



New South Wales

# Forestry Amendment (Timber Harvesting Safety Zones) Bill 2023

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Forestry Act 2012* (the *principal Act*) to—

- (a) establish offences relating to certain areas in which timber harvesting operations are carried out (*timber harvesting safety zones*), and
- (b) increase the maximum penalties for certain obstruction offences.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## Schedule 1 Amendment of Forestry Act 2012 No 96

**Schedule 1[1]** inserts proposed Part 5C into the principal Act. The proposed part introduces notice requirements for timber harvesting safety zones and makes it an offence for a person to, among other things, enter or remain in a timber harvesting safety zone or obstruct or interfere with timber harvesting or related forestry operations carried out within the zone. The proposed part also enables authorised officers to give certain directions to persons in timber harvesting safety zones.

**Schedule 1[2] and [3]** increase the maximum penalties for offences under the principal Act, section 83, including those related to providing false or misleading information to, or obstructing,

impersonating, assaulting or bribing, an authorised officer exercising investigative or enforcement functions under the principal Act.



New South Wales

# Forestry Amendment (Timber Harvesting Safety Zones) Bill 2023

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New South Wales

# Forestry Amendment (Timber Harvesting Safety Zones) Bill 2023

No. \_\_\_\_\_, 2023

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## A Bill for

An Act to amend the *Forestry Act 2012* to make it an offence for unauthorised persons to enter timber harvesting safety zones; and for other purposes.

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Forestry Amendment (Timber Harvesting Safety Zones) Act 2023*.

3

**2 Commencement**

4

This Act commences on the date of assent to this Act.

5

<b>Schedule 1</b>	<b>Amendment of Forestry Act 2012 No 96</b>	1
[1] <b>Part 5C</b>		2
	Insert after Part 5B—	3
	<b>Part 5C Timber harvesting safety zones</b>	4
<b>69ZB</b>	<b>Definitions</b>	5
	In this part—	6
	<i>authorised person</i> means the following—	7
	(a) an authorised officer,	8
	(b) a person engaged to carry out work in a timber harvesting safety zone,	9
	(c) a person authorised to enter a timber harvesting safety zone by the holder of the relevant timber licence.	10
	<i>timber harvesting safety zone</i> means an area specified or shown on a notice given under section 69ZC and includes—	11
	(a) roads within the zone that have been closed to enable timber harvesting and related forestry operations to be carried out, and	12
	(b) all land within 150m of a zone boundary that is part of a State forest.	13
<b>69ZC</b>	<b>Notice of timber harvesting safety zone to be given</b>	14
	(1) The holder of a timber licence must, before carrying out timber harvesting operations on Crown-timber land, ensure notices complying with subsection (3) are prominently displayed—	15
	(a) in or near the timber harvesting safety zone, including on all roads that are entry points to the zone, and	16
	(b) along the boundaries of the zone.	17
	(2) The Corporation must, before carrying out timber harvesting operations in an area to which an integrated forestry operations approval applies—	18
	(a) ensure notices complying with subsection (3) are prominently displayed—	19
	(i) in or near the timber harvesting safety zone, including on all roads that are entry points to the zone, and	20
	(ii) along the boundaries of the zone, and	21
	(b) publish the notice on the website of the Corporation.	22
	(3) The notice must—	23
	(a) specify or show the area within which timber harvesting and related forestry operations will be carried out, and	24
	(b) specify the date the operations will commence, and	25
	(c) state that offences and penalties apply in relation to the timber harvesting safety zone.	26
<b>69ZD</b>	<b>Offence to enter or re-enter timber harvesting safety zones</b>	27
	(1) A person who is not an authorised person must not enter or remain in a timber harvesting safety zone.	28
	Maximum penalty—60 penalty units.	29
	(2) An authorised officer may—	30

(a)	direct a person who is not an authorised person to leave a timber harvesting safety zone, and	1 2
(b)	if the person does not comply with the direction—remove the person from the timber harvesting safety zone.	3 4
(3)	An authorised officer may direct a person who has been directed to leave a timber harvesting safety zone not to—	5 6
(a)	re-enter the timber harvesting safety zone, or	7
(b)	enter other timber harvesting safety zones, whether specified or not.	8
(4)	The authorised officer must, at the time of giving a direction under subsection (3), warn the person who is the subject of the direction that it is an offence to contravene the direction.	9 10 11
(5)	A person must not enter a timber harvesting safety zone in contravention of a direction given under subsection (3). Maximum penalty—120 penalty units or imprisonment for 12 months, or both.	12 13 14 15
(6)	A direction given under this section may be oral or written.	16
<b>69ZE</b>	<b>Offence to obstruct or interfere with timber harvesting</b>	17
(1)	A person who is not an authorised person must not, without reasonable excuse, be in possession of an item in a timber harvesting safety zone that is reasonably capable of being used to obstruct or interfere with timber harvesting or related forestry operations carried out within the zone. Maximum penalty—60 penalty units.	18 19 20 21 22
(2)	A person must not obstruct or interfere with timber harvesting or related forestry operations carried out within a timber harvesting safety zone. Maximum penalty—120 penalty units or imprisonment for 12 months, or both.	23 24 25 26
(3)	A person must not incite another person to commit an offence under subsection (2). Maximum penalty—	27 28 29
(a)	for an individual—100 penalty units or imprisonment for 12 months, or both, or	30 31
(b)	otherwise—600 penalty units.	32
(4)	A person does not commit an offence under this section—	33
(a)	if notice of the timber harvesting safety zone is not given in accordance with section 69ZC, or	34 35
(b)	while carrying out—	36
(i)	functions as an authorised officer, or	37
(ii)	work the person is engaged to carry out in the timber harvesting safety zone.	38 39
(5)	In this section— <i>incite</i> includes direct, counsel, induce, commission and procure.	40 41
<b>69ZF</b>	<b>Other offences relating to timber harvesting safety zones</b>	42
(1)	A person who is not an authorised person must not—	43

(a)	alter, remove or destroy a notice displayed in accordance with section 69ZC, or	1 2
(b)	dismantle, damage or destroy a fence or other barrier erected to restrict or prevent access to a timber harvesting safety zone.	3 4
	Maximum penalty—60 penalty units.	5
(2)	A person must not allow a dog to enter a timber harvesting safety zone.	6
	Maximum penalty—60 penalty units.	7
(3)	A person does not commit an offence under subsection (2) if notice of the timber harvesting safety zone is not given in accordance with section 69ZC.	8 9
<b>69ZG</b>	<b>Directions relating to timber harvesting safety zones</b>	10
(1)	An authorised officer may direct a person operating a vehicle in a timber harvesting safety zone to stop or relocate the vehicle.	11 12
(2)	An authorised officer may direct a person who appears to be in control of a dog in a timber harvesting safety zone to remove the dog from the zone.	13 14
(3)	A direction given under this section may—	15
(a)	be oral or written, and	16
(b)	specify how, or the time within which, the person must comply with the direction.	17 18
(4)	A person must not refuse or fail to comply with a direction given under this section.	19 20
	Maximum penalty—60 penalty units.	21
<b>[2]</b>	<b>Section 83 Offences</b>	22
	Omit “20 penalty units” from section 83(1). Insert instead “120 penalty units”.	23
<b>[3]</b>	<b>Section 83(2)</b>	24
	Omit “50 penalty units or imprisonment for 6 months”.	25
	Insert instead “120 penalty units or imprisonment for 12 months”.	26