

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

(a) to transfer to the national park estate certain river red gum State forest lands in the Riverina area, and

(b) to enable the transfer to Aboriginal ownership and conservation of certain other State forest lands in the Riverina area, and

(c) to enable forestry operations to continue on land in the Riverina area remaining as State forest (including in part of the Millewa State forest on a transitional basis until the land is transferred to the national park estate on 1 July 2015), and

(d) to enable payments to be made from the Environmental Trust Fund, established under the Environmental Trust Act 1998, for the purpose of implementing forestry restructure and assistance programs and schemes in the Riverina area, and

(e) to enable the collection of firewood for non-commercial purposes to continue in areas reserved as regional parks under the proposed Act and to make other miscellaneous provisions.

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Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 July 2010.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Land transfers

Clause 4 revokes the dedication as State forest of lands that are to be reserved as national park or regional park or vested in the Minister for Climate Change and the Environment for the purposes of Part 11 of the National Parks and Wildlife Act 1974. The dedication of the lands specified in Schedules 1, 3 and 5 is revoked on 1 July 2010 and the dedication of lands specified in Schedules 6 and 7 is revoked on 1 July 2015.

Clause 5 reserves, on 1 July 2010, certain lands in revoked State forests as national park or regional park. The lands concerned are set out in Schedule 1.

Clause 6 reserves, on 1 July 2010, certain Crown lands as state conservation area. The lands concerned are set out in Schedule 2.

Clause 7 vests, on 1 July 2010, certain lands in revoked State forests in the Minister for Climate Change and the Environment for the purposes of Part 11 of the National Parks and Wildlife Act 1974. The lands concerned are set out in Schedule 3.

Clause 8 reserves, on 1 July 2010, certain lands controlled by the Forestry Commission (and taken to be State forest) as national park. The lands concerned are set out in Schedule 4.

Clause 9 vests, on 1 July 2010, certain lands in revoked State forests in the Crown as Crown land, which will be subject to the Crown Lands Act 1989 (with an assessed preferred use for the purposes of nature conservation). The lands concerned are set out in Schedule 5.

Clause 10 reserves, on 1 July 2015, certain lands in part of Millewa revoked State forest as national park or regional park. The lands concerned are set out in Schedule 6.

Clause 11 vests, on 1 July 2015, certain lands in revoked State forests in the Minister for Climate Change and the Environment for the purposes of Part 11 of the National Parks and Wildlife Act 1974. The Minister may revoke the dedication of the State

forest of any of the lands earlier than 1 July 2015 if the lands are to be vested in an Aboriginal landholding body. The lands concerned are set out in Schedule 7.
Clause 12 reserves, on 1 July 2010, certain lands that had been vested in the Minister for Climate Change and the Environment for the purposes of Part 11 of the National Parks and Wildlife Act 1974 as state conservation area.

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Clause 13 changes the names of, and consolidates, certain reserved lands that are currently within national parks, nature reserves and state conservation areas.
Clause 14 enables the Director-General of the Department of Environment, Climate Change and Water (the Director-General) to adjust the descriptions of land in Schedules 1–8 in order to alter the boundaries of the land for the purposes of effective management of national park estate land and State forest land, to adjust boundaries to public roads, to adjust descriptions of easements or to provide a more detailed description of the boundaries of the land.

Part 3 Forestry operations on land remaining as State forest

Clause 15 defines certain words and expressions used in proposed Part 3. Riverina forestry operations is defined to mean forestry operations within the meaning of the Forestry and National Park Estate Act 1998 to which Part 4 of that Act applies that are carried out in Riverina State forests, but it does not include Millewa transitional forestry operations. Millewa transitional forestry operations are forestry operations carried out in the Millewa State forest (the lands set out in Schedule 6 to the proposed Act) before 1 July 2015.

Clause 16 provides that an integrated forestry operations approval may be granted under Part 4 of the Forestry and National Park Estate Act 1998 for Riverina forestry operations.

Clause 17 applies to Millewa transitional forestry operations. The Minister may, by order published in the Gazette, make provision for or with respect to the carrying out of Millewa transitional forestry operations (referred to as the Millewa Transitional Forestry Code). Forestry operations may be carried out only in accordance with the Code. The Code is required to include provision with respect to certain matters, including logging operation methods, prohibition of logging of certain river red gum trees, retention of habitat and recruitment trees, protection of threatened species of animals and plants, prevention of water pollution, and consultation with local Aboriginal communities.

Part 4 Miscellaneous

Clause 18 provides that firewood may be collected from land reserved as regional park or other land reserved under the National Parks and Wildlife Act 1974 in certain circumstances. The firewood is not to be collected for commercial purposes. It must be collected only by an individual or not-for-profit organisation, licensed by the Director-General, and must be collected from firewood collection zones as determined by the Director-General. The collection of firewood must comply with any conditions of a licence issued to the person or the organisation and any regulations.

Clause 19 provides that the proposed Act binds the Crown.

Clause 20 enables the making of regulations for the purposes of the proposed Act.

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Schedule 1 State forests reserved as national park or regional park on 1 July 2010

This Schedule sets out the lands within State forests (whose dedication as State forest

is revoked) that are, on 1 July 2010, reserved as national or regional park.

Schedule 2 Crown lands reserved as state conservation area on 1 July 2010

This Schedule sets out the Crown lands that are, on 1 July 2010, reserved as state conservation area.

Schedule 3 State forests vested in NPW Minister on 1 July 2010

This Schedule sets out the lands (whose dedication as State forest is revoked) that are, on 1 July 2010, vested in the Minister for Climate Change and the Environment for the purposes of Part 11 of the National Parks and Wildlife Act 1974.

Schedule 4 Forestry Commission controlled land reserved as national park on 1 July 2010

This Schedule sets out the lands controlled by the Forestry Commission that are, on 1 July 2010, reserved as national park.

Schedule 5 State forests made subject to Crown Lands Act 1989 on 1 July 2010

This Schedule sets out the lands (whose dedication as State forest is revoked) that are, on 1 July 2010, vested in the Crown as Crown land and subject to the Crown Lands Act 1989.

Schedule 6 State forests reserved as national park or regional park on 1 July 2015

This Schedule sets out lands (whose dedication as State forest is revoked) that are reserved on 1 July 2015 as national park or regional park.

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Schedule 7 State forests vested in NPW Minister on 1 July 2015 (unless earlier transferred to

Aboriginal ownership)

This Schedule sets out the lands (whose dedication as State forest is revoked) that are, on 1 July 2015, vested in the Minister for Climate Change and the Environment for the purposes of Part 11 of the National Parks and Wildlife Act 1974, unless earlier transferred to Aboriginal ownership.

Schedule 8 Land vested in the NPW Minister reserved as state conservation area on

1 July 2010

This Schedule sets out the lands vested in the Minister for Climate Change and the Environment that are, on 1 July 2010, reserved as state conservation area.

Schedule 9 Change of names and consolidation of national parks, nature reserves and state conservation areas on 1 July 2010

This Schedule sets out the land affected by the changes in the national park estate referred to in clause 13.

Schedule 10 Land transfers—ancillary and special provisions

This Schedule makes ancillary and special provisions with respect to land transferred under the proposed Act.

Schedule 11 Amendment of Acts

Schedule 11.1 amends the Forestry and National Park Estate Act 1998 to remove the requirement for a forest agreement to be prepared under that Act before an integrated forestry operations approval can be prepared under that Act in respect of the Riverina area.

The amendments also extend the definition of forestry operations to include operations for the production or collection of firewood. This definition is used in

Part 3 of the proposed Act in relation to forestry operations in Millewa State Forest and the Riverina area.

Schedule 11.2 amends the Forestry Restructuring and Nature Conservation Act 1995 to enable payments to be made to the Consolidated Fund from the Environmental Trust Fund, established under the Environmental Trust Act 1998, to offset expenditure from the Consolidated Fund for the purposes of implementing

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forestry restructure and assistance programs and schemes in the Riverina area. The total amounts paid from the Fund in respect of the Riverina area must not exceed \$38,813,000 and payments from the Fund in respect of the Riverina area can only be made until 30 June 2015. The Minister for Climate Change and the Environment and the Minister for Mineral and Forest Resources are to prepare a joint report on expenditure in the Riverina area for each financial year and the report is to be tabled in Parliament.

Schedule 11.3 amends the Native Title (New South Wales) Act 1994 to preserve native title rights and interests in respect of a reservation or vesting of, or declaration over, land or waters by the operation of the proposed Act.