

CA301*

Conservation and Land Management Act 1984

Forest Management Amendment Regulations (No. 2) 2010

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Forest Management Amendment Regulations (No. 2) 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Forest Management Regulations 1993*.

4. Regulation 2 amended

- (1) In regulation 2 delete the definitions of:
apiary site permit
sawmill
- (2) In regulation 2 insert in alphabetical order:

sawmill means a place where any operation for the purpose of preparing, treating or processing timber is carried on;

5. Part 11 deleted

Delete Part 11.

6. Regulation 93 amended

In regulation 93 delete the definition of *South West Division* and insert:

South-west Division means the South-west Division of the State as described in the *Land Administration Act 1997* Schedule 1.

7. Regulation 95 amended

In regulation 95 delete “South West Division” and insert:

South-west Division

8. Regulation 96 amended

In regulation 96 delete “South West Division.” and insert:

South-west Division.

9. Regulation 143 replaced

Delete regulation 143 and insert:

143. Rent payable for sawmill permit

(1) In this regulation —

commencement day means the day on which the *Forest Management Amendment Regulations (No. 2) 2010* regulation 9 comes into operation;

payment day, for a year, means the day in that year that is the anniversary of the day on which the sawmill permit was granted;

sawmill permit means a permit to occupy an area of Crown land as the site of a sawmill.

(2) The holder of a sawmill permit is to pay to the CEO rent of an amount determined by the CEO on the advice of the Valuer-General or a licensed valuer, as defined in the *Land Valuers Licensing Act 1978*, to be a reasonable commercial rent for the use of that land for that purpose.

- (3) For a sawmill permit that is granted after the commencement day, the CEO —
 - (a) must specify the initial rent in the permit when it is granted; and
 - (b) may increase the rent under subregulation (6).
- (4) For a sawmill permit that is in force immediately before the commencement day —
 - (a) despite subregulation (1), until the rent is increased under subregulation (6), the rent is \$60 per annum per 5 hectares or part thereof; and
 - (b) the CEO may increase the rent in accordance with subregulation (6).
- (5) Unless otherwise agreed between the CEO and the permit holder, the rent is payable annually in advance —
 - (a) for the first year — within 30 days after the day on which the permit is granted; and
 - (b) for each subsequent year — on the payment day for that year.
- (6) The CEO may increase the rent for a sawmill permit with effect from the payment day in any year by giving written notice to the permit holder not less than 60 days before that day.
- (7) If a permit is to be in force for part only of a year the rent payable for that year is reduced proportionately.
- (8) The rent is payable whether or not the permit holder occupies the land to which the permit relates and regardless of the output of any sawmill on that land.

10. Regulation 152 replaced

Delete regulation 152 and insert:

152. Review of certain decisions of CEO by State Administrative Tribunal

A person aggrieved by a decision of the CEO under regulation 9(2), 17 or 26 may apply to the State Administrative Tribunal for a review of the decision.

11. Schedule 2 Form 2 deleted

Delete Schedule 2 Form 2.

12. Schedule 3 amended

In Schedule 3 delete “of Conservation and Land Management” (each occurrence).

13. Schedule 5 amended

- (1) In Schedule 5 item 6 delete “other than an apiary site permit”.
- (2) Delete Schedule 5 items 7 to 11.

14. Various references to “Executive Director” amended

In the provisions listed in the Table:

- (a) delete “Executive Director” (each occurrence) and insert:

CEO

- (b) delete “Executive Director’s” and insert:

CEO’s

- (c) delete “Executive Director” (each occurrence) and insert:

CEO

Table

r. 2 def. of <i>contract of sale, contract to harvest and deliver, contractor, district, forest produce licence and permit</i>	r. 8(1), (2) and (3)
r. 9(1), (2) and (3)	r. 11
r. 12(1)	r. 13(1) and (2)
r. 14	r. 16(1) and (2)
r. 17(1), (2), (3), (3a), (4) and (5)	r. 18(1) and (2)
r. 22(2) and (3)	r. 25(1) and (2)
r. 26(1), (2) and (3)	r. 28(2) and (3)
r. 29(1) and (2)	r. 30
r. 34	r. 39(1), (2) and (3)
r. 40	r. 41

r. 42	r. 49
r. 52	r. 55
r. 58	r. 59
r. 62	r. 65(1) and (2)
r. 66	r. 67
r. 91	r. 98(1) and (2)
r. 109	r. 117
r. 129(1)	r. 136
r. 137	r. 140
r. 147	r. 148
r. 149	Sch. 1 Pt. C cl. 1
Sch. 1 Pt. C cl. 4	Sch. 1 Pt. C cl. 5.1 and 5.2
Sch. 1 Pt. E cl. 2	Sch. 1 Pt. E cl. 17
Sch. 1 Pt. E cl. 18	Sch. 2 Form 1

Note: The headings to the amended provisions listed in the Table are to read as set out in Table.

Table

Amended provision	Provision heading
r. 17	CEO may cancel, suspend, refuse to renew, etc. registration
r. 52	Original of log delivery note to be delivered to CEO within 3 days
r. 58	CEO to supply forms
Sch. 1 Pt. E cl. 2	Equipment to be approved by the CEO

By Command of the Governor,

PETER CONRAN, Clerk of the Executive Council.