (b) any area where timber harvesting operations are being carried out.
- (2) A direction under subsection (1)—
 - (a) may be given in writing or orally; and
 - (b) may specify the time by which the obstruction must be removed.
- (3) Unless a person to whom a direction under subsection (1) is given has a reasonable excuse for not doing so, the person must comply with the direction—

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- (a) if a time is specified in the direction, within the time specified; or
 - (b) if no time is specified in the direction, within a reasonable time.
- (4) In this section and section 94, **obstruction** means anything which is—
- (a) a danger to the safety of any person in a State forest; or
 - (b) placed in a State forest in contravention of this Act or the regulations.

94 Authorised officer may remove obstructions in State forest

- (1) An authorised officer may remove, or cause the removal of, any obstruction in a State forest if—
- (a) after making reasonable inquiries, the authorised officer is unable to identify the owner of, or a person responsible for, an obstruction in a State forest; or
 - (b) after being given a direction under section 93, the owner of, or a person responsible for, an obstruction in a State forest—
 - (i) is unable or unwilling to remove the obstruction; or
 - (ii) has not removed the obstruction—
 - (A) if a time is specified in the direction, within the time specified; or
 - (B) if no time is specified in the direction, within a reasonable time.

- (2) Without limiting the powers of an authorised officer under this section, an authorised officer may remove, or cause the removal of an obstruction by its destruction, if it is reasonable to do so in the circumstances.
 - (3) An authorised officer may dispose of anything removed under this section.
 - (4) An authorised officer may recover any reasonable costs incurred in taking action under this section as a debt due and payable by the owner of, or the person responsible for, the obstruction.
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PART 10—MISCELLANEOUS

95 Limitation of Supreme Court's jurisdiction

- (1) It is the intention of section 27 to alter or vary section 85 of the **Constitution Act 1975**.

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S. 95(2)
repealed by
No. 21/2006
s. 5(3).

96 Regulations

- (1) The Governor in Council may make regulations for or with respect to—
- (a) a demerit points system in relation to timber harvesting operator's licences, including—
 - (i) the circumstances in which demerit points are incurred; and
 - (ii) the procedures for notification to a holder of a timber harvesting operator's licence that demerit points have been incurred; and
 - (iii) the circumstances in which demerit points are cancelled; and
 - (iv) the process for reviewing a decision to give demerit points;
 - (b) the maximum period for suspension of a timber harvesting operator's licence under Division 2 of Part 6, being a period not exceeding 12 months;
 - (c) prescribing classes of timber harvesting operator's licences;
 - (d) prescribing activities or classes of activity for which a timber harvesting operator's licence is required;

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- (e) prescribing penalties not exceeding 20 penalty units for a contravention of the regulations;
 - (f) any other matter or thing that is required or permitted by this Act to be prescribed or that is necessary to be prescribed for carrying out or giving effect to this Act.
- (2) Regulations made under this Act—
- (a) may be of general or limited application;
 - (b) may differ according to differences in time, place or circumstance;
 - (c) may leave any matter or thing to be from time to time determined, approved or dispensed with by the Secretary or an authorised officer;
 - (d) may apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method, formulated, issued, prescribed or published by any other person, whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as formulated, issued, prescribed or published at the time the regulations are made or at any time before then; or
 - (iii) as formulated, issued, prescribed or published from time to time.
- (3) Regulations made under this Act may exempt specified persons or any class of persons from complying with all or any of the regulations.
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Sustainable Forests (Timber) Act 2004
No. 48 of 2004

s. 97

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**Pts 11, 12
(Headings
and ss 97–
132)
repealed by
No. 28/2007
s. 3(Sch.
item 64).**

**PART 13—CONSEQUENTIAL AMENDMENTS TO OTHER
ACTS AND TRANSITIONAL PROVISIONS**

Pt 13 Div. 1
(Heading and
ss 133–139)
repealed by
No. 28/2007
s. 3(Sch.
item 64).

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Division 2—Transitional provisions

140 General transitional provisions

- (1) This Division does not affect or take away from the **Interpretation of Legislation Act 1984**.
- (2) If this Division provides that a provision of an Act continues to apply to any matter or thing, then any regulation or other instrument having effect under that Act for the purposes of that provision also continues to apply to that matter or thing.
- (3) If, by virtue of this Division, a provision of an Act or a regulation or instrument continues to apply to a matter or thing, it continues to apply as in force immediately before the provision was repealed or revoked.
- (4) Subject to Part 4, this Division applies despite anything to the contrary in any other provision of this Act.

141 Forest operator's licences

- (1) A forest operator's licence within the meaning of the Timber Harvesting Regulations 2000 granted under section 52 of the **Forests Act 1958** and in force immediately before the commencement of Division 2 of Part 6 of this Act is deemed, on and from that commencement—

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- (a) to be a timber harvesting operator's licence issued under Division 2 of Part 6 for a period which corresponds to the remaining period of the forest operator's licence as in force immediately before that commencement; and
- (b) to be subject to the prescribed covenants, terms and conditions specified in regulation 9 of, and Schedule 3 to, the Timber Harvesting Regulations 2000 as in force immediately before that commencement until—
- (i) those conditions are amended or varied in accordance with Division 2 of Part 6; or
 - (ii) the licence expires—
- whichever first occurs.
- (2) Any demerit points accrued under the Timber Harvesting Regulations 2000 in respect of a licence referred to in subsection (1) and any suspension or cancellation in force at that commencement—
- (a) continue to apply in respect of that licence; and
 - (b) must be recorded in the register established under Division 2 of Part 6 accordingly.
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SCHEDULES

SCHEDULE 1

TRANSFERRED LICENCES (EAST)

Licence Number:

B000738

B000894

B000989

S000324

S000347

S000360

S000364

S000409

S000501

S000508

S000225

S000258

S000298

S000300

S000307

S000314

S000315

S000316

S000317

S000321

S000330

Licence Number:

S000344
S000345
S000352
S000363
S000378
S000379
S000380
S000381
S000394
S000395
S000411
S000412
S000413
S000416
S000419
S000421
S000422
S000431
S000432
S000433
S000434
S000437
S000438
S000439
S000441

Sustainable Forests (Timber) Act 2004
No. 48 of 2004

Sch. 1

Licence Number:

S000447

S000448

S000452

S000453

S000465

S000476

S000489

S000495

S000500

S000518

S000519

S000570

Sch. 2
repealed by
No. 21/2006
s. 5(4).

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ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 13 May 2004

Legislative Council: 3 June 2004

The long title for the Bill for this Act was "to provide a framework for sustainable forest management and sustainable timber harvesting in State forests, to amend the **Forests Act 1958** and the **Conservation, Forests and Lands Act 1987**, to consequentially amend other Acts and for other purposes."

The **Sustainable Forests (Timber) Act 2004**, No. 48/2004 was assented to on 16 June 2004 and came into operation as follows:

Part 1 (sections 1–4), sections 97, 98, 100(1), 103–105, 107, 108, 110, 112, 116, 122, 123(1), 124, 125, 127–129, 131–137 and 139–141 on 17 June 2004; Part 3 (sections 13–24), Part 4 Division 1 (sections 25–27), Part 4 Divisions 3 and 4 (sections 31–35), Part 5 (sections 36–45), Part 6 Division 1 (sections 46–49), Part 8 (sections 78–83), Part 9 (sections 84–94), sections 95(1), 96, 99, 101, 102, 106, 111, 113–115, 117–121, 123(2)–(4), 126, 130 and Schedule 1 on 1 August 2004: Government Gazette 29 July 2004 page 2120; section 100(2) on 31 August 2005: Government Gazette 14 July 2005 page 1550; Part 2 (sections 5–12), sections 109 and 138 on 18 May 2006: Government Gazette 18 May 2006 page 929; Part 6 Division 2 (sections 50–68), Part 7 (sections 69–77) on 1 July 2006: section 2(5).

Part 4 Division 2 (sections 28–30), section 95(2) and Schedule 2 were never proclaimed, repealed by section 5(1)(3)(4) of the **Sustainable Forests (Timber) (Amendment) Act 2006**, No. 21/2006.

Sustainable Forests (Timber) Act 2004
No. 48 of 2004

Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Sustainable Forests (Timber) Act 2004** by Acts and subordinate instruments.

Occupational Health and Safety Act 2004, No. 107/2004

Assent Date: 21.12.04
Commencement Date: S. 185 on 1.7.05: s. 3(1)
Current State: This information relates only to the provision/s amending the **Sustainable Forests (Timber) Act 2004**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 199) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Sustainable Forests (Timber) Act 2004**

Environment and Water Legislation (Miscellaneous Amendments) Act 2005, No. 48/2005

Assent Date: 24.8.05
Commencement Date: Ss 3, 4 on 25.8.05: s. 2
Current State: This information relates only to the provision/s amending the **Sustainable Forests (Timber) Act 2004**

Sustainable Forests (Timber) (Amendment) Act 2006, No. 21/2006

Assent Date: 9.5.06
Commencement Date: 10.5.06: s. 2
Current State: All of Act in operation

Statute Law Revision Act 2007, No. 28/2007

Assent Date: 26.6.07
Commencement Date: S. 3(Sch. item 64) on 27.6.07: s. 2(1)
Current State: This information relates only to the provision/s amending the **Sustainable Forests (Timber) Act 2004**

3. Explanatory Details

No entries at date of publication.