



New South Wales

National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *National Parks and Wildlife Act 1974* (the *NPW Act*):

- (a) to create a new offence that involves contravening a provision of the NPW Act or the regulations in the course of carrying out forestry operations (which includes activities such as logging for timber production purposes), and
- (b) to increase the penalties applying to the offence under the NPW Act of contravening any condition or restriction attached to a licence or certificate issued under Part 6 (Licensing) of the *Threatened Species Conservation Act 1995*.

The new offence under the NPW Act will attract a maximum penalty of 2,000 penalty units (ie \$220,000) or imprisonment for 2 years, or both, which is, in most cases, substantially higher than the existing penalties for contravening a provision of the NPW Act or the regulations.

The maximum penalties applying to the offence under the NPW Act of contravening any condition or restriction attached to a licence or certificate issued under Part 6 of the *Threatened Species Conservation Act 1995* will be increased (in the case of an

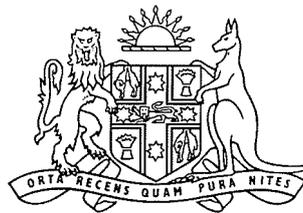
individual) from 100 penalty units (ie \$11,000) and 10 penalty units for each day the offence continues to 1,000 penalty units and 100 penalty units, respectively, and (in the case of a corporation) from 200 penalty units and 20 penalty units for each day the offence continues to 2,000 penalty units and 200 penalty units, respectively.

Outline of provisions

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 the date of assent to the proposed Act.

Schedule 1 [2] contains the amendment to the NPW Act described in paragraph (a) of the above Overview and **Schedule 1 [1]** contains the amendment to the NPW Act described in paragraph (b) of the Overview.



New South Wales

National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012

Contents

	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of National Parks and Wildlife Act 1974 No 80	3



New South Wales

National Parks and Wildlife Amendment (Illegal Forestry Operations) Bill 2012

No. , 2012

A Bill for

An Act to amend the *National Parks and Wildlife Act 1974* to increase the monetary penalties for offences against that Act in connection with illegal forestry operations; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>National Parks and Wildlife Amendment (Illegal Forestry Operations) Act 2012</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

**Schedule 1 Amendment of National Parks and
Wildlife Act 1974 No 80**

**[1] Section 133 Conditions and restrictions attaching to licences and
certificates and variation of licences and certificates**

Omit the penalty in section 133 (4). Insert instead:

Maximum penalty:

- (a) to the extent that the offence relates to a licence under this Act:
 - (i) in the case of an individual—100 penalty units and, in the case of a continuing offence, a further penalty of 10 penalty units for each day the offence continues, or
 - (ii) in the case of a corporation—200 penalty units and, in the case of a continuing offence, a further penalty of 20 penalty units for each day the offence continues,
- (b) to the extent that the offence relates to a licence or certificate under Part 6 of the *Threatened Species Conservation Act 1995*:
 - (i) in the case of an individual—1,000 penalty units and, in the case of a continuing offence, a further penalty of 100 penalty units for each day the offence continues, or
 - (ii) in the case of a corporation—2,000 penalty units and, in the case of a continuing offence, a further penalty of 200 penalty units for each day the offence continues.

[2] Section 175C

Insert after section 175B:

175C Offences committed in connection with forestry operations

- (1) A person who, in the course of carrying out forestry operations, contravenes any provision of this Act or the regulations is guilty of an offence.
Maximum penalty: 2,000 penalty units or imprisonment for 2 years, or both.
- (2) The penalty for an offence under this section applies despite any other penalty specified in relation to the provision that has been contravened.

National Parks and Wildlife Amendment (Illegal Forestry Operations)
Bill 2012

Schedule 1 Amendment of National Parks and Wildlife Act 1974 No 80

- (3) In this section, *forestry operations* has the same meaning as in the *Forestry and National Park Estate Act 1998*.

1
2