



National Park Estate (Reservations) Bill

Second Reading

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14/11/2002

NATIONAL PARK ESTATE (RESERVATIONS) BILL

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Bill introduced and read a first time.

Second Reading

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Planning, Minister for Aboriginal Affairs, and Minister for Housing) [6.15 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I am proud to introduce this bill, which is a key element in a process of forest conservation and reform unprecedented in the history of this State.

This bill brings the total area of new parks and reserves created by this Government, through its regional forest assessment process alone, to more than 1 million hectares.

This is an unparalleled conservation achievement.

This bill delivers to the people of New South Wales an additional 145,000 hectares of national parks and other reserves up and down the east coast.

It also gives additional statutory protection to more than 300,000 hectares in forest management zones in which logging is not permitted on State forests in the upper and lower north-east regions.

And it achieves all this without any impact on the timber industry and without any impact on the forest agreements which this Government has forged to give certainty to industry and to ensure the ecologically sustainable management of our forests.

This bill is in many ways the culmination of all the achievements of our forest policy which this Government has delivered on since 1995.

It does not mean that the efforts to improve conservation and management of our forests is complete, but it does mean that this Government has put in place a reserve system, combined with a suite of other forest reforms, which not only increase the immediate protection of significant areas but also improve the way in which forests are managed for their conservation and resource values.

In delivering important conservation outcomes in the northern regions, the bill implements the Government's commitment to complete its assessment of public lands in the upper and lower north east regions of New South Wales given in our 2001 *Action For The Environment Statement*.

As a result, approximately 145,000 hectares are being immediately added to reserves under the *National Parks And Wildlife Act* in north eastern NSW and in the southern and Eden regions.

This includes transfers from State forest, crown land (including leasehold land), freehold land, and also transfers from crown reserve to State conservation area.

I wish to emphasise that the State forest considered for transfer to national park and other reserves was confined to forest management zone 1, 2 and 3a.

Logging is not permitted in these zones and, accordingly, timber volumes will not be affected by the outcomes enshrined in this bill.

Therefore the bill fully preserves the regional forest agreements this Government entered into with the Commonwealth, which allows for the upgrading of areas from informal to formal reserve.

Clause 69 of the regional forest agreement for north east NSW agrees to the enhancement of the reserve system through "the acquisition of private land by voluntary sale, transfers of crown lands or transfer of land from an existing reserve tenure to one of higher conservation status."

The agreement requires that any enhancements do not "impede the management of State forest lands or the meeting of wood supply commitments in the region".

Consistent with this, the bill does not in any way affect the 20-year wood supply agreements entered into with the timber industry, agreements which provided it with the certainty they had long been seeking and which previous Governments had failed to deliver.

The timber industry is, of course, not the only industry with an interest in the management regimes of public land. This Government is mindful of the potential effects of changes in tenure over public land on surrounding neighbours and on licence holders.

The changes which this bill implements have been undertaken to improve conservation outcomes while taking into account the impact on other users.

The Government's occupational permit taskforce will consider management issues relating to impacts on licence holders. Any economic and/or social effects of termination on licence holders will, as far as possible, be dealt with on a case-by-case basis through the taskforce.

It is not the intention of the Government that licence holders be unduly disadvantaged by its decisions.

The role of the taskforce will be to assess the impact on land-holders of the revocation of occupational permits and permissive occupancies.

The taskforce will recommend on initiatives to ameliorate impacts such as the acquisition of freehold land and crown leases that are no longer viable and on compensation for infrastructure that can be used in the management of the park or reserve.

The taskforce will include a representative of the NSW Farmers' Association and will be based on the model effectively used following the upper north east and lower north east decisions in 1998.

The taskforce will also consider any economic and social impacts, and the amelioration of these impacts, on occupational permits and permissive occupancies affected by these decisions such as transitional arrangements, fencing and access issues.

This Government has always aimed to achieve a balance with its forestry decisions—to take into account and deal with the issues which all stakeholders have.

That is why we will not allow licence holders to be neglected by this process, and will make every effort to ease the transition from one tenure to another.

I think it is also important to draw attention to the new category of State conservation area under the *National Parks and Wildlife Act*.

This new category of reserve was established with a dual purpose: to protect conservation values while permitting mineral and petroleum exploration and production.

The category of State conservation area has been created to allow for exploration and mining to proceed while also protecting conservation values.

While exploration and mining will require the concurrence of the Minister for the Environment and environmental impact assessments, it is important to emphasise that the Government intends that exploration and mining will occur within State conservation areas.

It is acknowledged that there will continue to be natural areas which have both high conservation values and high mineral value over which the category of State conservation area would still not be appropriate.

State conservation areas are those areas where it has been agreed that it is possible to manage the area for conservation and permit exploration and, if significant discoveries are made, to permit mineral and petroleum production.

If I can deal firstly with the key conservation outcomes on the east coast, in the upper and lower north east regions, the bill provides for the immediate addition of approximately 121,00 hectares to management under the *National Parks and Wildlife Act 1974*.

This is made up of approximately 69,700 hectares in national parks, 3,800 hectares in nature reserves and 47,500 hectares in State conservation areas.

State conservation area additions include both transfers from crown reserve and the creation of new State conservation areas.

An additional approximate 59,000 hectares will be transferred to the national parks and wildlife service estate after finalisation of discussions with stakeholders, and through voluntary acquisition of crown leasehold lands by the national parks and wildlife service, bringing the potential maximum reservation to approximately 204,000 hectares.

In the southern and Eden regions, the bill provides for the immediate addition of approximately 24,000 hectares of crown reserve to management under the *National Parks and Wildlife Act 1974* as State conservation areas.

The bill creates 52 new national parks, nature reserves and State conservation areas and provides additions to 41 existing parks, reserves in the northern, southern and Eden regions.

Furthermore, the bill provides the increased statutory protection of special management zones on State forests under the *Forestry Act 1916*, which I will discuss in more detail at a later point.

This bill gives effect to key aspects of the Government's forest policy, including its commitment to the creation of a comprehensive, adequate and representative reserve system.

The bill also provides for other miscellaneous actions, including revocation of certain State forests in the Sydney and Eden regions for declaration as nature reserve and the transfer of an area in the Eden region to the local Aboriginal land council.

Our success in delivering on this policy is a great achievement for the people—not only of New South Wales but for those beyond our borders. The legacy of this Government's decisions on our forests will be applauded by future generations.

Seven years of forest assessments under this Government has resulted not only in unprecedented levels of scientific and other data, but also in the conservation of more than one million hectares of NSW forests.

It has also resulted in a legislative process for ensuring ecologically sustainable forest management through forest agreements and integrated forestry operations approvals.

And it has resulted in 20 year security for the timber industry.

Our aim has been to create a reserve system which is comprehensive, adequate and representative, protecting and conserving the biodiversity of the State's forests through scientific and systematic rather than piecemeal reservation, while at the same time creating viable and ecologically sustainable forest industries.

Central to this achievement has been the *Forestry and National Park Estate Act 1998*. That Act was a major piece of legislative reform which subsequent forestry legislation, including this bill, has been based on.

I am proud that I can set before you this bill which is a key element in such a major undertaking of forest reform.

I now turn to the details of the bill, the object of which is to transfer certain land to the national park estate and to make provision for the transfer of certain land to aboriginal ownership.

The bill is divided into three parts, which I shall outline to the House.

The first part is the preliminary section which among other things provides for the commencement of the proposed Act on 1st January 2003.

Part 2 deals with land transfers, the details of which are described in the schedules which I shall discuss shortly.

I draw your attention to clause 11 of the bill which enables the director-general of national parks and wildlife to adjust the descriptions of land in schedules 1, 2, 3, 4, 6 or 7. These adjustments must be in order to alter the boundaries of the land for the purposes of the more effective management of national park estate land and State forest land and to adjust boundaries to public roads.

Any such adjustment must not result in any significant reduction in the size or value of the land. Adjustments are also authorised in connection with easements.

The Director-General must have the agreement of relevant ministers to make any changes.

Adjustments must be made before 31 December 2003 or, in the case of an adjustment of the boundary of land adjoining a public road and land described in schedule 4, by 31 December 2007.

Part 3 of the bill covers a number of miscellaneous matters giving effect to the provisions of the bill.

I now turn to the schedules in this bill. Schedule 1 deals with State forest reserved as national park, nature reserve or State conservation area in the northern region.

Schedule 2 deals with crown lands that are reserved as national park, nature reserve, Aboriginal area or State conservation area in the northern, southern and Eden regions.

Schedule 3 sets out the lands within State forests that are declared as special management zones under the *Forestry Act 1916* in the northern region.

Schedule 4 sets out the land, whose dedication as State forest is revoked, and is vested in the minister administering the *National Parks and Wildlife Act 1974* for the purposes of part 11 of that Act in the northern region.

Schedule 5 deals with State forest that are to be transferred to the Eden local aboriginal land council.

Schedule 6 deals with freehold land vested in the minister administering the National Parks and Wildlife Act or her majesty, reserved as national park or State conservation area in the northern and southern region.

Schedule 7 deals with the revocation of remnant flora reserves in the northern and Eden regions. These are fragments remaining after the transfer of the bulk of those flora reserves to the national park estate by the *Forestry and National Park Estate Act 1998*.

Schedule 8 makes ancillary and special provisions relating to transitional arrangements. These include the exclusion of freehold and certain leasehold interests from the provisions of the bill, except in the case of land that immediately before the commencement of the Act was vested in the Minister or Her Majesty for the purpose of part 11 of the National Parks and Wildlife Act 1974.

It deals with existing interests and gives the minister administering the National Parks and Wildlife Act administration of those interests where land is transferred to the management of the National Parks and Wildlife Service.

Schedule 8 also contains special provisions with regard to access roads within national parks, nature reserves etc.

Schedule 9 amends the *Forestry Act 1916* to provide that a notice declaring an area of State forest to be a special management zone may only be revoked by Act of Parliament.

Schedule 9 also amends the *Native Title (New South Wales) Act 1994* to preserve native title rights and interests in respect of a reservation, dedication or vesting of, or declaration over, land or waters by the operation of the proposed Act.

The assessment process in the east coast forests of this State has been conducted with the participation of stakeholders at every level. It has created unparalleled levels of conservation in our forests while ensuring the viability of ecologically sustainable forest industries.

I commend this bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

The House adjourned at 6.17 p.m.

Bill Name: National Park Estate (Reservations) Bill
Stage: Second Reading

Business Type: Bill, Debate
Keywords: 1R, 2R
Speakers: Refshauge, Dr
Database: LA Hansard Extracts - 52nd Parliament of NSW / 523pa060 / 43

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