



HQPlantations Ref: LEG/LEGIS/Forestry Act
Your Ref:

28 April 2014

Mr Trevor Ruthenberg MP
Chair
Health and Community Services Committee
Parliament House
George Street
BRISBANE QLD 4000



Dear Mr Ruthenberg

Parliamentary committee examination of Forestry and Another Act Amendment Bill 2014

Thank you for your letter of 24 March 2014 inviting a written submission on the Bill.

HQPlantations has prepared the enclosed table setting out its comments and requested changes.

If the committee requires additional information, please contact me.

Also, a representative of HQPlantations could attend to give evidence at the public hearing on Wednesday 7 May 2014, if required.

Yours sincerely



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General Manager, Stewardship and Risk

Att/Enc

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eDRMS Document No. [Redacted]

HQPlantations Pty Ltd

Comments on draft Forestry and Another Act Amendment Bill 2014

Key Issues

Clause of Bill	Section of Act	HQPlantations suggested / requested changes + Rationale
31	69C Misusing water	<p>Suggested / requested changes</p> <ol style="list-style-type: none"> 1. Suggest renaming section "Taking water" 2. Request an amendment to this Section to allow a plantation licensee to take water for fire protection purposes and road construction and maintenance within the licence area. <p>Rationale</p> <p>HQPlantations maintains a plantation fire brigade pursuant to the Fire Management and Operations Plan it has entered into with the State (which is one of the related agreements referred to in section 61QB) and undertakes fire protection work in the licence area as well as in support of the local communities.</p> <p>In addition, it maintains roads and tracks within the licence area for plantation forestry purposes, as well as for use by the general public.</p> <p>The Plantation Licence and the Related Agreements do not expressly confer on the Plantation Licensee the right to take water from dams etc within the Licence Area.</p> <p>Also, the Forestry Act does not expressly provide for the grant of rights to take water, water not being a "forest product", hence it is not something that could be granted by the chief executive. With the exception of a forest officer or plantation officer taking water to put out a fire under section 61TW, it is difficult to see how the exemptions in section 69A could apply.</p>
31	69G Abandoning Vehicles	<p>Suggested / requested changes</p> <ol style="list-style-type: none"> 1. Request an amendment to this Section that authorises forest officers and plantations officer to arrange for the removal of a vehicle which they reasonably believe, having made reasonable enquiries, has been abandoned. <p>Rationale</p> <p>Abandoned vehicles are a common occurrence in forest areas. They create a serious fire risk and, as our experience has shown, abandoned vehicles are often burnt.</p>

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		<p>Forest officers and plantations officer should be authorized to arrange for the removal of a vehicle which they reasonably believe, having made reasonable enquiries, has been abandoned. Our current practice is to provide Police with details of abandoned vehicles and await advice whether they have been stolen or abandoned, however this can take time and in many cases the location of the vehicle relative to surrounding vegetation and the torching of the vehicles creates a serious fire risk.</p> <p>Such a authority should help State land management agencies and HQPlantations better manage the fire risk and public safety.</p>
37	84A to 84D	<p>Suggested / requested changes</p> <p>1. Request an amendment to this Section that provides for Queensland Police to be granted authority to prosecute infringements under the Forestry Act on the Plantation Licence.</p> <p>Rationale</p> <p>These sections and other sections of the Forestry Act contain penalties. An issue for HQPlantations has always been the ability for State land management agencies to support HQPlantations in prosecuting illegal activities on the Plantation Licence area.</p> <p>HQPlantations is not seeking the delegated the power to issue PINS as it is a commercial forest management entity, not an enforcement group, nor has it the resources to prosecute infringements individually via the Magistrates Court. It is HQPlantations view that it would be extremely beneficial if Queensland Police were granted authority to prosecute infringements under the Forestry Act, in addition to land management agencies who current have this power. This recognizes that a significant component of illegal activities are linked to core policing activities, being associated with illegal motor vehicle and motor cycle operation on what are for "legal purposes" considered public roads.</p> <p>At this time only a limited number of Police Officers have been made Forest Officers under the Forestry Act. it is HQPlantations view that an expansion of this authority to cover all police officers would be relatively simple and of benefit not only to management of the Plantation Licence area, but also State Forest and National Park management across Queensland.</p>

General Observations

Clause of Bill	Section of Act	Comment
19	45	Given the definition of forest products includes quarry material, are the proposed amendments necessary?
23	61	Section 61 is a key commercial term for dealings by the State in forest products. Re-numbering it as 54B may create uncertainty. DAFF Forest Products may have a view on this.
37	84A(1)(b), 84B(1)(b) 84C(1)(c)	These paragraphs refer to Plantation Officers "in relation to a State forest, timber reserve or licence area". Plantation officers are only appointed in relation to licence areas – refer to section 17 (2); hence "State forest, timber reserve or" should be deleted. Note also s75A correctly refers to plantation officers only in relation to a licence area.
37	84A(1), 84B(1) and 84C(1)	The words "or a part of" are included in paragraphs (a) and (b) of section 84C(1), but not in 84A(1) and 84B(1). This appears to be an oversight.
37	84D	Should there be an equivalent sub-section in 84D to sub-sections 84A(1), 84B(1) and 84C(1)?

Date: 28 April 2014