

LEGISLATIVE COUNCIL

SUSTAINABLE FORESTS (TIMBER) REPEAL BILL 2024

(Amendments and New Clauses to be proposed in Committee by SARAH MANSFIELD)

NEW CLAUSE

1. Insert the following clause before clause 16—

'15A Definitions

In section 3(1) of the **Conservation, Forests and Lands Act 1987** insert the following definition—

"relevant international instruments means the following—

- (a) the Convention on Biological Diversity;
- (b) the United Nations Framework Convention on Climate Change;
- (c) the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) any other international convention relating to the sustainability, use and management of the environment to which Australia is a party;".'

2. Clause 16, page 9, lines 13 to 17, omit all words and expressions on these lines and insert—

"(2) In determining criteria and indicators under subsection (1), the Minister must—

- (a) take into account any nationally or internationally agreed criteria and indicators, and relevant international instruments, for sustainable forest management; and
- (b) consult any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land and take into account the rights and interests of the traditional owner group by acknowledging the group's cultural connections to land, biodiversity and resources through a relationship to Country."

3. Clause 16, page 10, lines 21 to 30, omit all words and expressions on these lines and insert—

"40E Sustainability Charter

- (1) The Minister must develop a Sustainability Charter.
- (2) A Sustainability Charter must set out objectives for the sustainability of forests.
- (3) In determining the objectives of a Sustainability Charter, at least one objective must be included to encourage participation by any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land in the management of the State forests on Country.
- (4) In developing a Sustainability Charter, the Minister must consult with—
 - (a) the Minister administering the **Agricultural and Veterinary Chemicals (Control of Use) Act 1992**; and
 - (b) the Minister administering the **Climate Change Act 2017**; and
 - (c) any traditional owner group entity (within the meaning of the **Traditional Owner Settlement Act 2010**) of the land."

NEW CLAUSE

4. Insert the following clause to follow clause 21—

'21A Secretary may enter into agreements and arrangements relating to the prevention and suppression of fires and recovery from fires

- (1) After section 62C(2) of the **Forests Act 1958** insert—
 - "(2A) Before entering into an agreement or arrangement under subsection (1) or (2) that relates (in whole or in part) to activity for the prevention of or recovery from fire that is likely to affect a threatened or endangered species, the Secretary must—
 - (a) undertake an assessment of the likely ecological impact of the activity; and
 - (b) consider any action statement under section 19 of the **Flora and Fauna Guarantee Act 1988** relating to the threatened or endangered species; and
 - (c) ensure that the agreement or arrangement provides that any logging to be undertaken under the agreement or arrangement must not contravene the action statement."
- (2) After section 62C(3A) of the **Forests Act 1958** insert—
 - "(3B) The Conservation Regulator of the Department of Energy, Environment and Climate Action, or the Environment Protection Authority, may investigate the ecological implications of activities undertaken under an agreement or arrangement under subsection (1) or (2) and make appropriate recommendations to the Secretary about the activities.
 - (3C) A person must not sell, or offer for sale, any timber or forest produce that is cut in or removed from a State forest in undertaking an

activity under an agreement or arrangement under subsection (1) or (2).

Penalty: 20 penalty units."

- (3) **Insert** the following definition in section 62C(4) of the **Forests Act 1958**—

"Environment Protection Authority has the same meaning as Authority has in the **Environment Protection Act 2017**;"