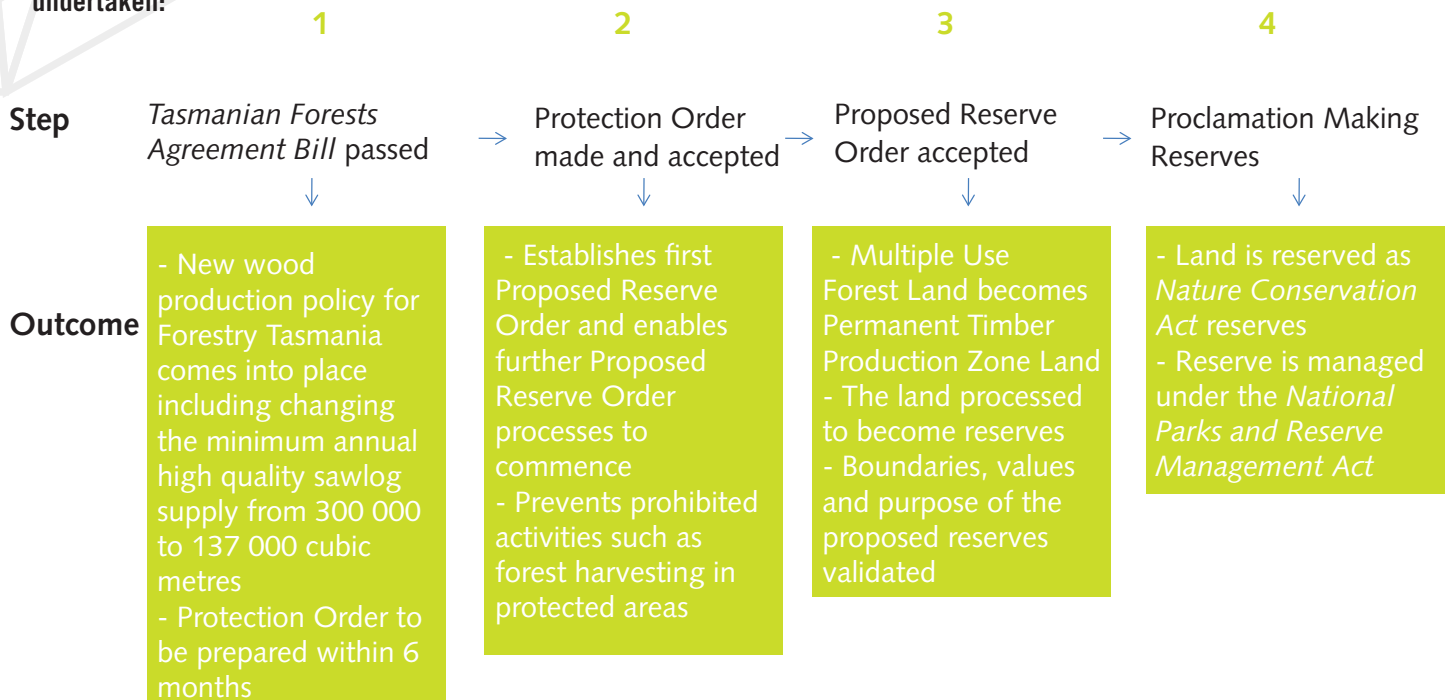


## /// PROCESS FOR ESTABLISHING FORMAL RESERVES

The *Tasmanian Forests Agreement Bill 2012* (the "Bill") allows for the process of establishing new areas of formal reserves under the *Nature Conservation Act 2002*. In order for formal reserves to be established the following steps need to be undertaken:



The process for establishing reserves under the Bill is largely consistent with existing legislative and administrative processes for reserve making under the *Nature Conservation Act* except for the initial step of the making of a Protection Order which gives immediate protection to the proposed reserve area.

There will be consultation with community and interest groups, other users and potential users of the land as well as relevant authorities and regulators during the reservation process.

## /// THE PROTECTION ORDER

The Bill itself does not create new reserves directly but establishes a transparent process to enable proclamation of reserves under the *Nature Conservation Act*, including the protection of forests from harvesting during that process. The Parliament has a central role in the reserve-making process.

The Bill allows for the Minister for Energy and Resources (the Minister) to make a Protection Order to set aside parcels of land that can be proposed as reserves.

The land contained in the Protection Order reflects that agreed to be reserved as per the Agreement between the Reference Group of Signatories - the Tasmanian Forest Agreement 2012. Parliament can either accept or reject a single Protection Order and once made it cannot be amended. This is because the Protection Order is intended to give practical effect to the Agreement of the Signatories.

Before making a Protection Order the Minister must obtain advice from the Commonwealth Government as to whether or not the land in the Protection Order will, by virtue of changed forest management practices related to the operation of this Bill, be excluded from consideration as part of a carbon farming project under the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

## /// THE PROTECTION ORDER

It is expected that carbon sequestration and reduced greenhouse gas emissions will be an important purpose of any reserve established under this Bill.

The Protection Order must contain information relating to each parcel of land, including: its boundaries, values and purpose (consistent with those for reserve classes established under the *Nature Conservation Act*); activities that are prohibited on that land (“prohibited activities”); and the certified forest practices plans to be extinguished.

The Government does not intend to prohibit mining in areas designated as Strategic Prospectivity Zones under the *Mining (Strategic Prospectivity Zones) Act 1993* or other areas with high mineral value, nor does it intend to specify a purpose of a reserve that precludes mining in Strategic Prospectivity Zones.

Nor does the Bill limit existing private native forest or farming activities on private land.

The Protection Order identifies whether a parcel of land can be processed immediately as a proposed reserve or defines a date by which each parcel of land must be further considered by Parliament for processing as a reserve under the *Nature Conservation Act*. The nomination of a “date” as defined by the Bill allows tranches of reserves or single reserves to be processed separately over time as required.

At the request of the Signatories a Durability Report must be prepared by the proposed Special Council established under the Bill, this must then be tabled in Parliament by the Minister with the Protection Order and each Proposed Reserve Order along with advice from the Commonwealth on carbon. The Minister can not make a Protection Order before receiving a Durability Report.

The Protection Order has immediate effect and remains in force so long as it is accepted by both Houses of Parliament. If Parliament does not accept the Protection Order or the Protection Order is not made within 6 months, all processes established by the Bill cease.

## /// MAKING OF FORMAL RESERVES

On or before the date specified for each parcel of land in the Protection Order, the Minister is to make a Proposed Reserve Order declaring that land to be a proposed reserve.

Before making a Proposed Reserve Order, the Minister must obtain a durability report prepared by the Special Council.

A Proposed Reserve Order, the durability report and the advice from the Commonwealth Government as to whether or not the land in the Proposed Reserve Order will be excluded from being considered as part of a carbon farming project under the *Carbon Farming Initiative Act* must be tabled concurrently in Parliament.

If a Proposed Reserve Order is rejected by either House of Parliament it may be tabled on one further occasion with a durability report.

Once a Proposed Reserve Order has been accepted by both Houses of Parliament, the Nature Conservation Minister can commence a process to make formal reserves under the *Nature Conservation Act*. The primary purpose of this process is to validate and confirm the proposed reserve boundaries, values and purpose as specified in the Proposed Reserve Order.

It is anticipated that this process, to be managed by the Department of Primary Industries, Parks, Water and Environment, would include consultation with relevant interest groups and statutory authorities. Mineral resources and mining interests will be taken into account during this process. The process is consistent with administrative processes that would be required if the land was being made a reserve under the *Nature Conservation Act*.

Where the Nature Conservation Minister has determined that the final boundaries, values and purpose for a proposed reserve substantially accord with those accepted by Parliament, or Parliament has accepted the changed boundaries, values and/or purpose tabled by that Minister, the Nature Conservation Minister is to recommend that the Governor declare the land to be a class of reserve under the *Nature Conservation Act*.

On the making of a proclamation, the land described in the proclamation is taken to have been reserved under the *Nature Conservation Act* as a type of reserve and with the name specified in the proclamation.



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