

Steffell

FORESTRY AMENDMENT (BUNGABBEЕ STATE FOREST REVOCATION) BILL 2025

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

In August 2022 the NSW Government committed to transferring the Bungabbee State Forest to the Widjabul Wia-bal Gurrumbil Aboriginal Corporation – Registered Native Title Body Corporate (RNTBC) under the Widjabul Wia-bal Goori naa Indigenous Land Use Agreement (ILUA). The area is a significant site to Widjabul Wia-bal, the Traditional Owners for Country in part of the northern rivers region of NSW.

An ILUA is a voluntary agreement between a native title group and another party about the use and management of areas of land and waters. ILUAs generally cover a wide range of native title related matters and once registered are legally binding on all parties.

The Forestry Amendment (Bungabbee State Forest Revocation) Bill 2025 (the Bill) will amend the *Forestry Act 2012* to revoke the Bungabbee State Forest dedication and the declaration of special management zones (SMZ) that exist within the State Forest. This is necessary to facilitate the transfer of land to the RNTBC.

Objectives: What is the policy's objective couched in terms of the public interest?

The Bill will enable the transfer of land to the RNTBC and fulfil a NSW Government obligation under the ILUA. The transfer of land will place ownership and decision-making in relation to the Bungabbee State Forest area in the hands of the Widjabul Wia-bal Gurrumbil Aboriginal Corporation, consistent with the ILUA and with Widjabul Wia-bal's aspirations for Country. Widjabul Wia-bal have a strong desire to continue to manage and care for the area where the Bungabbee State Forest is located.

The Bill will provide certainty for Widjabul Wia-bal, the community and the NSW Government about the future of the Bungabbee area.

Options: What alternative policies and mechanisms were considered in advance of the bill?

This Bill will facilitate the transfer of the Bungabbee State Forest to Widjabul Wia-bal by revoking the Bungabbee State Forest dedication and the declaration of SMZs within the State Forest. The revocation of the State Forest dedication and SMZs is necessary to enable the land to be transferred. Under the *Forestry Act 2012*, SMZs require an Act of Parliament to be revoked (unless they are to be set apart as a flora reserve or a national park). Given this requirement, the approach of revoking the State Forest dedication and SMZs via the same Act is the only way of achieving the stated policy objective.

The NSW Government is legally bound by the terms of the ILUA, which require the transfer of the Bungabbee State Forest to the RNTBC. As such the option of doing nothing was not considered.

Analysis: What were the pros/cons and benefits/costs of each option considered?

As above, an Act of Parliament is required to facilitate the transfer of the Bungabbee State Forest area to the RNTBC, in accordance with the NSW Government's obligations under the ILUA.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Act is proposed to commence on proclamation. This will allow time for necessary land transfer preparations to occur, including the completion of the survey of the Bungabbee State Forest area which is currently underway, prior to the revocation of the State Forest dedication and SMZs in the State Forest.

Once the Act commences, the State Forest will become Crown Land and can then be transferred as freehold land to the RNTBC. This process will be managed by the Department of Planning, Housing and Infrastructure (Crown Lands). The NSW Government has committed to this transfer occurring by 30 June 2026.

For a period of five years after the transfer of the freehold land to the RNTBC, Forestry Corporation NSW will work with Widjabul Wia-bal to assist with the upskilling and development of capabilities in forest management.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

Widjabul Wia-bal, through the RNTBC and their legal representatives NTSCORP, have been receiving monthly updates on the project's progress. The matter has also been considered at annual ILUA engagement meetings.

A NSW Government inter-agency working group with representation from relevant land management agencies has met regularly to discuss progress and issues relating to the tasks required for the land transfer. NSW Government agencies are developing a plan for engagement with local recreational users and other stakeholders in the lead up to the transfer and to advise what the change in tenure means for the local community.