

I certify that this is a copy of the authorised version of this Act as at 1 July 2025, and that it incorporates all amendments, if any, made before and in force as at that date and any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2025.

K Woodward  
Chief Parliamentary Counsel  
Dated 30 July 2025



TASMANIA

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## **FORESTRY (FAIR CONTRACT CODES) ACT 2001**

**No. 117 of 2001**

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## **FORESTRY (FAIR CONTRACT CODES) ACT 2001**

**No. 117 of 2001**

**An Act to provide for the approval of codes developed by the forestry industry for the purpose of improving the fairness of contracts for services within that industry, to provide for the legal effect of such codes, to repeal section 32 of the *Forestry Act 1920* and for related purposes**

**[Royal Assent 17 December 2001]**

Be 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**

#### **1. Short title**

This Act may be cited as the *Forestry (Fair Contract Codes) Act 2001*.

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**2. Commencement**

This Act commences on the day on which this Act receives the Royal Assent.

**3. Interpretation**

In this Act, unless the contrary intention appears –

*Code* means a Forestry Contract Code;

*forestry contract* means a contract that provides for one party to the contract to carry out, otherwise than as an employee, a forestry operation for another party to the contract or another person;

*forestry operation* means any of the following:

- (a) planting trees for commercial timber production;
- (b) managing trees that have been planted for commercial timber production;
- (c) harvesting trees for commercial timber production;
- (d) transporting timber that has been harvested for commercial purposes;

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- (e) land clearing associated with a forestry operation specified elsewhere in this definition;
  - (f) road construction and quarrying associated with a forestry operation specified elsewhere in this definition;

*incorporate* includes apply and adopt;

*interested party*, in relation to a Code, means –

- (a) a person that has a history of entering into forestry contracts of the kind to which the Code applies or is presently a party to a forestry contract of that kind; or
- (b) a person that the Minister knows, whether from direct advice or publicly available information, is proposing to enter into a forestry contract of that kind.

#### **4. Act binds Crown**

This Act binds the Crown in right of Tasmania and, so far as the legislative power of Parliament permits, in all its other capacities.

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**PART 2 – FORESTRY CONTRACT CODES**

**5. Minister may approve Codes**

- (1) The Minister may, in writing, approve –
  - (a) Forestry Contract Codes that are developed and submitted to the Minister by interested parties or their representatives; and
  - (b) variations of such Codes.
- (2) Separate Codes may be approved for different kinds of forestry contracts.
- (3) Without limiting the generality of subsection (2), a Code may be developed and approved for forestry contracts that relate, or principally relate, to –
  - (a) a particular kind of forestry operation; or
  - (b) a particular sector of the forestry industry; or
  - (c) a particular place.
- (4) The purpose of a Code is to prescribe a set of standard conditions that will be taken, under section 13, to be contained in every forestry contract of the kind to which the Code applies, being conditions designed to ensure that such contracts are fair to all of the contracting parties.

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**6. Approval process**

- (1) Before approving a Code or a variation of a Code, the Minister must be satisfied that –
  - (a) all interested parties that wished to do so were given adequate time and a reasonable opportunity, whether directly or through their representatives, to contribute to the development of the Code or variation; and
  - (b) the contributions of each of those interested parties were properly considered; and
  - (c) the Code or variation, as submitted, has the endorsement of all of the interested parties that contributed to its development, or a majority of them; and
  - (d) there is no justification for withholding the approval; and
  - (e) the conditions prescribed in the Code or variation are legally appropriate and effective for the Code, and consistent with its purpose.
- (2) Before approving a Code or a variation of a Code, the Minister may require, or request, the parties submitting the Code or variation to do any one or more of the following:
  - (a) consult with specified persons, or seek specified advice, about the Code or

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- variation or specified parts of the Code or variation;
  - (b) make specified revisions to the form or content of the Code or variation;
  - (c) furnish the Minister with specified information or evidence.
- (3) The Minister may –
- (a) consult with any person regarding the approval of a Code or a variation of a Code; and
  - (b) provide assistance to any person for the purposes of developing a Code or a variation of a Code.

**7. Content of Codes**

- (1) A Code must –
- (a) clearly identify, by its title and provisions, the kind of forestry contracts that it applies to; and
  - (b) clearly identify the set of standard conditions that it is prescribing in relation to those contracts.
- (2) A Code may be in such form as the Minister approves.
- (3) A Code may provide for any matter by incorporating, either specifically or by reference and either wholly or in part, any code, standard,



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guideline, rule or specification relevant to forestry operations carried out under forestry contracts of the kind to which the Code applies, whether as in force at a particular time or as amended and in force from time to time, and with or without modification.

**8. Minister's power to initiate Codes**

- (1) If the Minister is satisfied that there is a need for a particular Code, or a variation of a Code, the Minister may invite interested parties, or a representative group of interested parties, to develop the required Code or variation and submit it for the Minister's approval under section 5.
- (2) If the required Code or variation is not submitted to the Minister within 9 months of the invitation, the Minister in his or her absolute discretion may –
  - (a) develop the Code or variation with or without further reference to any interested parties; and
  - (b) notwithstanding section 6, approve the Code or variation as so developed.

**9. Revocation of Codes**

The Minister may revoke a Code if satisfied that it –

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- (a) is being immediately replaced by another Code for the same, or substantially the same, kinds of forestry contracts; or
- (b) no longer has any application.

**10. Notice of intention to approve or revoke Codes**

The Minister must, before approving a Code or a variation of a Code, or before revoking a Code, give at least 30 days' notice of his or her intention to do so in the *Gazette* and in 3 daily newspapers published and circulated generally in Tasmania.

**11. Parliamentary approval required**

- (1) A Code, or a variation of a Code, is not capable of coming into force unless it has been approved by both Houses of Parliament.
- (2) A Code or variation of a Code is approved by a House of Parliament –
  - (a) when the House passes a motion approving the Code or variation; or
  - (b) at the end of 5 sitting days after the Code or variation is laid before the House, if no notice of a motion to disapprove the Code or variation is before the House; or
  - (c) if such a notice is before the House at the end of that period, when the first of the following things occurs:

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- (i) the notice is withdrawn;
- (ii) the motion is negatived;
- (iii) a further period of 5 sitting days ends.

**12. When do Codes come into force?**

- (1) A Code or a variation of a Code comes into force on such day, following the granting of Parliamentary approval, as the Minister specifies by notice published in the *Gazette* and in 3 daily newspapers published and circulated generally in Tasmania.
- (2) A revocation of a Code comes into force on such day as the Minister specifies by notice published in the *Gazette* and in 3 daily newspapers published and circulated generally in Tasmania.
- (3) A notice under this section is not a statutory rule within the meaning of the *Rules Publication Act 1953*.

**13. Effect of Codes when in force**

- (1) When a Code is in force –
  - (a) a forestry contract of the kind to which the Code applies, whether entered into before or after the Code came into force, is taken to contain the conditions prescribed in the Code; and

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- (b) if one of the conditions prescribed in the Code is inconsistent with another condition of the contract, the latter condition is, to the extent of the inconsistency, void and unenforceable.

- (2) In subsection (1),

*Code* means the Code inclusive of any subsequent variations that are also in force.

**14. Publication of Codes**

- (1) The Minister may cause a Code to be published from time to time as the Minister sees fit.
- (2) The Minister must cause to be made available in the principal office of the Department, for inspection by members of the public free of charge during normal office hours –
  - (a) each Code that is in force; and
  - (b) if a Code incorporates another document, that other document.
- (3) The Minister may cause copies of a Code to be made available for purchase.
- (4) A copy of a Code published or made available for inspection or purchase under this section is to be inclusive of any approved variations of the Code that are in force when it is published or made available.

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**15. Evidentiary provision**

In any proceedings concerning a forestry contract, a certificate purporting to be signed by the Minister and certifying that a document annexed to the certificate is, or was at a particular time or during a particular period specified in the certificate, a Forestry Contract Code in force under this Act, is evidence of the matters so certified.

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**PART 3 – MISCELLANEOUS**

**16. Status of interested parties**

- (1) A power or function of the Minister relating to any matter under this Act is not to be taken as having been invalidly exercised or performed by reason only that the Minister, or another person, in good faith –
  - (a) failed to identify any person as being an interested party in relation to that matter; or
  - (b) failed to consult or liaise with, or take another action in respect of, an interested party in relation to that matter.
- (2) Any question as to whether a person is an interested party in relation to a matter under this Act is to be determined by the Minister.
- (3) A person aggrieved by a determination of the Minister under subsection (2) may apply to the Tasmanian Civil and Administrative Tribunal for a review of the determination.

**17. Administration of Act**

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 Infrastructure, Energy and Resources; and

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- (b) the department responsible to the Minister for Infrastructure, Energy and Resources in relation to the administration of this Act is the Department of Infrastructure, Energy and Resources.

18. *The amendment effected by this section has been incorporated into the authorised version of the Forestry Act 1920.*

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**NOTES**

The foregoing text of the *Forestry (Fair Contract Codes) Act 2001* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 1 July 2025 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Forestry (Fair Contract Codes) Act 2001</i>	No. 117 of 2001	17.12.2001
<i>Forestry (Fair Contract Codes) Amendment Act 2003</i>	No. 38 of 2003	4.7.2003
<i>Tasmanian Civil and Administrative Tribunal (Additional Jurisdictions) Act 2025</i>	No. 7 of 2025	1.7.2025

**TABLE OF AMENDMENTS**

Provision affected	How affected
Section 13	Amended by No. 38 of 2003, s. 4
Section 16	Amended by No. 7 of 2025, s. 109