



New South Wales

Forestry Restructuring and Nature Conservation Act 1995 No 50

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Definitions	2
4 Payments from the Funds for certain programs	2
5 Minister determines timing and other details of payments	3
6 Limits on payments from the Funds	4
7 Sunset on payments	4
8 Additional commitments expenditure ranks lowest in priority	4
9 Payments can be made out of capital and income	5
10 Restrictions on new grants from the Funds	5
11 Ministers to report on payments from the Funds	6
12 Audit by Auditor-General of payments from the Funds	6
13 Amendment of other Acts	6

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Contents

	Page
Schedules	
1 Additional commitments expenditure	7
2 Amendment of other Acts	8



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Forestry Restructuring and Nature Conservation Act 1995 No 50

Act No 50, 1995

An Act to provide for the payment of expenditure on forest industry restructuring, nature conservation and certain other environmental initiatives from the Environmental Education Trust, the Environmental Research Trust and the Environmental Restoration and Rehabilitation Trust, and for other purposes. [Assented to 2 November 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Forestry Restructuring and Nature Conservation Act 1995*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

In this Act:

Budget Papers means the Budget Papers tabled in Parliament (whether before or after the commencement of this section).

Environmental Trusts Acts means the following Acts:

Environmental Education Trust Act 1990,

Environmental Research Trust Act 1990,

Environmental Restoration and Rehabilitation Trust Act 1990.

Funds means the Funds established under the Environmental Trusts Acts.

4 Payments from the Funds for certain programs

- (1) There is to be paid out of the Funds such amounts as the Minister for the Environment directs for payment into the Consolidated Fund to offset the amounts paid from the Consolidated Fund for the following expenditure:
 - (a) Expenditure for the purpose of implementing a program of forest industry restructuring, shown in the Budget Papers as expenditure to be recouped from the Funds. That expenditure is referred to in this Act as *forest industry restructuring expenditure*.

- (b) Expenditure under the *National Parks and Wildlife Act 1974* for the purposes of implementing a program for obtaining land for reservation or dedication under that Act and implementing related conservation strategies, shown in the Budget Papers as expenditure to be recouped from the Funds. That expenditure is referred to in this Act as ***nature conservation expenditure***.
 - (c) Expenditure for the purpose of implementing other schemes and programs for environment protection and nature conservation listed in Schedule 1 and shown in the Budget Papers as expenditure to be recouped from the Funds. That expenditure is referred to in this Act as ***additional commitments expenditure***.
- (2) The Treasurer is to certify to the Minister from time to time the amounts paid from the Consolidated Fund for the expenditure referred to in this section.
 - (3) Money is not to be paid from the Funds under this Act in respect of forest industry restructuring expenditure unless the Minister for Land and Water Conservation certifies that the expenditure has been incurred for the purpose of implementing a program designed to assist persons affected by Government forest conservation initiatives.
 - (4) Nothing is to be paid from the Funds under this Act in respect of nature conservation expenditure incurred in the purchase of Crown land or lands of the Crown (as defined in the *National Parks and Wildlife Act 1974*).

5 Minister determines timing and other details of payments

The timing of payments from the Funds under this Act, the amount of a particular payment on a particular occasion and the apportionment of payments between the Funds are to be as determined by the Minister for the Environment. The Minister is to be mindful of the need for the Funds to be able to earn income in order to meet their projected commitments under this Act and the Environmental Trusts Acts over the period of operation of this Act.

6 Limits on payments from the Funds

- (1) The total amounts paid from the Funds under this Act must not exceed the following limits:
 - (a) \$60.0 million in respect of forest industry restructuring expenditure,
 - (b) \$50.0 million in respect of nature conservation expenditure,
 - (c) \$20.025 million in respect of additional commitments expenditure.
- (2) Of the total amount paid from the Funds under this Act in respect of forest industry restructuring expenditure, no more than \$10 million is to be paid in respect of expenditure shown in the Budget Papers as expenditure to compensate timber lorry owner-drivers.

7 Sunset on payments

Payments from the Funds under this Act may not be made after:

- (a) 30 June 1999 in the case of payments in respect of nature conservation expenditure, or
- (b) 30 June 2000 in the case of payments in respect of forest industry restructuring expenditure, or
- (c) 30 June 2000 in the case of payments in respect of additional commitments expenditure.

8 Additional commitments expenditure ranks lowest in priority

- (1) Payments are not to be made from the Funds in respect of additional commitments expenditure if the payments would prevent the Funds being able to meet the other payments authorised to be made out of the Funds under this Act and the Environmental Trusts Acts.
- (2) The schemes and programs listed in Schedule 1 (Additional commitments expenditure) are listed in order of priority and the order of payments out of the Funds in respect of those schemes and programs should, as far as is reasonably practicable, reflect that order of priority.

9 Payments can be made out of capital and income

Payments under this Act can be made out of both capital and income of the Funds.

10 Restrictions on new grants from the Funds

- (1) From the commencement of this section until the end of June 2000 no grants are to be made under the Environmental Trusts Acts except the grants permitted by subsection (2).
- (2) Grants under the Environmental Trusts Acts are permitted but only as follows:
 - (a) to schools under the *Environmental Restoration and Rehabilitation Trust Act 1990*, up to a total of \$0.080 million during each of the 5 financial years of the Trust under that Act beginning with the financial year current when this section commences,
 - (b) to community organisations under the *Environmental Restoration and Rehabilitation Trust Act 1990*, up to a total of \$0.850 million during each of the 5 financial years of the Trust under that Act beginning with the financial year current when this section commences,
 - (c) to community organisations under the *Environmental Education Trust Act 1990*, up to a total of \$0.150 million during each of the 5 financial years of the Trust under that Act beginning with the financial year current when this section commences.
- (3) The grants referred to in subsection (2) can, despite section 10 of the *Environmental Restoration and Rehabilitation Trust Act 1990* and section 10 of the *Environmental Education Trust Act 1990*, be made from capital of the Funds under those Acts and the provisions of section 11 (1) and (3) of each of those Acts do not apply to those grants.
- (4) In determining how much has been expended on grants of a kind referred to in subsection (2) in the financial year current when this section commences, expenditure on grants of that kind made during that financial year but before this section commences are to be disregarded.

- (5) This section does not prevent payments out of the Funds after the commencement of this section for grants made but not paid (or not fully paid) before that commencement or for the costs incurred in administering the Environmental Trusts Acts.
- (6) This section also does not prevent payments under section 14A (Special provision for pollution clean-up costs until 1 July 2000) of the *Environmental Restoration and Rehabilitation Trust Act 1990*.

11 Ministers to report on payments from the Funds

- (1) Each Minister who is responsible for expenditure recouped from payments from the Funds under this Act is to furnish reports on the expenditure for tabling in both Houses of Parliament. A Minister is responsible for expenditure on schemes or programs carried out by a department or other agency for which the Minister is responsible.
- (2) Reports are to be made for the period from the commencement of this section to 31 December 1995 and for each 6 month period after that to 30 June or 31 December with the final report for the period to 30 June 2000. Each report is due within 3 months after the end of the period to which it relates.
- (3) The reports are to give a detailed breakdown of the expenditure that they cover showing how much was paid out of each of the Funds and how much is referable to each particular scheme or program concerned.

12 Audit by Auditor-General of payments from the Funds

The audit of the accounts relating to the Funds by the Auditor-General under the *Public Finance and Audit Act 1983* is to include an audit of the payments made from the Funds under this Act.

13 Amendment of other Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

Schedule 1 Additional commitments expenditure

(Section 4)

National Parks and Wildlife Service

Acquisition of land to extend Bongil Bongil National Park

Acquisition of land at North Ocean Shores for Billinudgel Nature Reserve

Acquisition of land to be dedicated as nature reserves

Development of inventories of urban bushland to assist with future planning for the protection of remnant urban vegetation

Management across government agencies of biodiversity surveys

Management of wild and scenic rivers

Establishment of initial capital infrastructure to enhance foreshores at Green Point, in connection with development of Lake Macquarie Regional Park

Management of Lake Macquarie foreshore as a Regional Park

Department of Land and Water Conservation

Contribution to New South Wales and Commonwealth financial package, Willandra Lakes Region World Heritage Property

Department of Health

Lead remediation program at North Lake Macquarie

National Parks and Wildlife Service

Acquisition of land for open space at Mt Riverview

Establishment of public facilities at, and ongoing management of, Penrith Lakes Regional Park

Enhancement of walking tracks on the north coast

Schedule 2 Amendment of other Acts

(Section 13)

2.1 Environmental Education Trust Act 1990 No 26

[1] Section 5 Membership and procedure of the Trust

Omit “Education and Public Instruction Act 1987” from section 5 (2) (b).

Insert instead “Education Reform Act 1990”.

[2] Section 8A

Before section 9, insert:

8A Forestry Restructuring and Nature Conservation Act 1995

This Act is subject to the Forestry Restructuring and Nature Conservation Act 1995.

2.2 Environmental Research Trust Act 1990 No 25

Section 8A

Before section 9, insert:

8A Forestry and Nature Conservation Restructuring Act 1995

This Act is subject to the Forestry Restructuring and Nature Conservation Act 1995.

**2.3 Environmental Restoration and Rehabilitation Trust Act
1990 No 24**

[1] Section 8A

Before section 9, insert:

**8A Forestry Restructuring and Nature Conservation Act
1995**

*This Act is subject to the Forestry Restructuring and
Nature Conservation Act 1995.*

[2] Section 14 Payment of costs of pollution clean-up

Omit section 14 (3).

[3] Sections 14A, 14B

After section 14, insert:

**14A Special provision for pollution clean-up costs until
30 June 2000**

- (1) This section applies from the commencement of this section until the end of June 2000 and applies during that period to the exclusion of section 14.
- (2) The Trust may expend the income from investment of the Fund and the capital of the Fund on measures for the removal, dispersal or mitigation of serious pollution when those measures need to be taken immediately. However capital of the Fund may be expended under this section only if (and to the extent that) income from the Fund is insufficient to meet that expenditure.

14B Recovery of pollution clean-up costs

- (1) When the Trust expends money after the commencement of this section under section 14 or 14A in respect of pollution, the Trust (or a person acting with the written authority of the Trust) is entitled to recover the amount expended as a debt in a court of competent jurisdiction due to the Trust from the person who caused the pollution.
- (2) Any amount recovered by or on behalf of the Trust (whether or not under this section) in respect of the cost of measures that have been paid for out of the Fund is to be paid into the Fund.

[Minister's second reading speech made in—
Legislative Assembly 11 October 1995
Legislative Council on 19 October 1995]