

First print



New South Wales

Timber Industry (Interim Protection) Amendment Bill 1995

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 *Timber Industry (Interim Protection) Act 1992* in order to further extend, from 31 December 1995 to 31 December 1998, the date on which that Act expires. The expiration date of the Act was previously extended, from 31 December 1994 to 31 December 1995, by the *Timber Industry (Interim Protection) Amendment Act 1994*.

Outline of provisions

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

Clause 2 provides that the proposed Act commences, or is taken to have commenced, on 30 December 1995.

Clause 3 amends section 16 of the *Timber Industry (Interim Protection) Act 1992* as outlined above.

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Timber Industry (Interim Protection) Amendment Bill 1995

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New South Wales

Timber Industry (Interim Protection) Amendment Bill 1995

No , 1995

A Bill for

An Act to amend section 16 of the *Timber Industry (Interim Protection) Act 1992* to further postpone the expiry of that Act.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Timber Industry (Interim Protection) Amendment Act 1995*.

2 Commencement

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This Act commences, or is taken to have commenced, on 30 December 1995.

**3 Amendment of Timber Industry (Interim Protection) Act 1992
No 1, section 16**

The *Timber Industry (Interim Protection) Act 1992* is amended by omitting "1995" from section 16 and by inserting instead "1998". 10

Legislative Council

TIMBER INDUSTRY (INTERIM PROTECTION)

AMENDMENT BILL 1995

Second Reading Speech

I move that this Bill be read a second time.

The purpose of the Bill before the House is to amend section 16 of the Timber Industry (Interim Protection) Act 1992 to extend its expiry date by three years to 31 December 1998.

This measure is an integral part of the Government's package of forestry and conservation reforms. The success of recently announced measures that will protect high conservation old growth forests and restructure the hardwood timber industry depends on the passage of this Bill.

Mr President,

A brief outline of the history of this Bill will demonstrate why it should be supported by all Members of this House.

The Environmental Planning and Assessment Act became law in 1979, as a result of the great efforts of the former Minister for Planning and Environment, the late Paul Landa, and the then Premier Neville Wran.

It was landmark legislation because for the first time in New South Wales, and indeed Australia, environmental impacts of developments that were likely to have a significant impact on the environment had to be formally considered before development consent was obtained.

Although the Act has had its critics, it has proved to be of vital importance for the protection of the environment.

In recent years there has been increasing community conflict over the logging of old growth native forests.

The previous Government seems to have lacked both the desire and the ability to resolve these conflicts, and they continued unabated until the election of the Carr Government this year.

Successive decisions of the Land and Environment Court cases have had the effect of greatly increasing the application to forestry activities of Part 5 of the Environmental Planning and Assessment Act.

In particular, decisions in the **Jarasius** and **Chaelundi** cases meant that environmental impact assessments could be required for virtually any logging operation in State forests. They were certainly required for logging in old growth or unlogged forest.

These decisions had the potential to disrupt timber supplies to the native hardwood timber industry. It was simply not feasible for many large and complex EISs to be produced in a time-frame that could meet the requirements of the EPA Act as they were now understood.

This position was further complicated by the enactment of the Endangered Fauna (Interim Protection) Act in 1992. This legislation gave formal effect to the Court's decision in **Corkill** which found that most logging operations required licences "to take or kill" fauna under the National Parks and Wildlife Act.

The Timber Industry (Interim Protection) Act 1992 was introduced by the former Government to provide short-term protection of employment levels in the timber industry by maintaining access to sawlog supplies in prescribed areas, (mainly regrowth forests) and to place other areas (mainly high conservation value old growth forest) under a logging moratorium pending the completion of EISs.

The Act was amended in 1994 to achieve the following objectives:

- to extend the expiry date of the Act from 31 December 1994 to 31 December 1995,

- to include the Eden Native Forest Management Area within the jurisdiction of the Act, and
- to establish the Regulatory and Public Information Committee (or RaPIC) to monitor and license planned logging and roading activities until EISs are completed.

Mr President,

The landmark forestry and conservation reforms announced by the Government on 13 June of this year were designed to achieve the twin objectives of protecting our high conservation value forests, and maintaining an ecologically sustainable native hardwood timber industry.

This Government has shown that it is determined to deal with complex issues and make the difficult decisions.

We have moved quickly and decisively to ensure that the full range of forest values are protected and forest products are obtained in an ecologically sustainable manner.

Mr President, I now come to the need for this Bill currently before the House.

Implementation of the Government's pledge to protect high conservation old growth and wilderness forest has meant rescheduling many planned logging operations that had already been approved under EIS determinations.

Other areas including some regrowth forests that may be required for a comprehensive, adequate and representative reserve system have been placed under temporary logging moratoria to allow for proper assessment of their conservation values.

The Government recognises that to minimise disruption to industry there is a need to synchronise the planned restructure of the timber industry with the preparation of joint State-Commonwealth Regional Forest Agreements.

The signing of RFAs will provide both a comprehensive system of forest reserves and security of access for industry to native forest areas not required for the reserve system.

The preparation of an RFA will take at least three years. If major disruption to industry is to be avoided the Timber Industry (Interim Protection) Act must be extended to allow for the preparation of comprehensive regional assessments and completion of EISs currently in train.

An extension of the Act will also allow time for the Government to conduct an overdue, comprehensive overhaul of forestry legislation.

We are committed to this overhaul and will ensure proper community consultation will occur as part of this process.

Most importantly, extension of the Act will maintain interim protection of employment levels in the native hardwood timber industry by maintaining access to sawlog supplies, principally from regrowth forest areas.

The Government's forestry reforms have already halted logging in all identified wilderness and high conservation value old growth forests throughout New South Wales. There can therefore be no suggestion that adoption of this Bill will not jeopardise the protection of important forests required for conservation purposes.

Passage of this Bill will ensure that necessary restructuring within the

native hardwood sector can continue under the legal protection afforded by the Act.

Without this legislation, logging operations that have been rescheduled to less sensitive regrowth forests could be halted by third-party legal challenges.

This potential disruption to log supplies could jeopardise an orderly restructure of the industry and could undermine the broad community support for forest conservation reforms.

Mr President,

I now come to the clauses of the Bill. There are just three of them.

Clause 1 is the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on 30 December 1995. This is the current expiry date of the Timber Industry (Interim Protection) Act.

Clause 3 amends section 16 of the Act by changing its expiry date from December 1995 to December 1998.

Mr President,

This Bill is an essential adjunct to the orderly reform of the timber industry.

It will enable the rescheduling of logging operations to succeed in its twin aims of protection high conservation forest and preserving jobs.

It will enable the completion and determination of EISs now being prepared by State Forests.

It will allow various aspects of the Government's Forest Policy commitments to be complete .

It will give adequate time for the conduct of a comprehensive review of forest regulation, including community consultation.

It underpins this Government's historic forest conservation initiatives, and deserves the support of all Honourable Members.

Mr President,

I commend the Bill to the House.



New South Wales

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New South Wales

Timber Industry (Interim Protection) Amendment Act 1995 No 74

Act No 74, 1995

An Act to amend section 16 of the *Timber Industry (Interim Protection) Act 1992* to further postpone the expiry of that Act. [Assented to 12 December 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Timber Industry (Interim Protection) Amendment Act 1995*.

2 Commencement

This Act commences, or is taken to have commenced, on 30 December 1995.

**3 Amendment of Timber Industry (Interim Protection) Act 1992
No 1, section 16**

The *Timber Industry (Interim Protection) Act 1992* is amended by omitting “1995” from section 16 and by inserting instead “1998”.

[Minister's second reading speech made in—
Legislative Assembly on 18 October 1995
Legislative Council on 4 December 1995]

BY AUTHORITY