

Act 1992 No. 1

TIMBER INDUSTRY (INTERIM PROTECTION) BILL 1992*

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to provide interim protection for the employment of workers engaged in the logging of certain forests and in the wider timber industry; and
- (b) to provide for a full and proper environmental assessment to be made of logging operations being carried out or proposed to be carried out on the land specified in Schedules 1 and 2 to the proposed Act; and
- (c) to give legislative effect to the moratorium on logging operations applying to certain substantial areas of old growth forests specified in Schedule 1 to the proposed Act until the due examination and consideration of environmental impact statements prepared in accordance with Part 5 of the Environmental Planning and Assessment Act 1979; and
- (d) to suspend the application of Part 5 of the Environmental Planning and Assessment Act 1979 to logging operations being carried out or proposed to be carried out in certain forest areas specified in Schedule 2 to the proposed Act pending the completion of the environmental assessment of those operations; and
- (e) to ensure that any logging operations carried out in the forest areas specified in Schedule 2 to the proposed Act are carried out in accordance with the full requirements of other relevant regulatory controls, including the sustainable yield strategies contained in my management plan prepared by the Forestry Commission and applying to those areas; and
- (f) to prevent a stop work order under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) from having effect in respect of land during the period when the application of Part 5 of the Environmental Planning and Assessment Act 1979 is suspended in respect of the land; and

* Amended in committee—see table at end of volume.

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- (g) to enable the making of regulations to extend the protections provided by the proposed Act to logging operations on certain private land.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on the date of assent.

Clause 3 sets out the objects of the proposed Act, those objects being as listed above.

Clause 4 contains definitions for the purposes of the proposed Act. In particular, “logging operations” is defined to mean the cutting and removal of timber and the provision of access roads necessary to enable or assist the cutting and removal of the timber.

Clause 5 specifies the land to which the proposed Act applies.

Clause 6 continues the existing moratorium on the logging of those substantial areas of old growth forests specified in Schedule 1 to the proposed Act until the Forestry Commission has obtained environmental impact statements for them under Part 5 of the Environmental Planning and Assessment Act 1979.

Clause 7 suspends the application of Part 5 of the Environmental Planning and Assessment Act 1979 to the land specified in Schedule 2 until 30 September 1994. This will enable logging operations to be carried out on that land during that period. However, during the period of suspension, the clause also provides that the Forestry Commission should obtain environmental impact statements for the various areas comprising that land in accordance with the timetable set out in that Schedule as if Part 5 had not been suspended. If the Forestry Commission approves an environmental impact statement for an area of Schedule 2 land, the statement is to be taken to have been obtained in accordance with Part 5 and the suspension of that Part in relation to that area ceases. Clause 7 also provides that any logging operations carried out on Schedule 2 land during the suspension of Part 5 are to be taken to have been carried out in compliance with that Part.

Clause 8 requires logging operations on Schedule 2 land during the period of suspension of Part 5 to be carried out in compliance with any management plans prepared under the Forestry Act 1916 and applying to the land, including the sustainable yield strategies applicable under the management plans, and in compliance with any relevant codes of logging practices.

Clause 9 provides that stop work orders under section 92E of the National Parks and Wildlife Act 1974 (as inserted by the Endangered Fauna (Interim Protection) Act 1991) have no effect in respect of land specified in Schedule 2 during the period when Part 5 of the Environmental Planning and Assessment Act 1979 is suspended in respect of the land.

Clause 10 enables the Governor-in-Council to make regulations identifying areas of land, other than the land in Schedule 1 or 2 to the proposed Act or Crown-timber lands within the meaning of the Forestry Act 1916. While such a regulation is in force, the application of Part 5 of the Environmental Planning and Assessment Act 1979 (and the requirements of Part 4 relating to fauna impact statements inserted by the Endangered Fauna (Interim Protection) Act 1991) are suspended in respect of logging operations and stop work orders under section 92E of the National Parks and Wildlife Act 1974 have

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no effect in relation to the land, subject to any conditions of the regulations. A regulation may not be made unless the Minister certifies that the making of the regulation is necessary to protect the employment of workers in the timber industry and that the logging operations concerned are being undertaken in good faith for timber production.

Clause 11 provides that the proposed Act is to cease on 30 September 1994.

Schedules 1 and 2 contain descriptions of the land to which the proposed Act applies.
