

Passed by both Houses



New South Wales

Natural Resources Legislation Amendment (Rural Environmental Services) Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 1999*



New South Wales

Natural Resources Legislation Amendment (Rural Environmental Services) Bill 1999

Act No , 1999

An Act to amend the *Electricity Supply Act 1995* to recognise carbon sequestration as a means by which electricity retailers can meet their environmental licence conditions; to amend the *Forestry Act 1916* to clarify the powers of the Forestry Commission to provide environmental services in relation to rural and other areas; to amend the *Mining Act 1992* to encourage the afforestation of rural and other areas that are damaged by mining; and for related purposes.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Natural Resources Legislation Amendment (Rural Environmental Services) Act 1999*.

2 Commencement

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

3 Amendment of Acts

The Acts specified in Schedules 1–3 are amended as set out in those Schedules.

Schedule 1 Amendment of Electricity Supply Act 1995 No 94

(Section 3)

[1] Schedule 2 Licences

Insert “(such as energy from plantation, sawmill and logging waste biomass sources that are sustainably harvested)” after “renewable energy” in clause 6 (4) (c) (ii).

[2] Schedule 2, clause 6 (6) (a)

Omit “as agreed in the National Greenhouse Response Strategy 1992 and the InterGovernmental Agreement on the Environment, or as determined by the Council of Australian Governments”.

Insert instead “as agreed in any national greenhouse policies approved by the Council of Australian Governments”.

[3] Schedule 2, clause 6 (6) (b)

Insert “and carbon sequestration levels” after “emissions”.

[4] Schedule 2, clause 6 (6A)

Insert after clause 6 (6):

- (6A) For the purposes of subclause (6), in calculating greenhouse gas emissions from electricity supplied to customers in New South Wales, net reductions in greenhouse gases resulting from sources such as carbon sequestration (within the meaning of section 87A of the *Conveyancing Act 1919*) by planted forests may be taken into account in accordance with a methodology approved by the Minister.

Schedule 2 Amendment of Forestry Act 1916 No 55

(Section 3)

[1] Section 4 Definitions

Insert in appropriate alphabetical order:

carbon sequestration has the same meaning as it has in section 87A of the *Conveyancing Act 1919*.

natural resource environmental service includes any of the following:

- (a) the establishment, purchase, management or maintenance of planted forests for the purpose of mine site management, carbon sequestration, forest biomass production, soil and water catchment improvement, biodiversity conservation, control of feral and weed species, research or for any other environmental purpose,
- (b) the provision of any service that is necessary or incidental to a matter referred to in paragraph (a) including:
 - (i) the procurement of land, the registration of interests in land and the obtaining of any necessary statutory approvals, and
 - (ii) the accreditation or other authorisation of a plantation, and
 - (iii) the securing of contractual arrangements,
- (c) any other service provided in connection with the use or management of planted forests that is prescribed by the regulations.

[2] Section 8A Objects of the commission

Insert “and land owned by the commission or otherwise under its control or management” after “Crown-timber lands” in section 8A (1) (a)–(c) wherever occurring.

[3] Section 8A (1) (d)

Omit “and”.

[4] Section 8A (1) (f)

Insert after section 8A (1) (e):

, and

- (f) to provide natural resource environmental services (whether within or outside of New South Wales).

[5] Section 11 Powers and duties of the commission

Omit “or” from section 11 (1) (m4).

[6] Section 11 (1) (m5)

Insert after section 11 (1) (m4):

- (m5) without limiting paragraph (m4), may, for any purpose consistent with its objects, confer or grant a forestry right (whether in respect of timber, carbon sequestration or otherwise) over State forests or land owned by the commission, or

[7] Section 33B Definitions

Omit the definition of *carbon sequestration*.

Schedule 3 Amendment of Mining Act 1992 No 29

(Section 3)

[1] Section 239 Rehabilitation etc of area damaged by mining

Insert after section 239 (1):

- (1A) The Minister or mining registrar may, in any particular case, determine that an authority or mineral claim be granted or renewed subject to conditions relating to the afforestation (including for carbon sequestration within the meaning of section 87A of the *Conveyancing Act 1919* and related environmental purposes) of such part of the land over which the authority or claim has effect as may have been damaged or adversely affected by prospecting operations or mining operations.
- (1B) However, a condition referred to in subsection (1A) may only be imposed at the request of the applicant for, or holder of, the authority or claim.

[2] Section 239 (3)

Insert “or (1A)” after “subsection (1) (a)”.