

Forestry Restructuring and Nature Conservation Act 1995 No 50

[1995-50]



New South Wales

Status Information

Currency of version

Historical version for 1 July 2005 to 30 June 2010 (accessed 29 November 2024 at 1:54)

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—

- **Does not include amendments by**
[National Park Estate \(Riverina Red Gum Reservations\) Act 2010 No 22](#) (not commenced — to commence on 1.7.2010)

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](#).

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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- (b), (c) (Repealed)
- (d) Expenditure for the purpose of implementing forestry restructure and assistance

schemes and programs in the Brigalow and Nandewar and adjacent areas, including business exit assistance, timber worker assistance and industry development assistance, shown in the Budget Papers or declared in writing by the Treasurer as expenditure to be recouped from the Fund. That expenditure is referred to in this Act as ***Brigalow and Nandewar areas expenditure***.

- (1A) (Repealed)
- (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) (Repealed)
- (5) Money is not to be paid from the Fund under this Act in respect of Brigalow and Nandewar areas expenditure unless the Minister for the Environment and the Minister for Primary Industries jointly certify that the expenditure has been incurred for the purposes of implementing a scheme or program designed to assist persons affected by Government forest conservation initiatives in the Brigalow or Nandewar areas.

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), (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 of payments—forestry industry restructuring expenditure

Payments from the Fund under this Act in respect of forestry industry restructuring expenditure may not be made after 30 June 2007.

8 (Repealed)

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 (Repealed)

11 Minister to report on payments from the Fund

- (1) Each Minister who is responsible for forestry industry restructuring 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 2007. 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)

Schedules 1, 2 (Repealed)