

# Authorised Version

## Sustainable Forests (Timber) Repeal Act 2024

No. 24 of 2024

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Authorised by the Chief Parliamentary Counsel

## Authorised Version



Victoria

# Sustainable Forests (Timber) Repeal Act 2024<sup>†</sup>

No. 24 of 2024

[Assented to 25 June 2024]

The Parliament of Victoria enacts:

## Part 1—Preliminary

### 1 Purposes

The purposes of this Act are—

- (a) to repeal the **Sustainable Forests (Timber) Act 2004** so as to end commercial native forest timber harvesting under that Act; and
- (b) to abolish VicForests and provide for the transfer of property, rights and liabilities to the Crown; and

(c) to amend the **Conservation, Forests and Lands Act 1987** and the **Forests Act 1958** in relation to forest management; and

(d) to make consequential amendments to other Acts.

## 2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.

(2) If a provision of this Act does not come into operation before 1 May 2025, it comes into operation on that day.

## 3 Definitions

In this Act—

*commencement day* means the day on which Part 2 comes into operation;

*liabilities* means all liabilities, duties and obligations, whether actual, contingent or prospective;

*property* means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description;

*rights* means all rights, powers, privileges and immunities, whether actual, contingent or prospective;

*VicForests* means the State body known as "VicForests" established under section 14 of the **State Owned Enterprises Act 1992** by Order in Council dated 28 October 2003 published in the Government Gazette on 28 October 2003.

## **Part 2—Repeal of Sustainable Forests (Timber) Act 2004**

### **Division 1—Repeal**

#### **4 Sustainable Forests (Timber) Act 2004**

The **Sustainable Forests (Timber) Act 2004** is repealed.

### **Division 2—Abolition of VicForests and transfer of property, rights and liabilities to the Crown**

#### **5 Abolition of VicForests**

On the commencement day, VicForests is abolished and the members of its board go out of office.

#### **6 Transfer of property, rights and liabilities of VicForests to the Crown**

On the commencement day—

- (a) all property and rights that, immediately before that day, were vested in VicForests are vested in the Crown; and
- (b) any land for which VicForests was the registered proprietor under the **Transfer of Land Act 1958** immediately before that day is taken to be unalienated land of the Crown freed and discharged from all encumbrances, limitations and restrictions and from any estate or interest in the land; and
- (c) all liabilities of VicForests existing immediately before that day become liabilities of the Crown; and

- (d) the Crown is substituted as a party to any proceeding pending in any court or tribunal to which VicForests was a party immediately before that day; and
- (e) the Crown is substituted as a party to any arrangement or contract entered into by or on behalf of VicForests as a party and in force immediately before that day.

### **7 Transfer subject to encumbrances**

If, under this Act, property, rights and liabilities of VicForests (other than land for which VicForests was the registered proprietor under the **Transfer of Land Act 1958**) become property, rights and liabilities of the Crown—

- (a) the property and rights become property and rights of the Crown subject to any encumbrance to which they were subject immediately before the commencement day; and
- (b) the rights to which VicForests was entitled in respect of those liabilities immediately before they ceased to be its liabilities become rights in respect of liabilities of the Crown.

### **8 Registrar of Titles to make recordings or amendments necessary for this Part**

The Registrar of Titles must make any recordings in or amendments to the Register kept under the **Transfer of Land Act 1958** that are necessary because of the operation of this Part.

### **9 References to VicForests**

- (1) A reference to VicForests in any Act (other than this Act), subordinate instrument or other document (by whatever name) prepared or made under or for the purposes of any Act (other than

the Code) must be construed as a reference to the Crown—

- (a) to the extent that the reference relates to any period on or after the commencement day; and
  - (b) if not inconsistent with the subject matter.
- (2) A reference to VicForests, in its capacity as the managing authority for timber harvesting operations in State forests, in the Code must be construed as a reference to the Secretary within the meaning of the **Conservation, Forests and Lands Act 1987**—
- (a) to the extent that the reference relates to any period on or after the commencement day; and
  - (b) if not inconsistent with the subject matter.
- (3) In this section—

*Code* means the Code of Practice for the carrying out of timber production made under section 31 of the **Conservation, Forests and Lands Act 1987** in force immediately before the commencement day and known as the "Code of Practice for Timber Production 2014".

### **Division 3—Property in timber resources vested in VicForests transferred to the Crown**

#### **10 Allocation order**

- (1) An order made under Part 3 of the **Sustainable Forests (Timber) Act 2004** that is in effect immediately before the commencement day ceases to have effect on the commencement day.

- (2) Property in the timber vested in VicForests under section 14(1) of the **Sustainable Forests (Timber) Act 2004** immediately before the commencement day passes to the Crown on the commencement day.

**Note**

See also section 14 of the **Interpretation of Legislation Act 1984**.

**11 Timber release plan**

A plan prepared under section 37 of the **Sustainable Forests (Timber) Act 2004** that is in effect immediately before the commencement day ceases to have effect on the commencement day.

**Division 4—Savings and transitional provisions**

**12 Minister may arrange audits**

Despite the repeal of the **Sustainable Forests (Timber) Act 2004**, that Act continues to apply to an audit under section 47 of that Act that had commenced but was not completed before the commencement day.

**13 Enforceable undertakings**

Despite the repeal of the **Sustainable Forests (Timber) Act 2004**, Part 8A of that Act continues to apply on and after the commencement day in respect of an enforceable undertaking under section 83A of that Act that is in effect immediately before the commencement day.

**14 Production of documents**

- (1) Despite the repeal of the **Sustainable Forests (Timber) Act 2004**, Part 8B of that Act continues to apply on and after the commencement day in respect of a production notice under section 83D or a production order under section 83E of that

Act that is in effect immediately before the commencement day.

- (2) Despite the repeal of the **Sustainable Forests (Timber) Act 2004**, Part 8B of that Act continues to apply on and after the commencement day in respect of any document that is relevant to a requirement to comply with a provision of that Act where the requirement to comply arose before the commencement day.

### **15 Regulations dealing with transitional matters**

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act (including the repeals and amendments made by this Act).
- (2) Regulations made under this section may—
- (a) have a retrospective effect to a day on or from the day on which this Act receives the Royal Assent; and
  - (b) be of limited or general application; and
  - (c) leave any matter or thing to be decided by a specified person or class of person; and
  - (d) provide for the exemption of persons or things or classes of persons or things from any of the regulations made under this section.
- (3) Regulations made under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.

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Part 2—Repeal of Sustainable Forests (Timber) Act 2004

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- (4) This section is **repealed** on the second anniversary of the day on which it comes into operation.

## **Part 3—Amendment of Conservation, Forests and Lands Act 1987**

### **16 New Part 5A inserted**

After Part 5 of the **Conservation, Forests and  
Lands Act 1987** insert—

### **"Part 5A—Sustainable forest management**

#### **40A 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.

#### **40B Determination to be published**

The Minister must—

- (a) publish a copy of a determination under section 40A in the Government Gazette; and

- (b) cause a notice that a determination has been made under section 40A to be published in a newspaper circulating generally within the State.

**40C Secretary to report on indicators**

The Secretary must report to the Minister on the status, performance or achievement of the indicators determined by the Minister under section 40A within the time determined under that section.

**40D 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 40C.
- (2) In carrying out an audit under subsection (1), a person may audit any information used by the Secretary to prepare the Secretary's report under section 40C.

**40E Sustainability Charter**

- (1) The Minister may develop a Sustainability Charter.
- (2) A Sustainability Charter must set out objectives for the sustainability of forests.
- (3) The Minister must consult with the Minister administering the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992** in developing a Sustainability Charter."

**17 New section 125 inserted**

After section 124 of the **Conservation, Forests and Lands Act 1987** insert—

**"125 Savings and transitional provision—  
Repeal of Sustainable Forests (Timber)  
Act 2004**

(1) In this section—

*commencement day* means the day on which Part 2 of the **Sustainable Forests (Timber) Repeal Act 2024** comes into operation.

(2) On the commencement day, the determination under section 6 of the **Sustainable Forests (Timber) Act 2004** published in the Government Gazette on 21 June 2007 is taken to be a determination under section 40A.

(3) For the purposes of subsection (2), as soon as practicable after the commencement day, the Minister must—

(a) publish in the Government Gazette—

(i) a copy of the determination; and

(ii) a notice that a determination is taken to have been made under section 40A; and

(b) publish in a newspaper circulating generally within the State, a notice that a determination is taken to have been made under section 40A.

(4) On the commencement day, a report under section 8 of the **Sustainable Forests (Timber) Act 2004** relating to the year 2023 is taken to be a report under section 40C relating to the same year."

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Part 3—Amendment of Conservation, Forests and Lands Act 1987

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**18 Repeal of Part**

This Part is **repealed** on 1 May 2026.

**Note**

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

## **Part 4—Amendment of Forests Act 1958**

### **19 Definitions**

In section 3(1) of the **Forests Act 1958** insert the following definitions—

*"production notice* means a notice under section 75A;

*production order* means an order under section 75B;

*suspension notice* means a notice under section 57NB;"

### **20 Licences and permits with respect to forests**

After section 52(1) of the **Forests Act 1958** insert—

"(1AA) The Minister must consider any prescribed matters before granting a licence or permit under this section."

### **21 New sections 57NA to 57NH inserted**

After section 57N of the **Forests Act 1958** insert—

#### **"Timber in State forests**

##### **57NA Direction relating to certain activities under licence or permit**

- (1) An authorised officer may give a direction to the holder, or a person acting on behalf of the holder, of a licence or permit granted under section 52 as to the conduct of an activity referred to in section 52(1A)(d) and specified in the licence or permit.

- (2) The holder, or a person acting on behalf of the holder, of a licence or permit granted under section 52 to whom a direction under subsection (1) is given must comply with the direction.

Penalty: 60 penalty units.

**57NB Suspension of certain activities under licence or permit**

An authorised officer may issue a notice to the holder, or a person acting on behalf of the holder, of a licence or permit granted under section 52 to suspend an activity referred to in section 52(1A)(d) and specified in the licence or permit if the authorised officer is of the opinion that—

- (a) a direction under section 57NA as to the conduct of the activity has not been complied with; and
- (b) continuation of the activity would cause—
  - (i) imminent damage to the environment; or
  - (ii) a serious risk to the safety of any person.

**57NC Contents of suspension notice**

A suspension notice must—

- (a) state that the authorised officer is of the opinion that the activity that is the subject of a direction under section 57NA is causing or may cause—
  - (i) imminent damage to the environment; or

- (ii) a serious risk to the safety of any person; and
- (b) state the reasons for that opinion; and
- (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.

**57ND Notice may include direction**

- (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.
- (2) Any direction under subsection (1) may—
  - (a) refer to any Code of Practice within the meaning of the **Conservation, Forests and Lands Act 1987**; and
  - (b) offer the person to whom it is issued a choice of ways in which to remedy the damage, risk, matter or activity.

**57NE Expiry of suspension notice once matter remedied**

- (1) Subject to sections 57NA to 57NH, 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 the authorised officer is so satisfied to the person to whom the suspension notice was issued.
- (2) A suspension notice expires on notification being issued under subsection (1).

**57NF 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 57NG must comply with that notice.

Penalty: 60 penalty units.

**57NG Appeal against suspension notice**

- (1) If a holder, or a person acting on behalf of a holder, of a licence or permit granted under section 52 is issued with a suspension notice, the holder of the licence or permit may appeal against the notice to the Magistrates' Court.
- (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 is issued must comply with the suspension notice as so affirmed.

Penalty: 60 penalty units.

**57NH Occupational Health and Safety Act 2004 prevails**

Nothing in sections 57NA to 57NG 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."

**22 New sections 75A to 75N inserted**

After section 75 of the **Forests Act 1958** insert—

**"75A Production notice**

- (1) For the purpose of monitoring compliance with this Act, an authorised officer may give a production notice requiring the production to the authorised officer of any document specified in the notice to a person named in a production order.
- (2) A production notice must—
- (a) be in writing; and
  - (b) specify the following details—
    - (i) the person to whom it is given;
    - (ii) the document to be produced, which may be specified by description or class;

- (iii) the manner in which the document may be produced and the place of production;
- (iv) that the person must comply with the production notice within 30 days of the date specified in the notice.

**75B Production order to authorise production notice**

- (1) For the purpose of monitoring compliance with this Act, an authorised officer may apply to the Magistrates' Court for a production order authorising the authorised officer to give a production notice to a person if the authorised officer believes on reasonable grounds that a document is—
  - (a) relevant to compliance with this Act; and
  - (b) in the possession or control of the person.
- (2) If the Magistrates' Court is satisfied on evidence given by the authorised officer that the order is necessary for the purpose of monitoring compliance with this Act, the Court may make a production order authorising the authorised officer to give a production notice to the person named in the order.
- (3) A production order must specify—
  - (a) the person to whom the production notice is to be given; and
  - (b) the document to be produced, which may be specified by description or class; and

- (c) a day, not later than 30 days after the order is made, on which the order expires; and
  - (d) any other matter the Court considers appropriate.
- (4) If an authorised officer gives a production notice under a production order, the authorised officer must notify the Court in writing of the time and place that the production notice was given to the person named in the order as soon as practicable after the production notice is given to that person.
- (5) The expiry of a production order does not affect the operation of a production notice given under that production order.

**75C Application for extension of time**

- (1) A person who is given a production notice may apply to the authorised officer within 30 days after the notice is given to the person for an extension of the time period specified for compliance.
- (2) An authorised officer, in writing, may extend the time period for compliance if the authorised officer is satisfied that there are reasonable grounds for doing so.

**75D How documents may be produced**

Subject to the production notice, a person who produces a document to an authorised officer in accordance with a production notice may send that document to the authorised officer—

- (a) by registered post; or
- (b) by electronic transmission.

**75E Powers on production of documents**

An authorised officer to whom a document is produced in accordance with a production notice may do any or all of the following—

- (a) inspect the document or any part of the document;
- (b) make copies of and take extracts from the document or any part of the document;
- (c) retain the document or any part of the document for as long as is reasonably necessary to fulfil the purpose for which it is required.

**75F Receipt for retained documents**

If an authorised officer retains a document under section 75E, the authorised officer must take reasonable steps to give the person who produced the document a written receipt for that document within 30 days after the document is produced.

**75G Return of produced documents**

- (1) Subject to subsection (2), an authorised officer to whom a document is produced in accordance with a production notice must take reasonable steps to return the document to the person who produced it within 30 days after it was produced.

- (2) If an authorised officer retains a document under section 75E, the authorised officer must take reasonable steps to return the document to the person who produced it as soon as the purpose for retaining it no longer exists.
- (3) Without limiting subsection (2), a purpose for retaining a document under section 75E includes—
- (a) an investigation is being conducted into whether a contravention of this Act has occurred; or
  - (b) a proceeding under this Act has commenced and that proceeding (including any appeal) has not been completed.

#### **75H Forfeiture to the Crown**

If, despite taking reasonable steps to do so, an authorised officer cannot return a document that was produced in accordance with a production notice to the person who produced it, the document is forfeited to the Crown.

#### **75I Offence to contravene production notice**

A person who is given a production notice must not, without reasonable excuse, contravene the production notice.

Penalty: 20 penalty units, in the case of a natural person;  
100 penalty units, in the case of a body corporate.

**75J Offence to provide false or misleading information**

A person who is given a production notice must not, without reasonable excuse, produce a document that contains information the person knows to be false or misleading in a material particular.

Penalty: 20 penalty units, in the case of a natural person;  
100 penalty units, in the case of a body corporate.

**75K Protection against self-incrimination**

It is a reasonable excuse for a natural person to refuse or fail to produce a document, or do any other thing that the person is required to do under sections 75A to 75J, if producing the document or doing the thing would tend to incriminate the person.

**75L Enforceable undertaking**

- (1) The Secretary may accept a written undertaking from a person who has contravened, or allegedly contravened, section 96AA(1A).
- (2) An undertaking under subsection (1) must—
  - (a) be in writing; and
  - (b) specify the conduct constituting the contravention, or alleged contravention, of section 96AA(1A).
- (3) A person may withdraw or vary an undertaking with the consent of the Secretary.

- (4) While an undertaking is in force, no civil or criminal proceeding may be commenced in relation to the conduct constituting the contravention or alleged contravention in respect of which the undertaking is given.
- (5) If a person withdraws an undertaking before the undertaking has been fulfilled, a civil or criminal proceeding may be commenced in relation to the conduct constituting the contravention or alleged contravention in respect of which the undertaking is given.
- (6) If a person complies with the requirements of an undertaking, no further civil or criminal proceeding may be commenced in relation to the conduct constituting the contravention or alleged contravention in respect of which the undertaking is given.

**75M Enforcement of undertaking**

- (1) If the Secretary considers that a person who gave an undertaking under section 75L has contravened any of its terms, the Secretary may apply to the Magistrates' Court for an order under subsection (2).
- (2) If the Magistrates' Court is satisfied that the person has contravened a term of the undertaking, the Magistrates' Court may make any of the following orders—
  - (a) an order directing the person to comply with the term of the undertaking;
  - (b) an order that the person carry out any specified action for the purpose of complying with the undertaking;
  - (c) any other order that the Magistrates' Court considers appropriate in the circumstances.

- (3) If a person fails to comply with an order made under subsection (2), the Secretary may give the person a written notice advising the person that the Secretary intends to carry out the specified action that remains to be carried out under the order unless the person satisfies the Secretary that the person will carry out the action within a period of time acceptable to the Secretary.
- (4) A person who is given a written notice under subsection (3) must respond to it within 14 days after being given the notice.
- (5) If a person who is given a notice under subsection (3) fails to give the Secretary a satisfactory response within 14 days after being given the notice, or fails to comply with any undertaking given to the Secretary in response to the notice, the Secretary—
  - (a) may do any thing that is necessary or expedient to carry out the specified action that remains to be carried out under the order and that it is still practicable to carry out; and
  - (b) may publicise the failure of the person to comply with the order.
- (6) Subsections (3), (4) and (5) do not prevent a finding that the person is in contempt of court for failing to comply with an order made under subsection (2).
- (7) If a person is found in contempt of court for failing to comply with an order made under subsection (2), the Secretary—
  - (a) may do any thing that is necessary or expedient to carry out the specified action that remains to be carried out

under the order and that it is still practicable to carry out; and

- (b) may publicise the failure of the person to comply with the order.
- (8) The Secretary may recover any reasonable cost the Secretary incurs in taking action under subsection (5) or (7) as a debt due to the Secretary and payable by the person against whom the order is made under subsection (2).

### **75N Register of undertakings**

- (1) The Secretary must maintain a register of undertakings given under section 75L.
- (2) The Secretary must enter details of each undertaking given under section 75L in the register of undertakings.
- (3) The register of undertakings must include—
  - (a) the date the undertaking was given; and
  - (b) a copy of the undertaking.
- (4) A person may inspect the register of undertakings at any reasonable time without charge."

### **23 Requirement to give name and address**

- (1) In the penalty at the foot of section 95A(3) of the **Forests Act 1958**, for "5 penalty units" substitute "20 penalty units".
- (2) In the penalty at the foot of section 95A(5) of the **Forests Act 1958**, for "5 penalty units" substitute "20 penalty units".

## 24 Power to seize items

In section 95F(1) of the **Forests Act 1958**—

- (a) for "has committed or is committing"  
**substitute** "has committed, is committing or is about to commit";
- (b) for "any item used or being used" **substitute** "any item that the authorised officer believes on reasonable grounds has been used, is being used or is about to be used".

## 25 Offence to cut etc. timber in a State forest

(1) After section 96AA(1) of the **Forests Act 1958**  
**insert**—

"(1A) A person must not cut, split, fell, obtain, remove or take any timber in a State forest for the primary purpose of the sale or the processing and sale of the timber, except as set out in subsection (2)(a) or (b).

Penalty: In the case of a natural person,  
120 penalty units;

In the case of a body corporate,  
600 penalty units.

### Note

A person involved in the commission of an offence may be taken to have committed that offence: see section 324 of the **Crimes Act 1958**."

(2) After section 96AA(3) of the **Forests Act 1958**  
**insert**—

"(3A) A proceeding for an offence against subsection (1A) may be commenced not later than 3 years after the date on which the offence is alleged to have been committed."

**26 Offence to hinder or obstruct authorised officer**

In the penalty at the foot of section 96A of the **Forests Act 1958**, for "60 penalty units" **substitute** "120 penalty units or imprisonment for 12 months".

**27 Offence to threaten or abuse authorised officer**

In the penalty at the foot of section 96B of the **Forests Act 1958**, for "60 penalty units" **substitute** "120 penalty units or imprisonment for 12 months".

**28 Regulations**

After section 99(1) of the **Forests Act 1958** **insert—**

"(1A) Prescribing the matters the Minister must consider before granting a licence or permit under section 52(1);".

**29 New section 109 inserted**

After section 108 of the **Forests Act 1958** **insert—**

**"109 Sustainable Forests (Timber) Repeal Act 2024—Regulations dealing with transitional matters**

- (1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of the **Sustainable Forests (Timber) Repeal Act 2024** (including the repeals and amendments made by that Act).
- (2) Regulations made under this section may—
  - (a) have a retrospective effect to a day on or from the day on which the **Sustainable Forests (Timber) Repeal**

**Act 2024** receives the Royal Assent;  
and

- (b) be of limited or general application; and
  - (c) leave any matter or thing to be decided by a specified person or class of person; and
  - (d) provide for the exemption of persons or things or classes of persons or things from any of the regulations made under this section.
- (3) Regulations made under this section have effect despite anything to the contrary in any Act (other than this Act or the **Charter of Human Rights and Responsibilities Act 2006**) or in any subordinate instrument.
- (4) This section is **repealed** on the second anniversary of the day on which it comes into operation."

### **30 Repeal of Part**

This Part is **repealed** on 1 May 2026.

#### **Note**

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

## **Part 5—Consequential amendments**

### **Division 1—Amendment of Climate Change Act 2017**

#### **31 Definitions**

In section 3 of the **Climate Change Act 2017**, in the definition of *relevant Act*, paragraph (e) is **repealed**.

#### **32 Division does not derogate from certain Acts**

In section 94 of the **Climate Change Act 2017**, for "1958, the **Country Fire Authority Act 1958** or the **Sustainable Forests (Timber) Act 2004**" substitute "1958 or the **Country Fire Authority Act 1958**".

### **Division 2—Amendment of Conservation, Forests and Lands Act 1987**

#### **33 Definitions**

In section 3(1) of the **Conservation, Forests and Lands Act 1987**, the definition of *VicForests* is **repealed**.

#### **34 Delegation of powers and functions**

(1) Section 11(1)(e) of the **Conservation, Forests and Lands Act 1987** is **repealed**.

(2) In section 11(2) of the **Conservation, Forests and Lands Act 1987**—

(a) in paragraph (e), for "Corporation; or" substitute "Corporation.";

(b) paragraph (f) is **repealed**.

#### **35 Compliance with Codes of Practice and comments**

Section 67(1A) of the **Conservation, Forests and Lands Act 1987** is **repealed**.

**36 Requirements of specific Acts as to management to apply**

In section 82PB(2)(c) of the **Conservation, Forests and Lands Act 1987**, for "section 11 of the **Sustainable Forests (Timber) Act 2004**" substitute "this Act".

**37 Appointment of authorised officers**

Section 83(1)(ad) of the **Conservation, Forests and Lands Act 1987** is repealed.

**38 Hindering or obstructing forest operations**

(1) In section 95A(2) of the **Conservation, Forests and Lands Act 1987**—

(a) in paragraph (b), for "taking; or" substitute "taking.";

(b) paragraphs (c) and (d) are repealed.

(2) In section 95A(3) of the **Conservation, Forests and Lands Act 1987**—

(a) in the definition of *forest produce*, for "1958;" substitute "1958.";

(b) the definition of *State forest* is repealed;

(c) the definition of *timber resources* is repealed.

**39 Schedule 1**

In Schedule 1 to the **Conservation, Forests and Lands Act 1987** omit "Sustainable Forests (Timber) Act 2004."

### **Division 3—Amendment of Crown Land (Reserves) Act 1978**

#### **40 Protected forest—Kurth Kiln Regional Park**

- (1) In section 55(1) of the **Crown Land (Reserves) Act 1978** omit ", the Sustainable Forests (Timber) Act 2004".
- (2) In section 55(2) of the **Crown Land (Reserves) Act 1978** omit "or the Sustainable Forests (Timber) Act 2004".

### **Division 4—Amendment of Forests Act 1958**

#### **41 Definitions**

- (1) In section 3(1) of the **Forests Act 1958**, in the definition of *forest produce*—
  - (a) in paragraph (d), for "minerals; or" substitute "minerals;"
  - (b) paragraph (e) is **repealed**.
- (2) In section 3(1) of the **Forests Act 1958**, the definition of *VicForests* is **repealed**.

#### **42 Business of the Secretary**

In section 5(1) of the **Forests Act 1958**—

- (a) in paragraph (b), omit "subject to Part 4 of the Sustainable Forests (Timber) Act 2004,"
- (b) in paragraph (c), omit "subject to Part 4 of the Sustainable Forests (Timber) Act 2004,".

#### **43 Secretary and Parks Victoria to manage reserve land**

Section 18A(2A)(a)(ii) of the **Forests Act 1958** is **repealed**.

**44 Special powers of Secretary and Parks Victoria**

- (1) In section 21(1)(e) of the **Forests Act 1958** omit "including timber resources within the meaning of the **Sustainable Forests (Timber) Act 2004**,".
- (2) Section 21(1AA) of the **Forests Act 1958** is **repealed**.

**45 Reserved forests**

- (1) In section 42(4) of the **Forests Act 1958**, for "subsections (4A) and" **substitute** "subsection".
- (2) Section 42(4A) of the **Forests Act 1958** is **repealed**.

**46 Licences and permits with respect to forests**

Section 52(2) of the **Forests Act 1958** is **repealed**.

**47 No application to timber resources**

Section 57P of the **Forests Act 1958** is **repealed**.

**48 Proclamation of protected forests**

Section 58(6) of the **Forests Act 1958** is **repealed**.

**49 Protected trees in protected forests**

Section 59(1A) of the **Forests Act 1958** is **repealed**.

**50 Absolute prohibition of use of fire when acute fire danger exists**

- (1) In section 64(1) of the **Forests Act 1958**—
  - (a) in paragraph (b), for "be); and" **substitute** "be)—";
  - (b) paragraph (c) is **repealed**.

- (2) In section 64(2) of the **Forests Act 1958**—
- (a) in paragraph (b), for "be); or" substitute "be)—";
  - (b) paragraph (c) is **repealed**.

**51 Placing inflammable material for the purpose of causing fire etc.**

In section 66 of the **Forests Act 1958** omit ", timber resources within the meaning of the **Sustainable Forests (Timber) Act 2004**".

**52 Duty to prevent spread of fire etc.**

- (1) In section 67(3) of the **Forests Act 1958** omit "or who is a timber harvester".
- (2) Section 67(4) of the **Forests Act 1958** is **repealed**.

**53 Definitions**

In section 72A of the **Forests Act 1958** insert the following definition—

*'VicForests* means the State body known as "VicForests" established under section 14 of the **State Owned Enterprises Act 1992** by Order in Council dated 28 October 2003 published in the Government Gazette on 28 October 2003 and abolished by the **Sustainable Forests (Timber) Repeal Act 2024**;'.

**54 Prohibition of cutting etc. timber etc. on certain roads without authority of the Secretary**

- (1) In section 77(1) of the **Forests Act 1958**, for "subsections (1A) and" substitute "subsection".
- (2) Section 77(1A) of the **Forests Act 1958** is **repealed**.

**55 Power to direct route for removal etc. of forest produce**

- (1) In section 79(1) of the **Forests Act 1958** omit "or timber resources".
- (2) In section 79(2) of the **Forests Act 1958** omit "or timber resources".
- (3) In section 79(3) of the **Forests Act 1958** omit—
  - (a) "or timber resources" (wherever occurring);
  - (b) "or the **Sustainable Forests (Timber) Act 2004** (as the case requires)".
- (4) In section 79(6) of the **Forests Act 1958** omit "or timber resources".
- (5) In section 79(6A) of the **Forests Act 1958** omit "or timber resources".
- (6) Section 79(7) of the **Forests Act 1958** is **repealed**.

**56 Payment of dues and charges**

- (1) Section 80(3) of the **Forests Act 1958** is **repealed**.
- (2) Section 80(4) of the **Forests Act 1958** is **repealed**.

**57 Presumption as to ownership of forest produce**

- (1) Section 82(2) of the **Forests Act 1958** is **repealed**.
- (2) Section 82(3) of the **Forests Act 1958** is **repealed**.

**58 Search warrant for secreted forest produce**

- In section 83(1) of the **Forests Act 1958**—
- (a) **omit** "or timber resources within the meaning of the **Sustainable Forests (Timber) Act 2004** used to supply managed

licences within the meaning of that Act"  
(where twice occurring);

- (b) **omit** "or the **Sustainable Forests (Timber) Act 2004** (as the case requires)".

## **59 Offences**

- (1) In section 96(k) of the **Forests Act 1958** **omit** "(other than timber resources within the meaning of the **Sustainable Forests (Timber) Act 2004**)".
- (2) In section 96(m) of the **Forests Act 1958** **omit** "(including timber resources within the meaning of the **Sustainable Forests (Timber) Act 2004**)".
- (3) In section 96(n) of the **Forests Act 1958** **omit** "or the **Sustainable Forests (Timber) Act 2004**".

## **60 Offence to cut etc. timber in a State forest**

- (1) Section 96AA(2)(c) and (d) of the **Forests Act 1958** are **repealed**.
- (2) For section 96AA(3) of the **Forests Act 1958** **substitute**—
  - "(3) Subsections (1) and (1A) apply to any timber in a State forest whether or not that timber is owned by or vested in the Crown."
- (3) Section 96AA(4) of the **Forests Act 1958** is **repealed**.

## **61 Regulations**

In section 99(15) of the **Forests Act 1958** **omit** ", including timber resources within the meaning of the **Sustainable Forests (Timber) Act 2004**,".

## **Division 5—Amendment of Owner Drivers and Forestry Contractors Act 2005**

### **62 Membership**

- (1) In section 59(1)(c)(v) of the **Owner Drivers and Forestry Contractors Act 2005**, for "VicForests" substitute "the Secretary within the meaning of the **Conservation, Forests and Lands Act 1987**".
- (2) Section 59(3) of the **Owner Drivers and Forestry Contractors Act 2005** is repealed.

## **Division 6—Amendment of Traditional Owner Settlement Act 2010**

### **63 Definitions**

- (1) In section 27(1) of the **Traditional Owner Settlement Act 2010**, for the definition of *limited land use activity* substitute—  
  
"*limited land use activity*, in relation to agreement land, means a land use activity that is for the purpose of the establishment, use or operation of any specified public works;".
- (2) In section 27(1) of the **Traditional Owner Settlement Act 2010**, in the definition of *specified public works*, in paragraph (o), for "Crown;" substitute "Crown".
- (3) In section 27(1) of the **Traditional Owner Settlement Act 2010**, the definition of *VicForests* is repealed.

### **64 Definition of *land use activity***

Section 28(i) and (j) of the **Traditional Owner Settlement Act 2010** are repealed.

### **65 Definition of *decision maker***

Section 29(f) of the **Traditional Owner Settlement Act 2010** is repealed.

**66 Requirements for publication of notice of proposed timber release plans**

Section 47 of the **Traditional Owner Settlement Act 2010** is repealed.

**67 Obligations of decision maker to ascertain compliance**

Section 48 of the **Traditional Owner Settlement Act 2010** is repealed.

**68 Definitions**

- (1) In section 79 of the **Traditional Owner Settlement Act 2010**, in the definition of *natural resources*, in paragraph (b)(i) **omit** "(other than timber resources)".
- (2) In section 79 of the **Traditional Owner Settlement Act 2010**, the definition of *timber resources* is repealed.

**Division 7—Repeal of Part**

**69 Repeal of Part**

This Part is **repealed** on 1 May 2026.

**Note**

The repeal of this Part does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

† *Minister's second reading speech—*

*Legislative Assembly: 1 May 2024*

*Legislative Council: 30 May 2024*

The long title for the Bill for this Act was "A Bill for an Act to repeal the **Sustainable Forests (Timber) Act 2004**, to abolish VicForests, to amend the **Conservation, Forests and Lands Act 1987** and the **Forests Act 1958** in relation to forest management and to consequentially amend other Acts and for other purposes."