

**NATIONAL PARKS AND WILDLIFE (STATE
RECREATION AREAS) AMENDMENT ACT,
1980, No. 80**

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. 80, 1980.

An Act to amend the National Parks and Wildlife Act, 1974, in
relation to the administration of state recreation areas.
[Assented to, 29th April, 1980.]

National Parks and Wildlife (State Recreation Areas) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the “National Parks and Wildlife (State Recreation Areas) Amendment Act, 1980”.

Principal Act. **2.** The National Parks and Wildlife Act, 1974, is referred to in this Act as the Principal Act.

Schedules. **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Amendment of Act No. 80, 1974. **4.** The Principal Act is amended in the manner set forth in Schedule 1.

Savings, transitional and other provisions. **5.** Schedule 2 has effect.

National Parks and Wildlife (State Recreation Areas) Amendment.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 5 (1), definition of “state recreation area”—

After the definition of “State forest”, insert :—

“state recreation area” means a state recreation area under Part IIIA of the Crown Lands Consolidation Act, 1913;

- (b) Section 5 (7)—

After section 5 (6), insert :—

(7) In this Act, a reference to the trustee or trustees of a state recreation area includes a reference to the administrator of a state recreation area, appointed under the Crown Lands Consolidation Act, 1913.

- (2) Section 6 (b)—

Omit the paragraph, insert instead :—

(b) the officers and employees, referred to in section 10, for the time being wholly or principally engaged in the administration of this Act or, so far as it relates to state recreation areas, the Crown Lands Consolidation Act, 1913, or both; and

- (3) (a) Section 8 (2A)—

After section 8 (2), insert :—

(2A) The Director shall consider and may investigate proposals for the addition of areas to any state recreation area or for the reservation of any new state recreation area.

National Parks and Wildlife (State Recreation Areas) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 8 (9)—

After “this” where secondly occurring, insert “or any other”.

(c) Section 8 (10)—

Omit the subsection, insert instead :—

(10) The Director shall, in the exercise and discharge of the powers, authorities, duties and functions conferred or imposed on him by or under this or any other Act, be subject to the control and direction of the Minister.

(4) Section 10—

Omit the section, insert instead :—

Officers
and
employees.

10. Such officers and temporary employees as may be necessary for the administration of this Act or, so far as it relates to state recreation areas, the Crown Lands Consolidation Act, 1913, may be appointed and employed under and subject to the Public Service Act, 1979.

(5) (a) Section 11—

Omit “For the purposes of this Act, the” wherever occurring, insert instead “The”.

(b) Section 11 (4), (5)—

After section 11 (3), insert :—

(4) The Minister or the Director may, with the approval of the trustees of any state recreation area, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of those trustees.

National Parks and Wildlife (State Recreation Areas) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) The services of any person may only be used under this section for the purposes of this Act or, so far as it relates to state recreation areas, the Crown Lands Consolidation Act, 1913.

(6) (a) Section 12—

Omit “and historic sites”, insert instead “, historic sites and state recreation areas”.

(b) Section 12—

Omit “and protected archaeological areas”, insert instead “, protected archaeological areas and state recreation areas”.

(7) (a) Section 21 (1)—

Omit “this power of delegation”, insert instead “the power of delegation conferred by this section or section 17A of the Crown Lands Consolidation Act, 1913”.

(b) Section 21 (1)—

After “Act” where secondly occurring, insert “or, in relation to state recreation areas, by or under the Crown Lands Consolidation Act, 1913”.

(8) Section 85—

Omit “or Aboriginal area” wherever occurring, insert instead “, Aboriginal area or state recreation area”.

National Parks and Wildlife (State Recreation Areas) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Section 88—

Omit “or Aboriginal area” wherever occurring, insert instead “, Aboriginal area or state recreation area”.

(10) (a) Section 138 (1) (a)—

After “Act”, insert “or, in relation to state recreation areas, the Crown Lands Consolidation Act, 1913”.

(b) Section 138 (1) (e1)—

After section 138 (1) (e), insert :—

(e1) any money received by the Minister or the Director in connection with any state recreation area;

(11) (a) Section 139 (2) (a)—

After “Act”, insert “or, in relation to state recreation areas, the Crown Lands Consolidation Act, 1913”.

(b) Section 139 (2) (b)—

Omit “or historic site”, insert instead “, historic site or state recreation area”.

(c) Section 139 (2) (d)—

Omit “or nature reserves”, insert instead “, nature reserves or state recreation areas”.

(d) Section 139 (2) (e)—

Omit “or Aboriginal area”, insert instead “, Aboriginal area or state recreation area”.

National Parks and Wildlife (State Recreation Areas) Amendment.

SCHEDULE 2.

Sec. 5.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. Except as expressly provided by the Principal Act, as amended by this Act, nothing in this Act affects the trustees of state recreation areas or any of their powers, authorities, duties or functions. Trustees of state recreation areas.

2. (1) This clause applies to officers and temporary employees of the Department of Lands declared by the Governor, on the recommendation of the Minister for Lands and with the concurrence of the Minister, to be officers or employees to whom it applies. Staff of Department of Lands.

(2) Notwithstanding anything in the Public Service Act, 1979, the Governor may, before 1st July, 1980, transfer any officers or employees to whom this clause applies to such positions in the staff establishment (under that Act) of the National Parks and Wildlife Service as the Governor specifies, being positions certified by the Director of National Parks and Wildlife to be wholly or principally connected with the administration of state recreation areas.

3. Notwithstanding anything in the Principal Act, as amended by this Act, or the Public Service Act, 1979, a person does not become an officer or temporary employee of the National Parks and Wildlife Service while he continues to be an officer or temporary employee of the Department of Lands, but nothing in this clause prevents his being an officer of the Service, as defined in the Principal Act. Officers of the Service.