

Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon C. Sharp)

High Conservation Value Forest Protection Bill 1999

A Bill for

**An Act to ensure Parliamentary approval of a Regional Forest
Agreement.**

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *High Conservation Value Forest
Protection Act 1999*.

s. 2

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Definitions

5 In this Act —

“high conservation value forest” means forest that is —

- 10 (a) old growth forest as shown on the map entitled “Old Growth Forest” and published by the Department of Conservation and Land Management in 1998 as part of the *Comprehensive Regional Assessment Report*;
- 15 (b) in a place that is on the Register of the National Estate or the Interim List for the Register of the National Estate established under the *Australian Heritage Commission Act 1975* of the Commonwealth; or
- (c) one of those areas of State Forest defined in Schedules 1 to 3, being areas identified by local communities as having high conservation value.

“logging operations” means —

- 20 (a) the felling of trees for commercial purposes; or
- (b) an operation preparatory or incidental to the felling of trees for commercial purposes.

25 **“Regional Forest Agreement”** means the agreement referred to in clause 1 of the *Scoping Agreement for a Western Australian Regional Forest Agreement* which Scoping Agreement was signed by the Premier of Western Australia and the Prime Minister of Australia on 3 July 1996.

“State Forest” has the meaning given by section 3 of the *Conservation and Land Management Act 1984*.

4. Act binds the Crown

This Act binds the Crown.

5. Relationship to other written laws

5 This Act has effect notwithstanding any provision of any other written law.

6. Restriction on logging operations in high conservation value forest

- (1) A person must not undertake logging operations in a high conservation value forest unless —
- 10 (a) the Regional Forest Agreement executed by or on behalf of the State of Western Australia is tabled in both Houses of Parliament;
- (b) 28 sitting days have elapsed since the Regional Forest Agreement was last tabled; and
- 15 (c) each House of Parliament has approved the Regional Forest Agreement by resolution passed after 14 sitting day's notice of the motion for the resolution has been given.

Penalty: \$500,000

- 20 (2) For the purposes of subsection (1)(c), notice of motion must not be given before the end of the period described in subsection (1)(b).
- (3) If either House of Parliament does not pass a resolution as described in this section approving a Regional Forest Agreement an amended Regional Forest Agreement may be
- 25 tabled in both Houses for their approval.

s. 7

7. Enforcement

Any person may bring proceedings in the Supreme Court of Western Australia to —

- 5 (a) prosecute for an offence against section 6; or
- (b) obtain an interim or final injunction to restrain any threatened breach of section 6.

Schedule 1

Kerr Forest

Schedule 2

Hester Forest

Schedule 3

Proposed Wellington National Park

