

FORESTRY AND NATIONAL PARK ESTATE BILL

Schedule of the amendments referred to in the Legislative Council's Message of 26 November 1998.

No. 1 Page 6, clause 11 (2) (b), line 24. Insert ", to correct any inaccuracy in relation to land tenure included in the land description" after "access to land".

No. 2 Page 9, clause 14. Insert after line 15:

- (4) The relevant Ministers are required to make forest agreements in respect of the Eden region, the Lower North East region and the Upper North East region within 120 days after the commencement of this section or as soon as possible thereafter.

No. 3 Page 10, clause 15. Insert after line 4:

- (4) For the purpose of making forest agreements with respect to the Eden region, the Lower North East region and the Upper North East region, assessments:
 - (a) that are in existence on the commencement of this section, and
 - (b) that the parties to any such forest agreement consider relevant,are taken to satisfy the requirements of this section with respect to the relevant forestry assessment for that region and no further assessments are required under this section in connection with that forest agreement.

No. 4 Page 10, clause 16 (2), lines 10 -12. Omit all words on those lines. Insert instead:

- (2) A forest agreement must contain (but is not limited to) the following provisions with respect to land in the region:

No. 5 Page 10, clause 16 (2) (e), line 23. Insert "that the relevant Ministers consider appropriate and" after "other provisions".

No. 6 Page 11, clause 17. Insert after line 15:

- (3) This section does not apply to the making of forest agreements with respect to the Eden region, the Lower North East region and the Upper North East region (other than the making of a forest agreement for any such region to replace any earlier such agreement).

No. 7 Page 11. Insert after line 18:

19 Public consultation on amendment or revocation of agreement

- (1) The Ministers who are parties to a forest agreement are required to ensure that the public is given an opportunity to participate in connection with any amendment or revocation of the forest agreement.

- (2) The public participation under this section is to include:
- (a) giving notice of the proposed amendment or revocation (including notice of the place at which and times during which any proposed amendment will be available for public inspection) in a newspaper circulating throughout the State and also in a newspaper circulating in the region concerned, and
 - (b) making any proposed amendment available for public inspection, at the place and during the times specified in the notice, for at least 28 days after the notice is given in both of those newspapers, and
 - (c) inviting representations in connection with the proposed amendment or revocation within the time specified in the notice, and
 - (d) consideration of any such representation before the agreement is amended or revoked.

No. 8 Page 11, clause 19. Insert after line 23:

- (2) A review is to be undertaken for the purposes only of assessing:
- (a) the implementation of the provisions of the agreement, and
 - (b) whether integrated forestry operations approvals are effective in achieving the purpose of those approvals.

No. 9 Page 12, clause 19. Insert after line 19:

- (5) Despite section 18, a forest agreement may not be amended as a result of a review under this section until the report on the outcome of the review has been tabled under subsection (4).

No. 10 Page 13, clause 20 (3), lines 3 and 4. Omit "tabled in each House of Parliament within 3 sitting days of that House". Insert instead "furnished to the Presiding Officer of each House of Parliament within 7 days after the relevant matter arises".

No. 11 Page 13, clause 20. Insert after line 13:

- (4) A copy of any document furnished to the Presiding Officer under subsection (3) is to be laid before that House within 15 sitting days of that House after it is received by the Presiding Officer.
- (5) The Presiding Officer of a House of Parliament is to make a document furnished to the Presiding Officer under subsection (3) public as soon as practicable after receiving the document if it has not been sooner laid before that House, whether or not the House is in session.
- (6) If such a document is made public by the Presiding Officer of a House of Parliament before it is laid before that House, it attracts the same privileges and immunities as if it had been laid before that House.
- (7) In this section, Presiding Officer means the President of the Legislative Council or the Speaker of the Legislative Assembly. However:
 - (a) if there is a vacancy in the office of President, the reference to the President is a reference to the Clerk of the Legislative Council, or

- (b) if there is a vacancy in the office of Speaker, the reference to the Speaker is a reference to the Clerk of the Legislative Assembly.

- No. 12 Page 13, clause 21 (2), line 28. Insert "and each regional office" after "head office".
- No. 13 Page 14, clause 21 (3), lines 12 and 13. Omit "reasonable" on line 12 and insert "actual" before "cost" on line 13.
- No. 14 Page 14, clause 21. Insert after line 15:
- (5) An obligation under subsection (1) or (2) is to be complied with within 7 days after the relevant matter arises.
 - (6) Copies of documents required to be made available under subsection (2) must also be made available, as soon as practicable, on the Internet by means of the website of the Department of Urban Affairs and Planning.
- No. 15 Page 17, clause 28 (2), line 1. Omit "may". Insert instead "must".
- No. 16 Page 18, clause 31 (6), lines 14-16. Omit all words on those lines.
- No. 17 Page 20, clause 34 (2), line 2. Omit "may". Insert instead "must".
- No. 18 Page 20, clause 34 (2), line 3. Insert "(of which it becomes aware)" after "contravention".
- No. 19 Page 20, clause 35 (1), line 11. Insert ", or the granting of approval in relation to," after "the carrying out of".
- No. 20 Page 20. Insert after line 35:

36 Application of National Parks and Wildlife Act 1974 and Threatened Species Conservation Act 1995

- (1) Part 6A (Stop work orders and interim protection orders) of the *National Parks and Wildlife Act 1974* does not apply to the carrying out of forestry operations during any period that an integrated forestry operations approval applies to those operations.
 - (2) However, subsection (1) does not prevent the making of an order for the purpose of protecting any Aboriginal relic or place.
 - (3) Division 1 of Part 7 (Stop work orders) of the *Threatened Species Conservation Act 1995* does not apply to the carrying out of forestry operations during any period that an integrated forestry operations approval applies to those operations.
- No. 21 Page 21, clause 38 (1) (b), line 19. Omit "any member of the public". Insert instead "any person".
- No. 22 Page 22, clause 38 (2) (d), line 9. Omit "the carrying out of".
- No. 23 Page 24. Insert after line 4:

45 Amendment of Land and Environment Court Act 1979 No 204

The *Land and Environment Court Act 1979* is amended as set out in Schedule 12.

No. 24 Page 96. Insert before line 1:

Schedule 12 Amendment of Land and Environment Court Act 1979 No 204

[1] Section 20 Class 4 - environmental planning and protection and development contract civil enforcement

Insert before section 20 (1) (cd):

(cc) proceedings under section 31 of the *Forestry and National Park Estate Act 1998*,

[2] Section 20 (3) (a)

Insert in alphabetical order:

Forestry and National Park Estate Act 1998,
