

FIRST PRINT

## **SOUTH EAST FORESTS PROTECTION BILL 1992**

NEW SOUTH WALES



### **EXPLANATORY NOTE**

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to protect certain lands in south eastern New South Wales that are situated in State forests and other land by reserving or dedicating them as, or as parts of, national parks and nature reserves; and
- (b) to make provision as to the use of the lands before their reservation or dedication; and
- (c) to declare certain parts of the lands to be wilderness areas; and
- (d) to provide certain relief measures as a consequence of the reservations and dedications; and
- (e) to make provision as to other miscellaneous matters.

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### **PART 1—PRELIMINARY**

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 provides certain definitions for the purposes of the proposed Act including a definition of the map on which the State forests, parts of the State forests and other land to be reserved or dedicated as, or as parts of, national parks and nature reserves are identified.

### **PART 2—RESERVATION AND DEDICATION OF NATIONAL PARKS AND NATURE RESERVES AND REVOCATION OF DEDICATION OF STATE FORESTS ETC.**

Clause 4 provides for the reservation as, or as parts of, national parks of the State forests, parts of State forests and other land described in Schedule 1 on the date of publication in the Gazette of a notification or notifications identifying those lands.

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Clause 5 provides for the dedication as, or as parts of, nature reserves of the parts of State forests and other land described in Schedule 2 on the date of publication in the Gazette of a notification or notifications identifying those lands.

Clauses 6 and 7 provide for the identification of the State forests, parts of State forests and other land to be reserved or dedicated as, or as parts of, national parks and nature reserves and for publication of the descriptions of those lands by a notification or notifications in the Gazette.

Clause 8 revokes the dedication as State forests or as parts of State forests and the reservation, dedication or setting apart under the Forestry Act 1916 or Crown Lands Act 1989 of any land specified in Column 1 of Schedule 1 or 2 when the land is reserved or dedicated as, or as a part of, a national park or nature reserve.

Clause 9 terminates licences or any agreements for the taking or supply of timber from the land when it is reserved or dedicated as, or as a part of, a national park or nature reserve.

Clause 10 stipulates that no compensation or other consideration is payable for land reserved or dedicated under the Act or otherwise consequent on a revocation under clause 8 or the termination of a licence or other agreement under clause 9.

#### **PART 3—USE OF LAND BEFORE RESERVATION OR DEDICATION**

Clause 11 forbids logging or other operations on land referred to in Schedules 1 and 2 (except for the first 4 weeks after the date of assent to the proposed Act) without the consent of the Director of National Parks and Wildlife. A consent terminates when the land to which it relates is reserved or dedicated under the proposed Act.

Clause 12 empowers the Director of National Parks and Wildlife to order that logging or other operations on the land must not be undertaken without, or in breach of, a consent granted under clause 11. An order prevails, to the extent of any inconsistency, over any other approval, notice or order which may significantly affect the land issued or made under any other Act.

#### **PART 4—WILDERNESS AREAS**

Clause 13 provides for the declaration as wilderness areas of the lands described in Schedule 3 on the date of publication in the Gazette of a notification or notifications identifying those lands.

Clauses 14 and 15 provide for the identification of the lands to be declared to be wilderness areas and for publication of the descriptions of those lands by a notification or notifications in the Gazette.

#### **PART 5—RELIEF MEASURES**

Clause 16 stipulates that logging operations may only be engaged in on land described in Schedules 1 and 2 for 3 months after the date of assent to the proposed Act. However, for 9 months after that date, the Forestry Commission is required to provide the holders of licences and other agreements terminated under the proposed Act with an alternative supply of timber from State forests within the Eden Management Area,

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consistent with existing quotas. Requirements are imposed, in relation to the projected logging operations, regarding compliance with Part 5 of the Environmental Planning and Assessment Act 1979 and the obtaining of any necessary authorities to take or kill protected fauna under the National Parks and Wildlife Act 1974.

Clause 17 makes provision for the establishment of the South East Regional Employment and Industry Adjustment Committee, consisting of 12 local government and community representatives. The Committee is to develop and implement strategies to provide employment opportunities for timber and ancillary workers who are or may be displaced as the result of the revocation of the dedication of State forests effected by the proposed Act.

**PART 6—MISCELLANEOUS MATTERS**

Clause 18 enables a person to bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of the proposed Act, whether or not any right of the person has been or may be infringed as a result of the breach.

Clause 19 provides for ancillary matters.

Schedule 1 describes the State forests and parts of State forests (in Part 1) and other land (in Part 2) to be reserved as, or as parts of, national parks.

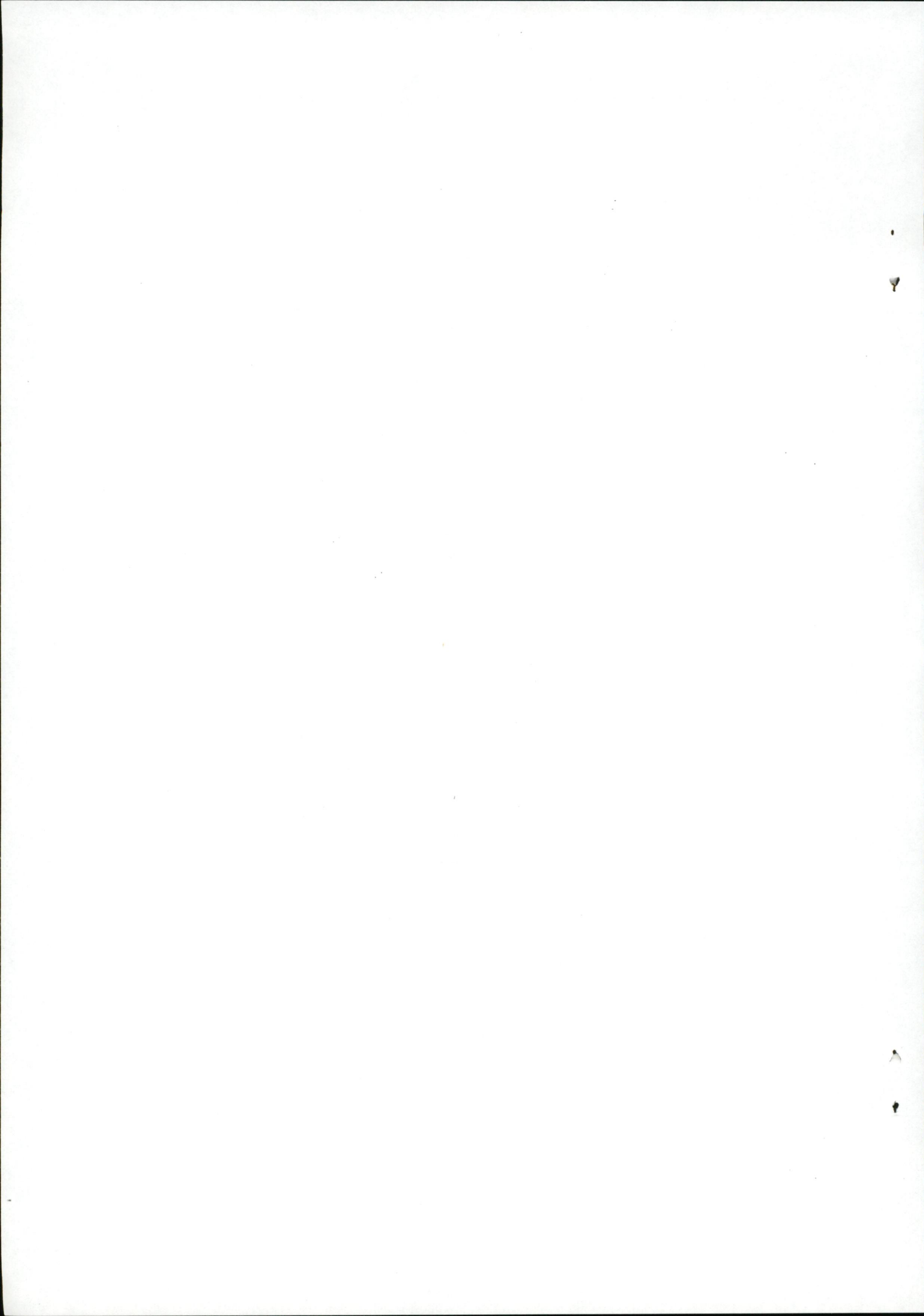
Schedule 2 describes the parts of State forests (in Part 1) and other land (in Part 2) to be dedicated as, or as parts of, nature reserves.

Schedule 3 describes the lands to be declared as wilderness areas.

Schedule 4 makes provision as to the members (Part 1) and procedure (Part 2) of the South East Regional Employment and Industry Adjustment Committee.

Schedule 5 provides for ancillary matters and matters to assist the implementation of the proposed Act.

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**SCHEDULE 2—LAND DEDICATED AS, OR AS PARTS OF, NATURE RESERVES**

**SCHEDULE 3—WILDERNESS AREAS**

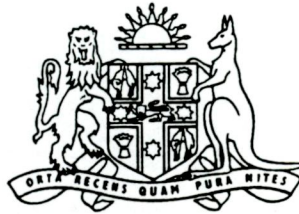
**SCHEDULE 4—SOUTH EAST REGIONAL EMPLOYMENT AND INDUSTRY ADJUSTMENT COMMITTEE—MEMBERS AND PROCEDURE**

**SCHEDULE 5—ANCILLARY PROVISIONS**

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NEW SOUTH WALES



No. , 1992

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**A BILL FOR**

An Act to protect certain lands by reserving or dedicating them as, or as parts of, national parks and nature reserves and to revoke the dedication or setting apart of parts of those lands as State forests and for other uses; and for other purposes.

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The Legislature of New South Wales enacts:

**PART 1—PRELIMINARY**

**Short title**

1. This Act may be cited as the South East Forests Protection  
5 Act 1992.

**Commencement**

2. This Act commences on the date of assent.

**Definitions**

3. In this Act:

- 10 “**Director**” means the Director of National Parks and Wildlife  
appointed under the National Parks and Wildlife Act 1974;  
“**the Act**” means the National Parks and Wildlife Act 1974;  
“**the Map**” means the map marked “South East Forests Protection  
15 Act 1992—South East Forests National Parks and Nature Reserves”  
and tabled (by the member of the Assembly introducing the Bill for  
this Act) in the Legislative Assembly when the Bill was introduced  
into the Assembly.

**PART 2—RESERVATION AND DEDICATION OF NATIONAL  
PARKS AND NATURE RESERVES AND REVOCATION OF  
DEDICATION OF STATE FORESTS ETC.**

**Reservation of land as national parks**

4. (1) The land described in Column 1 of Parts 1 and 2 of Schedule 1  
is reserved as, or as a part of, the national park specified in Column 2 of  
those Parts.
- 25 (2) The reservation of the land under this section takes effect on the  
date of publication in the Gazette under section 7 of a notification or  
notifications identifying the land referred to in Schedule 1.

**Dedication of land as nature reserves**

5. (1) The land described in Column 1 of Parts 1 and 2 of Schedule 2  
30 is dedicated as, or as a part of, the nature reserve specified in Column 2  
of those Parts.



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(2) The dedication of land under this section takes effect on the date of publication in the Gazette under section 7 of a notification or notifications identifying the land referred to in Schedule 2.

**Preparation of descriptions of land to be included in national parks and nature reserves**

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6. (1) Within 3 months after the commencement of this Act, the Director must cause to be prepared, as accurately as is reasonably possible, metes and bounds or other appropriate descriptions of:

- (a) such State forests or parts of the State forests referred to in Column 1 of Part 1 of Schedules 1 and 2 as are shown by black edging on the Map; and
- (b) the land described in Column 1 of Part 2 of Schedules 1 and 2 shown by black hatching on the Map.

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(2) A description of land under this section may include a description of any easement or restriction to which the land is subject.

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**Publication of descriptions of land to be included in national parks and nature reserves by notification in Gazette**

7. Within the period of 3 months referred to in section 6, the Minister administering the Act must cause one or more notifications to be published in the Gazette, containing the descriptions referred to in section 6 and a certificate of a registered surveyor to the effect that the land comprised in the descriptions substantially accords with the boundaries of the relevant land as shown on the Map.

20

**Consequential revocation of dedication etc. as State forests etc.**

8. (1) The dedication as a State forest, or as a part of a State forest, of any land referred to in Column 1 of Part 1 of Schedules 1 and 2 is revoked when the reservation or dedication of the relevant land under this Act takes effect.

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(2) The dedication, or setting apart, as a flora reserve of any land referred to in Column 1 of Schedules 1 and 2 is revoked when the reservation or dedication of the relevant land under this Act takes effect.

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(3) The dedication, reservation or setting apart of any land referred to in Column 1 of Parts 1 and 2 of Schedules 1 and 2 under the Forestry Act 1916 or the Crown Lands Act 1989 is revoked when the reservation or dedication of the relevant land under this Act takes effect.

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**Licences terminated on reservation or dedication of land**

- 5     **9.** On the date of reservation or dedication of land as, or as a part of, a national park or nature reserve under section 4 or 5, any licence or other agreement for the taking or supply of timber from land, in so far as it relates to the reserved or dedicated land, is terminated.

**No compensation payable as result of revocation of dedication as State forests etc. or termination of licences**

- 10    **10.** No compensation or other consideration of any kind is payable, directly or indirectly, by the Director or under the Act:
- 15    (a) to the Forestry Commission, the Department of Conservation and Land Management or any other person for land reserved or dedicated under this Act or for any other purpose as a consequence of a revocation effected by section 8; or
- (b) to any person as the result of the termination of a licence or other agreement under section 9.

**PART 3—USE OF LAND BEFORE RESERVATION OR DEDICATION**

**Consent of Director required to use of land**

- 20    **11.** (1) Except during the period of 4 weeks after the date of assent to this Act, neither the Forestry Commission nor any other person is to engage in logging or any other operations on the land referred to in Schedules 1 and 2 without the consent of the Director.
- 25    (2) Any person, including the Forestry Commission, who wishes to continue, or proposes to commence, logging or any other operations on the land referred to in Schedules 1 and 2 after expiry of the period referred to in subsection (1), must make an application to the Director for consent within 3 weeks after the date of assent to this Act.
- 30    (3) The Director may require any person, including the Forestry Commission, who applies for a consent under this section to provide the Director with any information that the Director reasonably requires for the purpose of considering whether or not a consent should be granted.
- 35    (4) The Director may grant, or refuse to grant, a consent on any grounds that appear to the Director to be reasonable including, in the case of a refusal to grant consent, that the reservation or dedication of the land under this Act is imminent. No appeal lies against the Director's decision to grant, or to refuse to grant, a consent under this section.

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(5) The Director may grant a consent subject to conditions, including conditions aimed at, in the opinion of the Director, the protection of the environmental integrity of the lands.

(6) A consent granted by the Director under this section terminates on the date on which the land to which it relates is reserved or dedicated under this Act. 5

**Director may issue stop work order**

12. (1) If the Director is of the opinion that any person, including the Forestry Commission:

- (a) is engaging in logging or any other operations on land referred to in Schedule 1 or 2 without consent; or 10
- (b) is about to engage in such action without consent; or
- (c) has, is or is about to breach a condition of a consent granted under this Part,

the Director may order that any such action is to cease and that no action, other than such action as may be specified in that order, is to be carried out with respect to the land. 15

(2) Action that may be specified by the Director in an order under this section includes the provision of such information as the Director reasonably requires for the purposes of this Act (for example, concerning environmental data held by the person or resources proposed to be extracted from, or the work program proposed to be undertaken on, the land by the person) and the taking of such remedial action in relation to the land as the Director specifies in the order. 20

(3) An order made under this section takes effect on and from the date on which a copy of the order is affixed in a conspicuous place on the land the subject of the order or the person engaging or about to engage in the action is notified that an order has been made, whichever is the sooner. 25

(4) When the Director makes an order under this section, the Director may consult with the person engaging or proposing to engage in the action to determine whether any modification of the action may be sufficient to protect the land. 30

(5) The Director is not required, before making an order under this section, to notify any person who may be affected by the order.

(6) When an order made under this section is in force in relation to land, an approval, notice or order (whether made or issued before or after the order made under this section) under any other Act which requires or permits the land to be significantly affected is void to the extent of the inconsistency with the order. 35

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**PART 4—WILDERNESS AREAS**

**Declaration of wilderness areas**

13. (1) Each area of land described in Schedule 3 is declared to be a wilderness area for the purposes of sections 59 and 60 of the Act.

- 5 (2) The declaration of land as a wilderness area takes effect on the date of publication in the Gazette under section 15 of a notification or notifications identifying land referred to in Schedule 3 as a wilderness area.

**Preparation of descriptions of land to be included in wilderness areas**

- 10 14. Within 6 months after the date of commencement of this Act, the Director must cause to be prepared, as accurately as is reasonably possible, metes and bounds or other appropriate descriptions of the land referred to in Schedule 3 which is shown by black dashed lines on the Map and which is to be declared to be wilderness areas.

15 **Publication of descriptions of land to be declared to be wilderness areas**

- 15 15. Within the period of 6 months referred to in section 14, the Minister administering the Act must cause one or more notifications to be published in the Gazette, containing the descriptions referred to in section  
20 14 and a certificate of a registered surveyor to the effect that the land comprised in the descriptions substantially accords with the boundaries of the relevant land as shown on the Map.

**PART 5—RELIEF MEASURES**

25 **Increased logging operations in other south eastern areas subject to conditions**

16. (1) Logging operations on land described in Schedules 1 and 2 may only be engaged in for a period of 3 months after the date of assent of this Act. (Any such logging operations may only proceed if the Director's consent has been obtained under section 11.)

- 30 (2) The Forestry Commission must, in view of the reduction in the supply of timber resulting from the enactment of this Act, supply timber from other State forests within the Eden Management Area, consistent with annual quotas fixed by it for 1992, to the holders of licences or other agreements adversely affected by the operation of section 9 for a period  
35 of 9 months after the date of assent to this Act.

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(3) The Forestry Commission must make all efforts to comply with this section and, in particular, to provide or upgrade roads (including provision of all necessary soil conservation works) in order to supply timber in accordance with, and for the periods specified in, subsections (1) and (2). 5

(4) The Forestry Commission must not engage in logging operations or approve or permit logging operations to be engaged in on any land to which subsection (2) applies until the Forestry Commission has complied with Part 5 of the Environmental Planning and Assessment Act 1979 in respect of those operations. 10

(5) If an authority under the Act to take or kill protected fauna is required to enable the logging operations referred to in this section to proceed, an application must be made to the Director who may grant an authority for the purpose under section 171 of the Act. No appeal lies against the Director's decision on an application for an authority under this section. 15

**South East Regional Employment and Industry Adjustment Committee**

17. (1) The Premier, the Minister for Conservation and Land Management and the Minister for the Environment are forthwith to appoint a regional economic committee, to be called the South East Regional Employment and Industry Adjustment Committee, consisting of 12 representatives of city, municipal and shire councils and community groups in, or in the vicinity of, the area shown on the Map and of those public authorities that the Premier and those Ministers consider should be represented on the Committee. 20 25

(2) Schedule 4 has effect with respect to the members and procedure of the South East Regional Employment and Industry Adjustment Committee.

(3) The Committee is to develop and implement strategies to provide alternative employment opportunities for up to 2 years after the period of 9 months referred to in section 16 (2) has elapsed for timber and ancillary workers who have lost or may lose their jobs as the result of the revocation of the dedication of State forests effected by section 8. 30

(4) Matters to be considered by the Committee for the purpose of developing strategies to provide alternative employment opportunities include the following: 35

- (a) local road upgrading;
- (b) soil conservation and salinity control;

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- (c) thinning of softwood plantations;
  - (d) recreational and interpretative facilities in national parks and historic sites;
  - (e) hardwood plantation development;
  - 5 (f) local environmental improvements;
  - (g) formulation of a worker's adjustment package including relocation assistance, income supplements, new skills programs and establishment of offices to provide information.
- (5) The Committee is to report to the Premier and Ministers referred to  
10 in this section within 9 months after the date of assent to this Act.
- (6) The Committee is to report to both Houses of Parliament on its activities every 3 months after the date of its establishment.

**PART 6—MISCELLANEOUS MATTERS**

**Restraint etc. of breaches of this Act**

- 15 18. (1) Any person may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of this Act, whether or not any right of that person has been or may be infringed by or as a consequence of that breach.
- 20 (2) Proceedings under this section may be brought by a person on his or her own behalf or on behalf of himself or herself and on behalf of other persons (with their consent), or a body corporate or unincorporated (with the consent of its committee or other controlling or governing body), having like or common interests in those proceedings.
- 25 (3) Any person on whose behalf proceedings are brought is entitled to contribute to or provide for the payment of the legal costs and expenses incurred by the person bringing the proceedings.

**Ancillary provisions**

19. Schedule 5 has effect.
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*South East Forests Protection 1992***SCHEDULE 1—LAND RESERVED AS, OR AS PARTS OF,  
NATIONAL PARKS**

(Sec. 4)

**PART 1—STATE FORESTS OR PARTS OF STATE FORESTS**

<i>Column 1</i>	<i>Column 2</i>	<i>5</i>
The land comprised in the following State forests or parts of State forests, shown by black edging on the Map:		
Part Yambulla State Forest, east of Nungatta National Park	Part Nungatta National Park	10
Part Bondi State Forest, west of Nungatta National Park	Part Nungatta National Park	
Part Bondi State Forest, south of Imlay Road	Part Nungatta National Park	15
Part Bondi State Forest, north of Imlay Road	Part Nalbaugh National Park	
Cathcart State Forest	Coolangubra National Park	
Part Coolangubra State Forest	Part Coolangubra National Park	
Part Bombala State Forest	Part Coolangubra National Park	20
Part Nalbaugh State Forest	Part Coolangubra National Park	
Part Tantawangalo State Forest	Tantawangalo National Park	
Part Glenbog State Forest	Part Tantawangalo National Park	
Bemboka State Forest	Part Wadbilliga National Park	
Tanja State Forest	Part Mimosa Rocks National Park	25
Gnupa State Forest	Yurammie National Park	
Yurammie State Forest	Part Yurammie National Park	
Part Nullica State Forest, other than land east of Back Creek Road	Yowaka National Park	30
Part Nullica State Forest, east of Back Creek Road	Panbula National Park	
Broadwater State Forest	Part Ben Boyd National Park	
Part Mumbulla State Forest	Part Biamanga National Park	

*South East Forests Protection 1992*SCHEDULE 1—LAND RESERVED AS, OR AS PARTS OF,  
NATIONAL PARKS—*continued*

## PART 2—OTHER LAND

	<i>Column 1</i>	<i>Column 2</i>
5	The following land, shown by black hatching on the Map:	
	Crown land adjacent to the north west boundary of Mumbulla State Forest and west boundary of Murrah State Forest	Biamanga National Park
10		
	Crown land adjacent to north west boundary of Bemboka State Forest and north east boundary of Glenbog State Forest (known as Bega Swamp)	Part Wadbilliga National Park
15		

SCHEDULE 2—LAND DEDICATED AS, OR AS PARTS OF,  
NATURE RESERVES

(Sec. 5)

## PART 1—PARTS OF STATE FORESTS

	<i>Column 1</i>	<i>Column 2</i>
20	The land comprised in the following parts of State Forests, shown by black edging on the Map:	
25	Part Nadgee State Forest	Part Nadgee Nature Reserve
	Part Bondi State Forest	Bondi Gulf Nature Reserve

## PART 2—OTHER LAND

	<i>Column 1</i>	<i>Column 2</i>
30	The following land, shown by black hatching on the Map:	
	Crown land west of Coolangubra State Forest	Coolumbooka Nature Reserve



*South East Forests Protection 1992***SCHEDULE 3—WILDERNESS AREAS**

(Sec. 13)

The following areas of land, shown by black dashed lines on the Map:

Part Bondi State Forest, west of Nungatta National Park—Part Genoa Wilderness	5
Part Bondi State Forest, south of Imlay Road—Part Genoa Wilderness Nungatta National Park—Part Genoa Wilderness	
Part Bemboka State Forest—Part Brogo Wilderness	
Part Coolangubra State Forest—Coolangubra Wilderness	
Part Bondi State Forest, north of Imlay Road—Part Coolangubra Wilderness	10
Nalbaugh National Park—Part Coolangubra Wilderness	
Part Nadgee State Forest—Nadgee Wilderness	

<b>SCHEDULE 4—SOUTH EAST REGIONAL EMPLOYMENT AND INDUSTRY ADJUSTMENT COMMITTEE—MEMBERS AND PROCEDURE</b>	15
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(Sec. 17 (2))

**PART 1—MEMBERS****Term of office**

1. Subject to this Schedule, a member holds office for such period (not exceeding 4 years) as is specified in the member's instrument of appointment but is eligible for reappointment if otherwise qualified.	20
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**Deputies**

2. (1) The Premier may, from time to time, appoint a person to be the deputy of a member and the Premier may revoke any such appointment.	25
(2) In the absence of a member, the member's deputy:	
(a) may, if available, act in the place of the member; and	
(b) while so acting, has all the functions of the member and is to be regarded as a member.	
(3) The deputy of a member who is also Chairperson does not have the member's functions as Chairperson.	30

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SCHEDULE 4—SOUTH EAST REGIONAL EMPLOYMENT AND  
INDUSTRY ADJUSTMENT COMMITTEE—MEMBERS AND  
PROCEDURE—*continued*

**Vacancy in office of member**

- 5     3. (1) The office of a member becomes vacant if the member:
- (a) dies; or
  - (b) completes a term of office and is not reappointed; or
  - (c) resigns the office by instrument in writing addressed to the  
10     Minister; or
  - (d) is removed from office by the Premier under this clause; or
  - (e) is absent from 4 consecutive meetings of the Committee of which  
15     reasonable notice has been given to the member personally or in  
the ordinary course of post, except on leave granted by the  
Committee or unless, before the expiration of 4 weeks after the last  
of those meetings, the member is excused by the Committee for  
having been absent from those meetings; or
  - (f) becomes bankrupt, applies to take the benefit of any law for the  
20     relief of bankrupt or insolvent debtors, compounds with his or her  
creditors or makes an assignment of his or her remuneration for  
their benefit; or
  - (g) becomes a mentally incapacitated person; or
  - (h) is convicted in New South Wales of an offence which is punishable  
25     by penal servitude or imprisonment for 12 months or more or is  
convicted elsewhere than in New South Wales of an offence which,  
if committed in New South Wales, would be an offence so  
punishable.
- (2) The Premier may remove a member from office at any time.

**Filling of vacancy in office of appointed member**

- 30     4. If the office of a member becomes vacant, a person is, subject to this  
Schedule, to be appointed to fill the vacancy.

**Vacation of office by Chairperson**

- 35     5. (1) The office of Chairperson of the Committee becomes vacant if  
the Chairperson:
- (a) resigns the office by instrument in writing addressed to the  
Premier; or
  - (b) is removed from office by the Premier under this clause; or

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SCHEDULE 4—SOUTH EAST REGIONAL EMPLOYMENT AND  
INDUSTRY ADJUSTMENT COMMITTEE—MEMBERS AND  
PROCEDURE—*continued*

(c) ceases to be a member.

(2) The Premier may remove the Chairperson from office at any time. 5

**Disclosure of pecuniary interests**

6. (1) A member of the Committee:

(a) who has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Committee; and 10

(b) whose interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Committee. 15

(2) A disclosure by a member of the Committee at a meeting of the Committee that the member:

(a) is a member, or is in the employment, of a specified company or other body; or 20

(b) is a partner, or is in the employment, of a specified person; or

(c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under this clause. 25

(3) Particulars of any disclosure made under this clause must be recorded by the Committee in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the members of the Committee. 30

(4) After a member of the Committee has disclosed the nature of an interest in any matter, the member must not, unless the Premier or the other members of the Committee otherwise determine:

(a) be present during any deliberation of the Committee with respect to the matter; or 35

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SCHEDULE 4—SOUTH EAST REGIONAL EMPLOYMENT AND  
INDUSTRY ADJUSTMENT COMMITTEE—MEMBERS AND  
PROCEDURE—*continued*

5 (b) take part in any decision of the Committee with respect to the matter.

(5) For the purposes of the making of a determination by the members of the Committee under subclause (4), a member of the Committee who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:

- 10 (a) be present during any deliberation of the other members of the Committee for the purpose of making the determination; or  
(b) take part in the making by the other members of the Committee of the determination.

15 (6) A contravention of this clause does not invalidate any decision of the Committee.

**Effect of certain other Acts**

7. (1) Part 2 of the Public Sector Management Act 1988 does not apply to or in respect of the appointment of a member.

(2) If, by or under any Act, provision is made:

- 20 (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office; or  
(b) prohibiting the person from engaging in employment outside the duties of that office,

25 the provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person as such a member.

(3) The office of a member is not, for the purposes of any Act, an office or place of profit under the Crown.

**Proof of certain matters not required**

30 8. In any legal proceedings, proof is not required (until evidence is given to the contrary) of:

- (a) the constitution of the Committee; or  
(b) any resolution of the Committee; or  
35 (c) the appointment of, or holding of office by, any member of the Committee; or

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SCHEDULE 4—SOUTH EAST REGIONAL EMPLOYMENT AND  
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- (d) the presence or nature of a quorum at any meeting of the Committee. 5

**PART 2—PROCEDURE**

**General procedure**

9. The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is, subject to this Schedule, to be as determined by the Committee. 10

**Quorum**

10. The quorum for a meeting of the Committee is 8 members.

**Presiding member**

11. (1) The Chairperson or, in the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Committee. 15

(2) The person presiding at any meeting of the Committee has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

**Voting** 20

12. A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.

**Transaction of business outside meetings or by telephone etc.**

13. (1) The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee for the time being, and a resolution in writing approved in writing by a majority of those members is to be regarded as a decision of the Committee. 25

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**SCHEDULE 4—SOUTH EAST REGIONAL EMPLOYMENT AND  
INDUSTRY ADJUSTMENT COMMITTEE—MEMBERS AND  
PROCEDURE—*continued***

5 (2) The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.

(3) For the purpose of:

- 10 (a) the approval of a resolution under subclause (1); or  
(b) a meeting held in accordance with subclause (2),

the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Committee.

15 (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Committee.

(5) Papers may be circulated among members for the purposes of subclause (1) by facsimile or other similar means.

**Minutes**

20 14. The Committee must cause full and accurate minutes to be kept of the proceedings of each meeting of the Committee.

**First meeting**

25 15. The Premier may call the first meeting of the Committee in such manner as the Premier thinks fit but must call that meeting within 3 months after the commencement of the Act.

**SCHEDULE 5—ANCILLARY PROVISIONS**

(Sec. 19)

**Definition**

30 1. In this Schedule, “the relevant date” for any land reserved or dedicated under this Act means the date when the reservation or dedication of the land takes effect under this Act.

*South East Forests Protection 1992*SCHEDULE 5—ANCILLARY PROVISIONS—*continued***Reservation of land**

2. (1) The land reserved as, or as a part of, a national park by this Act is, for the purposes of the Act, taken to have been so reserved by proclamation made under section 33 (2) or (3). 5

(2) A reference in the Act to the publication of a proclamation under section 33 (2) or (3) of the Act is, in relation to a reservation under section 4, taken to be a reference to the publication of the relevant notification or notifications under section 7.

(3) Section 35 of the Act does not apply in relation to a reservation under this Act. 10

**Dedication of land**

3. (1) The land dedicated as, or as a part of, a nature reserve by this Act is, for the purposes of the Act, taken to have been so dedicated by proclamation made under section 49 (1) or (2). 15

(2) A reference in the Act to the publication of a proclamation under section 49 (1) or (2) of the Act is, in relation to a dedication under section 5, taken to be a reference to the publication of the relevant notification or notifications under section 7.

(3) Section 35 of the Act does not apply in relation to a dedication under this Act. 20

**Declaration of wilderness areas**

4. (1) The land declared to be a wilderness area by this Act is, for the purposes of the Act and the Wilderness Act 1987, taken to have been so declared by notification under section 59 of the Act. 25

(2) The land so declared is taken to have been identified by the Director as wilderness pursuant to the Wilderness Act 1987.

**Existing leases under the Forestry Act 1916**

5. Section 42 (2) of the Act applies to a lease under the Forestry Act 1916, being a lease: 30

- (a) affecting any of the land reserved or dedicated by this Act; and
- (b) current and in force immediately before the relevant date,

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SCHEDULE 5—ANCILLARY PROVISIONS—*continued*

in the same way as it applies to a licence or permit under the Forestry Act 1916 affecting land within a national park.

**Administration of existing leases etc.**

5     6. (1) In this clause, “existing interest” means a lease, licence, permit or occupancy affecting land reserved or dedicated by this Act, and current and in force immediately before the relevant date.

10    (2) The administration of matters relating to existing interests, to the extent that those interests affect any such land, is (on and from the relevant date) vested in the Minister administering the Act.

(3) For the purposes of subclause (2), the Minister administering the Act is to have:

- 15    (a) in respect of existing interests under the Forestry Act 1916—the powers of the Minister administering that Act; and  
      (b) in respect of existing interests under the Crown Lands Act 1989—the powers of the Minister administering that Act.

**Revocations of dedication of State forests etc.**

7. (1) Section 8 has effect despite the provisions of the Forestry Act 1916.

20    (2) A revocation effected by section 8 in relation to any land does not affect anything done or omitted to be done before the relevant date.

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