

1996

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

NATIVE FOREST PROTECTION BILL 1996

EXPLANATORY MEMORANDUM

# **NATIVE FOREST PROTECTION BILL 1996**

## **General Outline**

The purpose of this Bill is to provide protection for native forests through:

- prohibition of logging in high conservation value native forests after 1 January 1996; and
- provision for the phasing out and subsequent prohibition of the export of woodchips derived from native forests.

It requires the preparation of a transitional strategy for the wood products industry, focused on the development of a plantation based industry and provision of assistance to workers financially disadvantaged by the prohibition on logging in high conservation value forests or the phase out of export woodchipping.

## **FINANCIAL IMPACT**

The Bill will have no real impact on Government expenditure. Some administrative resources will be necessary in order for the Minister to prepare a transitional strategy. Dependent on the details of the transitional strategy, further government expenditure may be required at a later date. The main impact of the Bill will be to reduce some Government expenditure by phasing out an industry dependent on Government subsidies.

## **NOTES ON CLAUSES**

### **PREAMBLE**

The Preamble recognises the importance of Australia's native forests, and indicates the intention of the Act to protect them. It refers to Australia's international treaty obligations to protect both Australia's forests and our biological diversity, and indicates that protection and conservation of them is a matter of international concern. Given these international obligations, and the importance of the forests to the Australian people as a whole, the Preamble also refers to the peculiarly appropriate position of the Federal Government to act to protect and conserve these forests on behalf of the entire nation.

#### CLAUSE 1 - SHORT TITLE

This clause provides for the Bill to be cited as the *Native Forest Protection Act 1996*.

#### CLAUSE 2 - COMMENCEMENT

This clause provides that the Bill will come into effect on

#### CLAUSE 3 - THE OBJECTS

The objects of the Bill indicate an intention to provide immediate protection for high conservation value native forests on public land, further protection for all native forests through a phase out of the export of woodchips from native forests, and the implementation of a transitional strategy to a plantation-based wood products industry that ensures the continuation of employment for workers in the timber industry.

#### CLAUSE 4 - ACT TO BIND CROWN

This Bill binds the Crown in all its capacities.

#### CLAUSE 5 - INTERPRETATION

This clause contains definitions of certain words for the purposes of this Bill. The references to various corporations gives them their common interpretation as derived from paragraph 51(xx) of the Constitution. The definitions given for forest terms provide indicative meanings for the various forest types. The definition of "species" indicates that the term should not be limited, and includes the broader taxon.

#### CLAUSE 6 - HIGH CONSERVATION VALUE NATIVE FOREST

This clause indicates the categories of forest considered to be high conservation value native forests for the purposes of this Bill. It refers to a number of different types, including places registered on the National Estate or on the Interim Register, as well as properties both formally identified under the *World Heritage Properties Conservation Act 1983* and those with world heritage value. Subparagraph (d) indicates that in various states, forests in which the listed species for that State have been identified are to be considered high conservation value native forests.

## CLAUSE 7 - UNLAWFUL ACTS - HIGH CONSERVATION VALUE NATIVE FORESTS

This clause creates an offence with a maximum penalty of \$100 000 for each offence for any person to take wood or clear vegetation from, or destroy vegetation in, a high conservation value native forest, or trade in, move or process wood harvested from a high conservation value native forest after 1 January 1996. Subclause 2 reflects the international obligations which this Bill fulfils. The clause indicates that in addition, it is to apply to acts done by financial, trading or foreign corporations, as those terms are defined in the Bill.

## CLAUSE 8 - PROHIBITION OF EXPORTS

This clause provides a prohibition on exports of woodchips obtained or derived from any native forest after 1 January 1998, with a penalty of \$100 000 for each offence.

## CLAUSE 9 - ENFORCEMENT

Where a breach of this Bill occurs or is likely to occur, this clause allows any person to apply to the Federal Court for an injunction or interim injunction restraining a person from doing an act made unlawful by this Bill.

## CLAUSE 10 - PHASE OUT OF EXPORT OF UNPROCESSED WOOD

This clause provides for a phase out of the quantity of woodchips derived or obtained from native forests that can be exported from Australia. The limits will be 4 million green tonnes for woodchips derived or obtained from 1 January 1996 to 31 December 1996, and 2 million green tonnes for woodchips obtained or derived from 1 January 1997 to 31 December 1997.

## CLAUSE 11 - MINISTER TO PREPARE TRANSITION STRATEGY

This clause requires the Minister to prepare a transitional strategy by 31 March 1996 that recognises and manages the move of the Australian wood products industry from native forest-based supply to plantation-based supply of wood. This strategy is also to address assistance that may be required by workers disadvantaged during the transition process or by the phase out of export woodchipping from native forests.

## CLAUSE 12 - ACT NOT TO AFFECT NATIVE TITLE

This clause indicates that this Bill is not to affect native title or any rights, interests or obligations existing under native title.

## CLAUSE 13 - REGULATIONS

In making regulations under this Bill, the Governor-General may prescribe all matters required or permitted by the Bill to be prescribed, or all matters necessary or convenient to be prescribed for carrying out or giving effect to this Bill.

## SCHEDULE - VICTORIAN ENDANGERED AND VULNERABLE SPECIES

The Schedule lists Victorian endangered and vulnerable species as identified by the Victorian Department of Conservation and Natural Resources in *Threatened Fauna in Victoria, 1995*.