

Forestry Restructuring and Nature Conservation Act 1995 No 50

[1995-50]



New South Wales

Status Information

Currency of version

Historical version for 15 May 2000 to 30 June 2005 (accessed 25 November 2024 at 8:56)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Brigalow and Nandewar Community Conservation Area Bill 2005](#)

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 27 May 2005

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Forestry Restructuring and Nature Conservation Act 1995 No 50



New South Wales

An Act to provide for the payment of expenditure on forest industry restructuring, nature conservation and certain other environmental initiatives from the Environmental Trust, and for other purposes.

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 Trust Act means the *Environmental Trust Act 1998*.

Fund means the Environmental Trust Fund established under the *Environmental Trust Act*.

4 Payments from the Fund for certain programs

- (1) There is to be paid out of the Fund 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 Fund. That expenditure is referred to in this Act as **forest industry restructuring expenditure**.
 - (b) Expenditure under the *National Parks and Wildlife Act 1974* or the *Marine Parks Act 1997* 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 Fund. 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 Fund. That expenditure is referred to in this Act as ***additional commitments expenditure***.

(1A) The Governor may, by regulation, amend Schedule 1 by adding a description of other schemes or programs for environment protection or nature conservation.

(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 Fund 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 Fund 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 details of payment

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

6 Limits on payments from the Fund

(1) The total amounts paid from the Fund under this Act must not exceed the following limits:

(a) \$80.0 million in respect of forest industry restructuring expenditure,

(b) \$50.0 million in respect of nature conservation expenditure.

(c) (Repealed)

(2) Of the total amount paid from the Fund 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 Fund under this Act may not be made after:

- (a) 30 June 2001 in the case of payments in respect of nature conservation expenditure, or
- (b) 30 June 2006 in the case of payments in respect of forest industry restructuring expenditure, or
- (c) 30 June 2001 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 Fund in respect of additional commitments expenditure if the payments would prevent the Fund being able to meet the other payments authorised to be made out of the Fund under this Act and the Environmental Trust Act.
- (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 Fund 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 Fund.

10 Restriction on new grants from the Fund

- (1) From the commencement of this section until the end of June 2000 no grants are to be made under the Environmental Trust Act except the grants permitted by subsection (2).
- (2) Grants under the Environmental Trust Act are permitted but only as follows:
 - (a) to schools (being grants to encourage and support restoration and rehabilitation projects) up to a total of \$0.08 million during each financial year of the Trust until the end of the 1999–2000 financial year, and
 - (b) to community organisations (being grants to encourage and support restoration and rehabilitation projects) up to a total of \$0.85 million during each financial year of the Trust until the end of the 1999–2000 financial year, and
 - (c) to community organisations (being grants to promote environmental education) up to a total of \$0.15 million during each financial year of the Trust until the end of the 1999–2000 financial year.

(3) This section does not prevent payment out of the Fund for the costs incurred in administering the Environmental Trust Act or payments out of the Fund authorised by section 16 of that Act (Special provision for pollution clean-up costs).

(4)-(6) (Repealed)

11 Minister to report on payments from the Fund

- (1) Each Minister who is responsible for expenditure recouped from payments from the Fund 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 2001 (or, in the case of forestry industry restructuring expenditure, the period to 30 June 2006). 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 Fund and how much is referable to each particular scheme or program concerned.

12 Audit by Auditor-General of payments from the Fund

The audit of the accounts relating to the Fund by the Auditor-General under the [Public Finance and Audit Act 1983](#) is to include an audit of the payments made from the Fund under this Act.

13 (Repealed)

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

Department of Urban Affairs and Planning

Comprehensive assessment of forested land in the State

National Parks and Wildlife Service

Acquisition, and subsequent management, of land for national parks and other categories of dedicated or reserved land, including but not limited to land held under grazing permits in the proposed North East national parks and North East wilderness areas

National Parks and Wildlife Service

Implementation of a solid waste strategy on Lord Howe Island

Schedule 2 (Repealed)