



Future Potential Production Forest (FPPF) Land in Tasmania

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Overview

This factsheet discusses Future Potential Production Forest Land (**FPPF Land**) and provides information about:

1. What FPPF Land is;
2. The restrictions on using FPPF Land for logging; and
3. Changing FPPF land to Permanent Timber Production Zone Land (**PTPZ Land**) (conversion and exchange), which can be logged.

FPPF Land

What is FPPF Land?

FPPF Land is land classified under the *Forestry (Rebuilding the Forest Industry Act) 2014* (Tas) (**Forest Industry Act**) that has been set aside by the Tasmanian Government for potential future forestry production. To understand how most FPPF Land came to be so designated, it is necessary to understand some historical agreements between the forestry industry, governments, and some environmental groups.

Visit: See Schedule 1, Class 2 of the [Forestry \(Rebuilding the Forest Industry\) Act 2014](#) for a full list of land classified as FPPF Land.

The Tasmanian Forest Agreement and its repeal

Forests on FPPF Land were first reserved in 2013, when approximately 500,000ha of high conservation value Tasmanian native forest was protected as “future reserve land” through the *Tasmanian Forests Agreement Act 2013* (Tas) (**Agreement Act**) and the entry by the State of Tasmania and the Commonwealth into the *Tasmanian Forests Intergovernmental Agreement 2011*.

This agreement was the culmination of discussions between government, environmental groups and timber industry representatives to negotiate an end to Tasmania’s so-called “Forestry Wars”.

However, in 2014 a differently constituted Tasmanian Government passed legislation to undo the Tasmanian Forestry Agreement. The Agreement Act was repealed and the *Forestry (Rebuilding the Forest Industry) Act 2014* (Tas) (**Forest Industry Act**) was passed.

Under the Forest Industry Act, approximately 400,000ha of “future reserve land” was reclassified as FPPF Land. Approximately 35,000 ha of FPPF Land is in the Tasmania Wilderness World Heritage Area.

Under the Forest Industry Act, there was a provision preventing the sale, transfer or conveyance of FPPF Land,¹ establishing a moratorium on native forest harvesting on FPPF land and preventing the conversion of FPPF land to PTPZ land. However, this provision ceased to operate on 8 April 2020 and from this date, FPPF land could be converted from FPPF land to PTPZ land and harvested.²

Much of the FPPF land is critical habitat for threatened species, including the iconic and endangered Swift Parrot (*Lathamus discolor*) and Tasmanian Devil (*Sarcophilus harrisii*). The FPPF forests are of high conservation value because they play an important habitat role at a landscape scale, contain significant biodiversity values and the role they play in carbon sequestration.

Administration of FPPF Land

The Crown Lands Minister is responsible for FPPF Land as it is a form of Crown Land;³ however, in practice, the Parks and Wildlife Division of the Department of Natural Resources and Environment (**NRE**) manages FPPF and forestry land.

In performing or exercising his or her functions or powers or discharging his or her obligations in relation to FPPF Land, the Crown Lands Minister must have regard to the objectives for management of FPPF Land specified in [Schedule 3](#) of the Forest Industry Act.

The Minister for Resources is also responsible for administering legislation relating to FPPF land and PTPZ land, such as the *Forest Management Act 2013* (Tas) (**Forest Management Act**).

NB: The FPPF Management Objectives are:

- (a) to conserve natural biological diversity;
- (b) to conserve geological diversity;
- (c) to preserve the quality of water and protect catchments;
- (d) to conserve sites or areas of cultural significance;
- (e) to encourage education and research, consistent with the land's natural and cultural values;

¹ *Forestry (Rebuilding the Forest Industry) Act 2014* (**Forest Industry Act**) s 4(8). This provision did not prevent the exchange of FPPF Land with PTPZ.

² Forest Industry Act s 4(11).

³ Forest Industry Act ss 3, 4(7).

- (f) to protect the FPPF Land against, and rehabilitate that land following, adverse impacts such as those of fire, introduced species, diseases and soil erosion on that land's natural and cultural values and on assets within and adjacent to that land;
- (g) to encourage tourism, recreational use and enjoyment consistent with the conservation of the land's natural and cultural values;
- (h) to encourage cooperative management programs with Aboriginal people in areas of significance to them in a manner consistent with the other management objectives;
- (i) to provide for the taking, on an ecologically sustainable basis, of designated game species for commercial or private purposes, or both;
- (j) to provide for the controlled use of natural resources including special species timber harvesting;
- (k) to provide for exploration activities and utilisation of mineral resources;
- (l) to allow for private, commercial or industrial uses.

Visit: More information about the management of FPPF Land is available on the NRE website [here](#).

Logging FPPF Land and PTPZ Land

Logging on FPPF Land

Subject to certain exemptions, logging of native forest is generally prohibited on FPPF Land.⁴ However, special species timber harvesting can be undertaken on FPPF Land, subject to approvals.⁵

An application to undertake special species harvesting on FPPF Land must be accompanied by a Forest Practices Plan (**FPP**) certified by the Forest Practices Authority (**FPA**) under the *Forest Practices Act 1985* (Tas) (**FP Act**).

Visit: You can read more about special species timber harvesting in [Part 3](#) of the Forest Industry Act.

Logging on PTPZ Land

On the other hand, PTPZ Land is managed by the State-owned forestry corporation, Sustainable Timbers Tasmania (**STT**),⁶ for the purposes of undertaking forest operations (i.e. logging) on that land (subject to other regulatory requirements being met including, for example, the approval of a Forest Practices Plan under the FP Act).

⁴ Forest Industry Act s 4(2)(d).

⁵ Forest Industry Act s 11.

⁶ *Forest Management Act 2013* (Tas) (**Forest Management Act**) s 7.

Changing FPPF Land to PTPZ Land

There are two mechanisms by which the classification of land can be changed from FPPF Land to PTPZ Land:

1. Conversion of FPPF Land to PTPZ Land; and
2. Exchange of FPPF Land with PTPZ Land.

Both mechanisms require acceptance from both houses of the Tasmanian Parliament and are triggered when the Minister for Resources requests the Crown Lands Minister to consider the change.

N.B. The key difference between converting and exchanging FPPF Land with PTPZ Land is that exchange involves replacing the FPPF Land such that the stock remains constant, while conversion does not involve replacement of the FPPF Land meaning there is a net reduction in FPPF Land.

Converting FPPF Land to PTPZ Land

Since 8 April 2020 and the end of the moratorium on native forest harvesting on FPPF land, the Forest Industry Act has provided the Minister for Resources and the Crown Lands Minister the ability to *convert* FPPF land to PTPZ land.

The Forest Industry Act and the Forest Management Act prescribe the process by which FPPF Land can be converted to PTPZ Land and thus opened to logging.⁷

The process to convert FPPF Land to PTPZ Land is described below:

1. Request for conversion of FPPF Land to PTPZ Land.

The Minister for Resources may request the Crown Lands Minister to consider the conversion of FPPF Land to PTPZ Land.⁸

The Minister for Resources is the Minister responsible for administering the Forest Management Act. The Crown Lands Minister is the Minister responsible for administering the *Crown Lands Act 1976* (Tas).

Before making a request, the Minister for Resources must obtain and have regard to the information specified in s 7(2) of the Forest Industry Act, being:

- (a) The reasons for the request;
- (b) The size, location, valuation and conservation values of the FPPF Land the subject of the request;
- (c) An assessment of forest resources within the FPPF Land that is the subject of the request and the demand for those resources and an evaluation of the social and economic impacts of the conversion of that land;
- (d) STT's intention to undertake native forestry harvesting, on the land that is the subject of the request, consistent with its forest management certification; and

⁷ Forest Industry Act s 7; Forest Management Act s 11B.

⁸ Forest Industry Act s 7(1).

(e) The implications of the land ceasing to be FPPF Land for the STT's forest management certification.

2. Approval of the conversion of FPPF Land to PTPZ Land.

The Crown Lands Minister may approve the conversion of FPPF Land to PTPZ Land.⁹

In making this decision, the Crown Lands Minister must have regard to the information obtained and considered by the Minister for Resources and other specified matters, including (but not limited to) the impact of the conversion on the objectives for the management of FPPF Land (which are set out above).¹⁰

The Crown Lands Minister must provide written advice of his or her decision to the Minister for Resources.¹¹

3. Making a land conversion order.

If the conversion of the FPPF Land to PTPZ is approved by the Crown Lands Minister, the Minister for Resources **must** make an order under s 11B of the Forest Management Act (**land conversion order**).¹²

The land conversion order must be published in the Government Gazette.

Visit: You can access the Government Gazette [here](#).

4. Tabling of the land conversion order in Parliament.

The land conversion order must be tabled before both Houses of Parliament by the Minister for Resources within 5 Parliamentary sitting days of the making of a land conversion order; and with the Crown Lands Minister's advice and the information obtained under ss 7(2) and 7(4) of the Forest Industry Act.¹³ This includes information about the request and relevant FPPF land,¹⁴ as well as information about the impact of the conversion of the land from FPPF land to PTPZ land on land that was identified under a species management plan as being available for special species harvesting.¹⁵

5. Conversion of FPPF Land to PTPZ Land

Once the proposed land conversion order is accepted by both Houses of Parliament, the land specified in the relevant order becomes PTPZ land and is no longer FPPF land.¹⁶

⁹ Forest Industry Act s 7(6).

¹⁰ Forest Industry Act ss 7(4)-(5).

¹¹ Forest Industry Act s 7(7).

¹² Forest Industry Act s 7(8).

¹³ Forest Management Act s 11B(3).

¹⁴ Forest Industry Act s 7(2).

¹⁵ Forest Industry Act s 7(4).

¹⁶ Forest Management Act s 11B(6).

Exchanging FPPF Land with PTPZ Land

Since the Forest Industry Act commenced in 2014 (i.e. independently of the end of the forestry moratorium), the Minister for Resources and Crown Lands Minister have had the power to *exchange* FPPF Land for PTPZ Land.

The Forest Industry Act and the Forest Management Act also prescribe a process for the exchange of FPPF Land with PTPZ Land,¹⁷ described below.

1. Request for the exchange of FPPF Land for PTPZ Land.

The Minister for Resources may make a request to the Crown Lands Minister to consider the exchange of FPPF Land for PTPZ Land.¹⁸

Before making a request, the Minister for Resources must obtain and have regard to the information specified in s 6(2) of the Forest Industry Act, being:

- (a) The reasons for the request being made, including whether the FPPF Land specified in the request is required for the supply of forest products; and
- (b) The impact of the PTPZ Land specified in the request ceasing to be, or forming part of, PTPZ Land on the capacity of STT:
 - i. To meet the annual supply of veneer and sawlog; and
 - ii. To apply logs to the holder of a forestry compensation certificate in accordance with Part 5A of the Forest Management Act; and
- (c) The size, location, valuation and conservation values of the FPPF Land and PTPZ Land that is the subject of the request; and
- (d) The implications of the exchange for STT's forest management certification.

2. Approval of the exchange of FPPF Land for PTPZ Land.

The Crown Lands Minister may approve the exchange of FPPF Land for PTPZ Land.¹⁹

The Crown Lands Minister must have regard to the information obtained and considered by the Minister for Resources and other specified matters, including (but not limited to) the impact of the conversion on the objectives for the management of FPPF Land (which are set out above).²⁰

The Crown Lands Minister must provide a written advice of his or her decision to the Minister for Resources.²¹

3. Making a land exchange order.

If the exchange is approved by the Crown Lands Minister, the Minister for Resources **must** make an order under s 11A of the Forest Management Act (**land exchange order**).²²

¹⁷ Forest Industry Act s 6; Forest Management Act s 11A.

¹⁸ Forest Industry Act s 6(1).

¹⁹ Forest Industry Act s 6(6).

²⁰ Forest Industry Act ss 6(4)-(5).

²¹ Forest Industry Act s 6(7).

²² Forest Industry Act s 6(8).

A land exchange order must be published in the Government Gazette.

4. Tabling of the land exchange order in Parliament.

The land exchange order must be tabled before both Houses of Parliament by the Minister for Resources within 5 Parliamentary sitting days of the making of a land exchange order; and with the Crown Lands Minister's advice and the information obtained under ss 6(2) and 6(4) of the Forest Industry Act.²³

5. Conversion of FPPF Land to PTPZ Land and vice versa.

Once the proposed land exchange order is accepted by both Houses of Parliament, the land specified in the order to be PTPZ Land becomes PTPZ Land and ceases to be FPPF Land. At the same time, the land specified in the order to cease to be, or form part of, PTPZ Land, ceases to be PTPZ Land and becomes Crown land and FPPF Land.

Acceptance by both Houses of Parliament

Neither a land conversion order nor land exchange order has effect until accepted by both Houses of Parliament.²⁴

A land conversion order or land exchange order is taken to be accepted by a House of Parliament if:²⁵

1. The House accepts the order (presumably through the passing of a motion, though this is not specified in the Forest Management Act); or
2. Within 15 sitting days after it was tabled, no notice has been given of a motion to disallow it, or such a notice is withdrawn or negated.

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²³ Forest Management Act s 11B(3).

²⁴ Forest Management Act ss 11A(4) and 11B(4).

²⁵ Forest Management Act ss 11A(5) and 11B(5).