

# Forestry Restructuring and Nature Conservation Act 1995

As at 1 July 2010

## Long Title

An Act to provide for the payment of expenditure on forest industry restructuring, nature conservation and certain other environmental initiatives from the Environmental Trust, and for other purposes.

## 1 Name of Act

This Act is the *Forestry Restructuring and Nature Conservation Act 1995*.

## 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

## 3 Definitions

In this Act:

**"Budget Papers"** means the Budget Papers tabled in Parliament (whether before or after the commencement of this section).

**"Environmental Trust Act"** means the *Environmental Trust Act 1998*.

**"Fund"** means the Environmental Trust Fund established under the *Environmental Trust Act*.

## 4 Payments from the Fund for certain programs

(1) There is to be paid out of the Fund such amounts as the Minister for Climate Change and the Environment directs for payment into the Consolidated Fund to offset the amounts paid from the Consolidated Fund for the following expenditure:

(a)-(c) (Repealed)

(d) Expenditure for the purpose of implementing forestry restructure and assistance schemes and programs in the Brigalow and Nandewar and adjacent areas, including business exit assistance, timber worker assistance and industry development assistance, shown in the Budget Papers or declared in writing by the Treasurer as expenditure to be recouped from the Fund. That expenditure is referred to in this Act as **"Brigalow and Nandewar areas expenditure"**.

(e) Expenditure for the purpose of implementing forestry restructure and assistance schemes and programs in the Riverina area (within the meaning of the *National Park Estate (Riverina Red Gum Reservations) Act 2010*), including business exit assistance, timber worker assistance, industry development assistance and departmental administration of funding assistance, shown in the Budget Papers or declared in writing by the Treasurer as expenditure to be recouped from the Fund. That expenditure is referred to in this Act as **"Riverina area expenditure"**.

(1A) (Repealed)

(2) The Treasurer is to certify to the Minister from time to time the amounts paid from the Consolidated Fund for the expenditure referred to in this section.

(3), (4) (Repealed)

(5) Money is not to be paid from the Fund under this Act in respect of Brigalow and Nandewar areas expenditure unless the Minister for Climate Change and the Environment and the Minister for Mineral and Forest Resources jointly certify that the expenditure has been incurred for the purposes of implementing a scheme or program designed to assist persons affected by Government forest conservation initiatives in the Brigalow or Nandewar areas.

(6) Money is not to be paid from the Fund under this Act in respect of Riverina area expenditure unless the Minister for Climate Change and the Environment and the Minister for Mineral and Forest Resources jointly certify that the expenditure has been incurred for the purposes of implementing a scheme or program designed to assist persons affected by Government forest conservation initiatives in the Riverina area.

#### **5 Minister determines timing and details of payment**

The timing of payments from the Fund under this Act and the amount of a particular payment on a particular occasion are to be as determined by the Minister for Climate Change and the Environment. The Minister is to be mindful of the need for the Fund to be able to earn income in order to meet its projected commitments under this Act and the Environmental Trust Act over the period of operation of this Act.

#### **6 Limit on payments--Riverina area expenditure**

The total amounts paid from the Fund under this Act in respect of Riverina area expenditure must not exceed \$45,813,000.

#### **7 Sunset of payments--Riverina area expenditure**

Payments from the Fund under this Act in respect of Riverina area expenditure must not be made after 30 June 2015.

#### **8 (Repealed)**

#### **9 Payments can be made out of capital and income**

Payments under this Act can be made out of both capital and income of the Fund.

#### **10 (Repealed)**

#### **11 Directors-General to report on payments from the Fund for Riverina area expenditure**

(1) The Directors-General of the Departments responsible to the Minister for Climate Change and the Environment and to the Minister for Mineral and Forest Resources are to prepare, for tabling in both Houses of Parliament, joint reports on Riverina area expenditure under this Act.

(2) Annual reports are to be made for each of the 4 financial years commencing on 1 July 2010. The reports may be included in the annual reports of those Departments.

#### **11A Final 5-year report for Riverina area expenditure and outcomes**

(1) The Minister for Climate Change and the Environment and the Minister for Mineral and Forest Resources are to arrange for the preparation and tabling in both Houses of Parliament of an independent final report on Riverina area expenditure under this Act and the outcomes of the implementation of the forestry and national park estate policies in the Riverina area.

(2) The final report is to be made for the 5-year period commencing 1 July 2010.

#### **12 Audit by Auditor-General of payments from the Fund**

The audit of the accounts relating to the Fund by the Auditor-General under the *Public Finance and Audit Act 1983* is to include an audit of the payments made from the Fund under this Act.

#### **13 (Repealed)**

## **Schedules 1, 2 (Repealed)**

## Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Forestry Restructuring and Nature Conservation Act 1995 No 50*. Assented to 2.11.1995. Date of commencement, 8.12.1995, sec 2 and GG No 149 of 8.12.1995, p 8401. This Act has been amended as follows:

1997	No 64	<i>Marine Parks Act 1997</i> . Assented to 10.7.1997. Date of commencement, 1.8.1997, sec 2 and GG No 86 of 1.8.1997, p 5825.
1998	No 82	<i>Environmental Trust Act 1998</i> . Assented to 14.7.1998. Date of commencement, 9.11.1998, sec 2 and GG No 155 of 30.10.1998, p 8511.
1999	No 50	<i>Forestry Restructuring and Nature Conservation Amendment Act 1999</i> . Assented to 16.11.1999. Date of commencement, 15.5.2000, sec 2 and GG No 57 of 12.5.2000, p 3835.
2005	No 56	<i>Brigalow and Nandewar Community Conservation Area Act 2005</i> . Assented to 1.7.2005. Date of commencement of Sch 12.3, 1.7.2005, sec 2 (2).
2010	No 22	<i>National Park Estate (Riverina Red Gum Reservations) Act 2010</i> . Assented to 24.5.2010. Date of commencement, 1.7.2010, sec 2.

## Table of amendments

Long title	Am 1998 No 82, Sch 2.1 [1].
Sec 3	Am 1998 No 82, Sch 2.1 [2].
Sec 4	Am 1997 No 64, Sch 4.1; 1998 No 82, Sch 2.1 [5]; 2005 No 56, Sch 12.3 [1]-[3]; 2010 No 22, Sch 10.2 [1]-[4].
Sec 5	Am 1998 No 82, Sch 2.1 [6] [7].
Sec 6	Am 1998 No 82, Sch 2.1 [8]; 1999 No 50, Sch 1 [1]; 2005 No 56, Sch 12.3 [4]. Subst 2010 No 22, Sch 10.2 [5].
Sec 7	Am 1998 No 82, Sch 2.1 [9]-[11]; 1999 No 50, Sch 1 [2]. Subst 2005 No 56, Sch 12.3 [5]; 2010 No 22, Sch 10.2 [6].
Sec 8	Rep 2005 No 56, Sch 12.3 [6].
Sec 10	Am 1998 No 82, Sch 2.1 [12] [13]. Rep 2005 No 56, Sch 12.3 [6].
Sec 11	Am 1998 No 82, Sch 2.1 [14]; 1999 No 50, Sch 1 [3]; 2005 No 56, Sch 12.3 [7] [8]. Subst 2010 No 22, Sch 10.2 [7].

Sec 11A	Ins 2010 No 22, Sch 10.2 [7].
Sec 13	Rep 1998 No 82, Sch 2.1 [15].
Sch 1	Am 1998 No 82, Sch 2.1 [16]. Rep 2005 No 56, Sch 12.3 [9].
Sch 2	Rep 1998 No 82, Sch 2.1 [17].
The whole Act	Am 1998 No 82, Sch 2.1 [3] ("Funds" omitted wherever occurring, "Fund" inserted instead).
The whole Act	Am 1998 No 82, Sch 2.1 [4] ("Environmental Trusts Acts" omitted wherever occurring, "Environmental Trust Act" inserted instead); 2010 No 22, Sch 10.2 [8] ("Minister for the Environment" omitted wherever occurring, "Minister for Climate Change and the Environment" inserted instead).