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**FORESTRY LEGISLATION (TRANSITIONAL  
PROVISIONS) ACT 1994**

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**No. 26 of 1994**

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**FORESTRY LEGISLATION (TRANSITIONAL  
PROVISIONS) ACT 1994**

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**No. 26 of 1994**

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**AN ACT to provide for transitional or savings matters arising from the *Forestry Amendment (Forestry Corporation) Act 1994* and the *Forest Practices Amendment Act 1994***

**[Royal Assent 10 May 1994]**

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**PART 1**

**PRELIMINARY**

**Short title**

**1**—This Act may be cited as the *Forestry Legislation (Transitional Provisions) Act 1994*.

**Commencement**

2—(1) This Act, except this section and sections 1 and 30, commences on the day on which the *Forestry Amendment (Forestry Corporation) Act 1994* commences.

(2) This section and sections 1 and 30 commence on the day on which this Act receives the Royal Assent.

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**PART 2****PROVISIONS ARISING FROM FORESTRY AMENDMENT (FORESTRY CORPORATION) ACT 1994*****Division 1—Preliminary*****Interpretation of Part 2**

3—In this Part, unless the contrary intention appears—

“award” has the same meaning as in the *Industrial Relations Act 1984*;

“commencement day” means the day on which the Corporation Act commences;

“Commission” means the Forestry Commission as constituted under the Former Act;

“contributor” means a person who is contributing to a superannuation scheme provided for under the Retirement Benefits Act;

- “**Corporation Act**” means the *Forestry Amendment (Forestry Corporation) Act 1994*;
- “**Department of Forestry**” means the Department established under the Former Act;
- “**forest officer**” means a forest officer within the meaning of the Former Act;
- “**Forestry corporation**” means the Forestry corporation established by section 6 of the Principal Act;
- “**Former Act**” means the *Forestry Act 1920* as in force immediately before the commencement of the Corporation Act;
- “**former employee**” means a person who, immediately before the commencement day—
- (a) was an employee within the meaning of the *Tasmanian State Service Act 1984* employed for the purposes of the Former Act; or
  - (b) was employed under Part 5 of the *Tasmanian State Service Act 1984* for the purposes of the Former Act, other than the person who held the office of Chief Commissioner under the Former Act;
- “**industrial agreement**” has the same meaning as in the *Industrial Relations Act 1984*;
- “**initial agreement**” means the first award or industrial agreement relating to the Forestry corporation and its employees made or registered under the *Industrial Relations Act 1984*, or the *Industrial Relations Act 1988* of the Commonwealth, after 22 November 1993;
- “**new employee**” means an employee who commenced employment with the Forestry corporation after the commencement day but before the day on which an initial agreement relating to the employee takes effect;
- “**Principal Act**” means the *Forestry Act 1920* as amended by the Corporation Act;
- “**Retirement Benefits Act**” means the *Retirement Benefits Act 1982* or the *Retirement Benefits Act 1993*, as the case requires;
- “**State Service employee**” means an employee within the meaning of the *Tasmanian State Service Act 1984*;

“**timber classification officer**” means a timber classification officer within the meaning of the Former Act;

“**transferred employee**” means a former employee who becomes an employee of the Forestry corporation by the operation of section 5 (1).

“**SAF Agreement**” has the same meaning as in the *Retirement Benefits Act 1982*.

### *Division 2—Staff*

#### **Notification of non-transferring staff**

4—(1) Before or on the commencement day, the Minister must specify, by notice published in the *Gazette*, all former employees who are to remain State Service employees on and after that day for the purposes of the *Private Forests Act 1994*.

(2) Before or on the commencement day, the Minister must specify, by notice published in the *Gazette*, all former employees who are to remain as State Service employees within the Department of State Development and Resources on and after that day.

(3) The *Tasmanian State Service Act 1984* applies in relation to a person specified in a notice referred to in subsection (2) as if that notice were a declaration under section 47 (1), and a request for a transfer under section 47 (4), of that Act.

#### **Transfer of employees and rights**

5—(1) On the commencement day—

(a) the Forestry corporation becomes the employer of each former employee, other than any former employee specified in a notice referred to in section 4 (1) or (2); and

(b) that employee is taken to have been employed under section 12R of the Principal Act; and

- (c) if that employee was a contributor immediately before the commencement day, he or she is taken to be a prescribed employee for the purposes of section 12w of the Principal Act; and
- (d) that employee ceases to be an employee within the meaning of the *Tasmanian State Service Act 1984*; and
- (e) that Act ceases to apply in relation to that employee.

(2) A transferred employee—

- (a) is taken to have been employed by the Forestry corporation for the same remuneration as he or she was receiving immediately before the commencement day; and
- (b) retains all existing and accruing rights relating to leave as if service as an employee of the Forestry corporation were a continuation of his or her service under the *Tasmanian State Service Act 1984*; and
- (c) may claim those rights against the Forestry corporation.

(3) A transferred employee who, immediately before the commencement day, was employed under Part 5 of the *Tasmanian State Service Act 1984*, is entitled to be an employee of the Forestry corporation for the remainder of the term, and on the terms and conditions, specified in his or her instrument of appointment under that Part.

(4) On the commencement day, the benefits and liabilities that would have accrued to the Crown in respect of a transferred employee referred to in subsection (3) under an instrument of appointment referred to in that subsection accrue to the Forestry corporation.

(5) If, immediately before the commencement day, the services of a person were being made available to the Department of Forestry or Comission by an arrangement under section 43 or 44 of the *Tasmanian State Service Act 1984*—

- (a) the services of that person are taken to have been made available to the Forestry corporation under section 12s of the Principal Act; and
- (b) that arrangement is taken to have been made by the Forestry corporation under section 12s of the Principal Act; and

(c) the benefits and liabilities that would have accrued to the Crown or the Commission in respect of that arrangement accrue to the Forestry corporation.

(6) If, immediately before the commencement day, the services of a person employed or appointed under the *Tasmanian State Service Act 1984* for the purposes of the Former Act were being made available to an Agency, within the meaning of the *Tasmanian State Service Act 1984*, or another employer under section 43 or 44 of the *Tasmanian State Service Act 1984*—

(a) the services of that person are taken to have been made available by the Forestry corporation under section 12s of the Principal Act; and

(b) that arrangement is taken to have been made by the Forestry corporation under section 12s of the Principal Act; and

(c) the benefits and liabilities that would have accrued to the Crown or the Commission in respect of that arrangement accrue to the Forestry corporation.

### **Leave rights of new employees**

6—(1) Until such time as an initial agreement relating to a new employee takes effect, the new employee is entitled to have and accrue rights relating to leave as if service as an employee of the Forestry corporation were service under the *Tasmanian State Service Act 1984*.

(2) A new employee may claim rights accrued under subclause (1) against the Forestry corporation.

### **Service of certain employees service under *Tasmanian State Service Act 1984* in certain cases**

7—(1) In this section, “private forests employee” means a person who—

(a) immediately before the commencement day, was a State Service employee employed for the purposes of the Former Act; and

(b) on the commencement day, was a State Service employee employed for the purposes of the *Private Forests Act 1994*; and



- (c) within 2 months after ceasing to be a State Service employee employed for purposes of the *Private Forests Act 1994* was employed by the Forestry corporation under section 12R of the Principal Act.

(2) If a transferred employee or a private forests employee applies to be appointed to a position in the State Service, is appointed to that position in accordance with section 36 or 38 of the *Tasmanian State Service Act 1984* and commences that employment within 2 months after ceasing to be employed by the Forestry corporation—

- (a) service as an employee of the Forestry corporation is service as a permanent employee within the meaning of that Act for the purposes of the *Public Servants' Retiring and Death Allowances Act 1925*, the *State Employees (Long-Service Leave) Act 1950* and the *Long Service Leave (State Employees) Act 1994*; and
- (b) the employee retains all existing and accruing rights relating to leave; and
- (c) the employee may claim those rights against the Agency, within the meaning of the *Tasmanian State Service Act 1984*, of which he or she becomes an employee; and
- (d) the break in service does not affect the continuity of the employee's service for the purposes of the *State Employees (Long-Service Leave) Act 1950*, the *Long Service Leave (State Employees) Act 1994* or the *Retirement Benefits Act*.

### Forest officers and timber classification officers

8—(1) Notwithstanding any other provision of this Part—

- (a) a person who was a forest officer under the Former Act immediately before the commencement day is not by virtue only of this Part to be taken to be a forest officer under the Principal Act on and after that day; and
- (b) any instrument issued by the Commission identifying such a person as a forest officer is of no effect on and after that day.

(2) On and after the commencement day—

- (a) a person who was a timber classification officer under the Former Act immediately before that day is a timber classification officer under the Principal Act on and after that day until such time as—
  - (i) the authorization to perform the duties and exercise the power of a timber classification officer given by the Commission ends or is revoked by the Forestry corporation; or
  - (ii) the person resigns as timber classification officer; and
- (b) any instrument of such authorization, or identifying the person as a timber classification officer, issued by the Commission has effect until the time specified in paragraph (a).

#### **Agreement relating to transitional financial matters**

9—(1) On or after the commencement day, the Minister and the Treasurer, after seeking advice from the Forestry corporation, may enter into an agreement in relation to—

- (a) the superannuation liabilities of the Forestry corporation and the State in relation to employees of the Forestry corporation and State Service employees who were employed for the purposes of the Former Act (including persons who have retired from the State Service); and
- (b) any other matter affecting any assets or liabilities of the Crown, the Department of Forestry, the Commission or the Forestry corporation that the Minister and Treasurer consider—
  - (i) to be of a transitional or savings nature; or
  - (ii) has arisen as a consequence of the commencement of the Corporation Act.

(2) An agreement referred to in subsection (1) is binding on the Forestry corporation.

**Initial agreement**

10—The initial agreement is binding on the Forestry corporation.

**Role of Commissioner for Review**

11—(1) In this section, “**Commissioner for Review**” has the same meaning as in the *Tasmanian State Service Act 1984*.

(2) To the extent allowed under the initial agreement, an appeal against an administrative decision of the Forestry corporation that is similar to a decision in respect of which an appeal may be made under section 66 of the *Tasmanian State Service Act 1984* may be made to, and heard and determined by, the Commissioner for Review.

(3) For the purposes of an appeal as specified in subsection (2)—

- (a) the appeal is to be treated as if it were an appeal under section 66 of the *Tasmanian State Service Act 1984*; and
- (b) the Forestry corporation is taken to be an Agency within the meaning of that Act; and
- (c) the chief executive officer of the Forestry corporation is taken to be the Head of an Agency within the meaning of that Act; and
- (d) the Commissioner for Review may exercise the powers given to him or her under Part X of that Act.

***Division 3—Property, legal matters, &c.*****Application of Division 3**

12—Nothing in this Division applies in relation to any of the following:—

- (a) any property, rights and interests vested in, or belonging to, the Commission under Parts IIA or IIB of the Former Act;
- (b) any money, debt or claim, liquidated or unliquidated, that was payable by or to, due from or to or recoverable against or by the Commission under Part IIA or IIB of the Former Act;

- (c) any legal proceeding instituted, or which could have been instituted but for the commencement of the Corporation Act, in respect of any matter to which Part IIA or IIB of the Former Act relates;
- (d) a judgment or order of a court obtained in respect of any matter to which Part IIA or IIB of the Former Act relates;
- (e) a document in respect of any matter to which Part IIA or IIB of the Former Act relates;
- (f) a bank or other account maintained for the purposes of Part IIA or IIB of the Former Act;
- (g) any reserves held for the purposes of Part IIA or IIB of the Former Act;
- (h) any act, matter or thing done or omitted by, or done or suffered in relation to, the Commission or the Private Forestry Council established under Part IIA of the Former Act for the purposes of Part IIA or IIB of the Former Act.

### **Property**

13—(1) All land acquired by or on behalf of the Commission vests in the Forestry corporation.

(2) All property, rights and interests in property and management and control of property that were vested in or belonged to the Commission or Department of Forestry immediately before the commencement day vest in and belong to the Forestry corporation.

(3) Any property forfeited to the Crown under, or by order of a court under, the Former Act and not sold or disposed of by the Commission before that day vests in the Forestry corporation.

(4) Any property seized under section 53 (1) of the Former Act that is the property of the Crown immediately before that day vests in the Forestry corporation until otherwise ordered by a court of petty sessions under section 53 (1) of the Former Act.

**Money claims**

14—(1) All money, debts and claims, liquidated or unliquidated, that were payable by, due from or recoverable against the Commission, or the Crown, in respect of the performance or exercise of any function or power of the Department of Forestry, the Commission or a forest officer immediately before the commencement day are payable by, due from or recoverable against the Forestry corporation.

(2) All money, debts and claims, liquidated or unliquidated, that were payable to, due to or recoverable by the Commission, or the Crown, in respect of the performance or exercise of any function or power of the Department of Forestry, the Commission or a forest officer immediately before the commencement day are payable to, due to or recoverable by the Forestry corporation.

**Legal proceedings**

15—(1) Any legal proceedings instituted by or against the Commission, the Crown or a forest officer under or in respect of the administration, or purported administration, of the Former Act which are pending immediately before the commencement day may be continued by or against the Forestry corporation.

(2) Any legal proceedings instituted by a police officer under the Former Act which are pending immediately before that day may be continued by a police officer.

(3) Legal proceedings by or against the Commission or Crown to enforce a right that had accrued, and was in existence, immediately before the commencement day under the Former Act may be commenced by or against the Forestry corporation.

(4) A judgment or order of a court obtained by or against the Commission or Crown in respect of any matter under the Former Act may be enforced by or against the Forestry corporation.

**Documents and contracts, &c.**

16—(1) A document addressed to the Department of Forestry or Commission in respect of any matter under the Former Act may be served on the Forestry corporation.

(2) An agreement, arrangement, permit, licence, lease, contract of sale, interest in land, other occupation right or other contract made, entered into, granted or given by the Commission, whether on behalf of the Crown or otherwise, but not performed or discharged before the commencement day is taken to have been made, entered into, granted or given by the Forestry corporation in its own right.

(3) Part 1 of Schedule 1 to the SAF Agreement is to be read as if the reference to the “Forestry Department” were omitted and Part 2 of that Schedule is to be read as if a reference to the “Forestry corporation established by section 6 of the *Forestry Act 1920*” were included.

(4) Except in so far as the context or subject-matter otherwise indicates or requires, a reference in any document that continues to have effect after the commencement day to the Department of Forestry, Commission or Crown in respect of any matter relating to the execution or administration, or the purported execution or administration, of the Former Act is taken to be a reference to the Forestry corporation.

(5) Notwithstanding subsection (2), an easement granted by the Commission on behalf of the Crown under section 35A of the Former Act in respect of land in State forest that had not been purchased by or on behalf of the Commission is taken to have been granted by the Forestry corporation on behalf of the Crown.

**Bank accounts, &c.**

17—(1) A bank account maintained in the name of the Commission or Department of Forestry immediately before the commencement day is taken to be maintained in the name of the Forestry corporation.

(2) Reserves held by the Commission immediately before the commencement day are taken to be reserves held by the Forestry corporation.

**Acts, &c., done by or to Commission, &c.**

18—All acts, matters and things done or omitted by, or done or suffered in relation to, the Commission, the Department of Forestry, a forest officer or a timber classification officer before the commencement day have the same force and effect on and after that day as if they had been done or omitted by, or done or suffered in relation to, the Forestry corporation, a forest officer or a timber classification officer, within the meaning of the Principal Act, as the case requires.

**Regulations: Part 2**

19—(1) On and after the commencement day, the Governor may make regulations for the purposes of this Part on the joint recommendation of the Minister and the Treasurer made after seeking advice from the Forestry corporation.

(2) Without limiting the generality of subsection (1), the Governor may make regulations under that subsection—

(a) giving effect to an agreement referred to in section 9; and

(b) relating to the application, or modifying the application, of the Retirement Benefits Act and section 12w of the Principal Act in respect of the Forestry corporation, the Board, the State and any employee or group of employees or retired employees specified in the regulations; and

(c) that contain provisions of a savings or transitional nature consequent on the enactment of this Act and the Corporation Act.

(3) A regulation referred to in subsection (2) may take effect on and from the commencement day or a later day.

(4) In subsection (2), “**Board**” has the same meaning as in the Retirement Benefits Act.

**PART 3**

**PROVISIONS ARISING FROM FOREST PRACTICES AMENDMENT ACT 1994**

**Interpretation of Part 3**

- 20—(1) In this Part, unless the contrary intention appears—
- “**Amendment Act**” means the *Forest Practices Amendment Act 1994*;
  - “**commencement day**” means the day on which the Amendment Act commences;
  - “**Commission**” means the Forestry Commission constituted under the *Forestry Act 1920* as in force immediately before the commencement day;
  - “**Former Act**” means the *Forest Practices Act 1985* as in force immediately before the commencement day;
  - “**Principal Act**” means the *Forest Practices Act 1985* as amended by the Amendment Act.
- (2) Any expression defined in the Principal Act and used in this Part has, unless the contrary intention appears in this Part, the same meaning in this Part as in the Principal Act.
- (3) Sections 25, 26 and 27 have effect subject to Schedule 5 of the *Private Forests Act 1994*.

**Continuation of appointments, &c.**

21—(1) Notwithstanding the amendment of the Former Act by the Amendment Act—

- (a) all persons, things or circumstances appointed, authorized, approved or created by or under the Former Act and existing or continuing under the Former Act immediately before the commencement day continue, under and subject to the Principal Act, to have the same status, operation and effect as they respectively had under the Former Act; and



(b) all determinations, decisions, declarations and directions of the Commission, the Tribunal or a forest practices officer made or given under the Former Act and in force or continuing under the Former Act immediately before the commencement day continue, under and subject to the Principal Act, to have the same force and effect as they respectively had under the Former Act.

(2) Without limiting the generality of subsection (1)—

(a) any land that had the status of a private timber reserve under the Former Act immediately before the commencement day continues to have that status under and subject to the Principal Act; and

(b) a timber harvesting plan that was an approved timber harvesting plan under the Former Act immediately before the commencement day continues to be an approved timber harvesting plan under and subject to the Principal Act; and

(c) the Forest Practices Code issued by the Commission under Part IV of the Former Act and in force immediately before the commencement day continues in force as the Forest Practices Code under and subject to Part IV of the Principal Act; and

(d) a person who immediately before the commencement day was authorized to be a forest practices officer under the Former Act continues to be authorized to be a forest practices officer under and subject to the Principal Act; and

(e) if before the commencement day the Tribunal had directed the Commission to take an action pursuant to an appeal made to the Tribunal under the Former Act and the Commission had not taken that action before the commencement day, the Board must comply with that direction as if it were a direction given by the Tribunal to the Board under the Principal Act.

**Saving of acts, &c.**

22—(1) Except as provided by section 21, all acts, matters and things done or omitted by, or done or suffered in relation to, the Commission, the Tribunal or a forest practices officer under the Former Act have the same force and effect on and after the commencement day as if they had been done or omitted by, or done or suffered in relation to, the Board, the Tribunal or a forest practices officer, as the case requires, under the Principal Act.

(2) Without limiting the generality of subsection (1)—

- (a) an application made under section 5 (1), 14 (1), 18 (1) or 23 (1) of the Former Act and not determined by the Commission before the commencement day is an application under the equivalent section of the Principal Act; and
- (b) an objection made under section 7 (1) of the Former Act and not considered by the Commission before the commencement day is an objection under section 7 (1) under the Principal Act; and
- (c) any representations submitted under section 7 (3) of the Former Act and not considered by the Commission before the commencement day are representations under section 7 (3) under the Principal Act; and
- (d) an appeal made under section 9 (1), 9 (2), 13 (2), 14 (7), 25 (1), 29 (1) or 42 (1) of the Former Act and not determined by the Tribunal before the commencement day is an appeal pending before the Tribunal under the equivalent section of the Principal Act; and
- (e) a conference arranged by the Commission under section 28 (1) of the Former Act and not concluded before the commencement day is a conference under section 28 (1) of the Principal Act.

**Preservation of entitlements**

23—(1) For the purposes of section 22 (2) (a) in its application to an application under section 5 (1) of the Former Act—

- (a) a person who immediately before the commencement day was entitled to lodge an objection under section 7 (1) of the Former Act in respect of that application is entitled to lodge that objection under section 7 (1) of the Principal Act; and
- (b) a person who immediately before the commencement day was entitled to submit representations under section 7 (3) of the Former Act in respect of an objection may submit those representations under section 7 (3) of the Principal Act.

(2) A person who immediately before the commencement day was entitled to appeal to the Tribunal in respect of a matter under the Former Act is entitled to appeal to the Board in respect of that matter under the Principal Act.

(3) A person who immediately before the commencement day was entitled to compensation under section 16 of the Former Act has, if that compensation had not been paid before that day, the same entitlement to compensation under section 16 of the Principal Act.

(4) A person who immediately before the commencement day was entitled under the Former Act to inspect any document or plan at the office of the Commission is, subject to and in accordance with the Principal Act, entitled to inspect that document or plan at the office of the Forestry corporation.

**Prosecutions**

24—On and after the commencement day—

- (a) proceedings pending immediately before that day which were instituted against a person by or on behalf or in the name of the Commission in respect of a contravention of or failure to comply with a provision of the Former Act are taken to be proceedings pending on that day which were instituted against that person by the Crown but in all other respects those proceedings may be continued and determined as if the Former Act had not been amended by the Amendment Act; and

- (b) proceedings that could have been instituted against a person immediately before that day by or on behalf or in the name of the Commission in respect of a contravention of or failure to comply with a provision of the Former Act may be instituted by the Crown as if the contravention or failure to comply were a contravention of or a failure to comply with a provision of the Principal Act.

### **Civil proceedings**

#### **25—On and after the commencement day—**

- (a) civil proceedings pending immediately before that day which were instituted by the Commission under the Former Act are taken to be civil proceedings pending on that day which were instituted by the Forestry corporation under the Principal Act; and
- (b) civil proceedings pending immediately before that day which were instituted by any person against the Commission under the Former Act are taken to be civil proceedings pending on that day which were instituted by that person against the Forestry corporation under the Principal Act; and
- (c) civil proceedings which could have been instituted by the Commission to enforce an obligation that was required to be performed or a right that had accrued before that day under the Former Act may be instituted by the Forestry corporation under the Principal Act; and
- (d) civil proceedings which could have been instituted by a person against the Commission to enforce an obligation that was required to be performed or a right that had accrued before that day under the Former Act may be instituted by that person against the Forestry corporation under the Principal Act.

**Judgments and orders**

26—On and after the commencement day—

- (a) any judgment or order of a court obtained by the Commission under the Former Act and not executed or satisfied before that day is taken to be a judgment or order in favour of the Forestry corporation under the Principal Act; and
- (b) any judgment or order of a court obtained by a person against the Commission under the Former Act and not executed or satisfied before that day is taken to be a judgment or order against the Forestry corporation under the Principal Act.

**Transfer of debts, &c.**

27—On and after the commencement day—

- (a) all money, debts and claims, liquidated or unliquidated, that, immediately before that day, were payable to, due to or recoverable by the Commission under the Former Act are taken to be money, debts or claims payable to, due to or recoverable by the Forestry corporation under the Principal Act; and
- (b) all money, debts and claims, liquidated or unliquidated, that, immediately before that day, were payable by, due from or recoverable against the Commission under the Former Act are taken to be money, debts or claims payable by, due from or recoverable against the Forestry corporation under the Principal Act; and
- (c) the Forestry corporation may enforce and realize any security existing immediately before that day in favour of the Commission under the Former Act as if the security were a security in favour of the Forestry corporation under the Principal Act.

**Service of Notices**

**28—**On and after the commencement day—

- (a) any document which was addressed to and which purported to have been served on or notified to the Commission for the purposes of the Former Act and which, whether by virtue of this Act or otherwise, had not ceased to have effect immediately before that day is—
- (i) if that document would under the Principal Act be required to be served on or notified to the Board—taken to have been served on or notified to the Board; or
  - (ii) if that document would under the Principal Act be required to be served on or notified to the Forestry corporation—taken to have been served on or notified to that corporation; and
- (b) any document which was addressed to and which purported to have been served on or notified to a person by or on behalf of the Commission for the purposes of the Former Act and which, whether by virtue of this Act or otherwise, had not ceased to have effect immediately before that day is—
- (i) if that document would under the Principal Act be required to be served on or notified to that person by the Board—taken to have been served on or notified to that person by the Board; or
  - (ii) if that document would under the Principal Act be required to be served on or notified to that person by the Forestry corporation—taken to have been served on or notified to that person by that corporation; and
- (c) any document which was addressed to and which purported to have been served on or notified to the Tribunal for the purposes of the Former Act and which, whether by virtue of this Act or otherwise, had not ceased to have effect immediately before that day is taken to have been served on or notified to the Board; and

- (d) any document which was addressed to and which purported to have been served on or notified to a person by or on behalf of the Tribunal for the purposes of the Former Act and which, whether by virtue of this Act or otherwise, had not ceased to have effect immediately before that day is taken to have been served on or notified to that person by the Tribunal.

### **Regulations: Part 3**

**29—(1)** The Governor, on the recommendation of the Board, may make regulations containing provisions of a savings and transitional nature consequent upon the enactment of the Amendment Act.

(2) A provision referred to in subsection (1) may, if the regulations so provide, take effect from the commencement day or a later day.

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## **PART 4**

### **MISCELLANEOUS**

#### **Administration of Act**

**30—(1)** Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990*—

- (a) the administration of this Act is assigned to the Minister for Forests; and
- (b) the Department responsible to the Minister for Forests in relation to the administration of this Act—
  - (i) before the commencement day is the Department of Forestry; and
  - (ii) on and after the commencement day is the Forestry corporation.

(2) In subsection (1)—

“**commencement day**” means the day on which the *Forestry Amendment (Forestry Corporation) Act 1994* commences;

“**Forestry corporation**” means the Forestry corporation established by section 6 of the *Forestry Act 1920* as amended by the *Forestry Amendment (Forestry Corporation) Act 1994*.

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*[Second reading presentation speech made in:—  
House of Assembly on 2 March 1994  
Legislative Council on 20 April 1994]*