

**NATIONAL PARKS AND WILDLIFE (KARST
CONSERVATION) AMENDMENT ACT 1991 No. 55**

NEW SOUTH WALES



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**NATIONAL PARKS AND WILDLIFE (KARST
CONSERVATION) AMENDMENT ACT 1991 No. 55**

NEW SOUTH WALES



Act No. 55, 1991

An Act to amend the National Parks and Wildlife Act 1974 to make provision for karst conservation within reserved or dedicated lands, including karst conservation reserves, or lands subject to a conservation agreement or wilderness declaration; and to make consequential amendments to the Wilderness Act 1987. [Assented to 11 December 1991]

National Parks and Wildlife (Karst Conservation) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the National Parks and Wildlife (Karst Conservation) Amendment Act 1991.

Commencement

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

Amendment of National Parks and Wildlife Act 1974 No. 80

3. The National Parks and Wildlife Act 1974 is amended as set out in Schedule 1.

Consequential amendment of Wilderness Act 1987 No. 196

4. The Wilderness Act 1987 is amended as set out in Schedule 2.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 5 (**Definitions**):

(a) In section 5 (1), insert, in alphabetical order, the following definitions:

“**karst conservation reserve**” means lands dedicated as a karst conservation reserve under this Act;

“**karst region**” means a region comprised substantially of soluble rocks such as limestone or dolomite and characterised by landforms produced by solution, abrasion or collapse or by underground drainage (or both). For this purpose, “landforms” includes surface features, caves and the decorative contents of caves whether or not deposited from solution;

(b) In the definition of “wilderness area” in section 5 (1), after “lands”, insert “(including subterranean lands)”.

(2) Section 8 (**Miscellaneous powers and functions of Director**):

(a) In section 8 (1), after “state game reserve” wherever occurring, insert “, karst conservation reserve”.

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SCHEDULE 1—AMENDMENT—*continued*

- (b) After section 8 (2) (c1), insert:
 - (c2) the areas to be dedicated as karst conservation reserves are areas of scientific, recreational, aesthetic or historical value within karst regions; and
 - (c) In section 8 (3), after “nature reserve”, insert “, karst conservation reserve”.
 - (d) In section 8 (5), after “state game reserve”, insert “, karst conservation reserve”.
- (3) Section 12 (**Powers and functions of Service**):
- (a) After “state game reserves” where firstly occurring, insert “, karst conservation reserves”.
 - (b) Before “relics” where firstly occurring, insert “karst regions,”.
- (4) Section 23 (**Functions and duties of Council**):
- (a) From section 23 (1) (a), omit “reserves and”, insert instead “reserves,”.
 - (b) In section 23 (1) (a), after “state game reserves”, insert “and karst conservation reserves”.
- (5) Part 4, Division 2B:
After Division 2A, insert:

Division 2B—Karst conservation reserves

Dedication of karst conservation reserves

58K. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as a karst conservation reserve:

- (a) any Crown lands; or
- (b) lands acquired under section 145, 147 or 148, which are described in the proclamation.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as part of a karst conservation reserve specified in the proclamation:

- (a) any Crown lands; or
- (b) lands acquired under section 145, 147 or 148, which are described in the proclamation.

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SCHEDULE 1—AMENDMENTS—*continued*

(3) Lands within a karst conservation reserve are taken to be dedicated for the purposes of:

- (a) the care, preservation and conservation of natural environments and natural phenomena; and
- (b) the study of natural environments and natural phenomena; and
- (c) the promotion of the appreciation and enjoyment of natural environments and natural phenomena; and
- (d) the care, propagation, preservation and conservation of wildlife.

(4) On the publication of a proclamation under subsection (1) or (2):

- (a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication; and
- (b) if a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee ceases to hold that office in respect of those lands or that part, as the case may be; and
- (c) the care, control and management of the lands so described vests in the Director for the purposes of this Act.

(5) A proclamation under subsection (1) or (2) may, but need not be, restricted to lands that are wholly or predominantly subterranean lands.

(6) To the extent to which a dedication (other than a dedication under this Division), reservation or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication (unless the proclamation otherwise provides) revokes the dedication, reservation or vesting, and the instruments of title (if any) must be surrendered for cancellation or notation, as the case may require.

Name of karst conservation reserve

58L. The Governor:

- (a) by proclamation published under section 58K (1) or (2) or by another proclamation published in the Gazette, may assign a name to a karst conservation reserve; and

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SCHEDULE 1—AMENDMENT—*continued*

- (b) by proclamation published in the Gazette, may, from time to time, alter the name of a karst conservation reserve.

Revocation, resumption or appropriation of karst conservation reserve

58M. (1) Notwithstanding anything in any Act:

- (a) the dedication of lands as, or as part of, a karst conservation reserve shall not be revoked; or
 (b) lands within a karst conservation reserve shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Restriction on disposal of or dealing with lands within karst conservation reserves

58N. Notwithstanding anything in the Crown Lands Act 1989 or any other Act, no lands within a karst conservation reserve shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydroelectric Agreements Act 1958.

Mining

58O. The provisions of section 41 apply to and in respect of a karst conservation reserve in the same way as they apply to and in respect of a national park or historic site.

Application of Forestry Act 1916

58P. (1) The Forestry Act 1916 does not apply to or in respect of lands within a karst conservation reserve.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act 1916 affecting lands within a karst conservation reserve shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

SCHEDULE 1—AMENDMENTS—*continued*

Provisions respecting animals in karst conservation reserves

58Q (1) A person shall not:

- (a) take or kill any animal that is within a karst conservation reserve; or
- (b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any animal that is within a karst conservation reserve; or
- (c) carry, discharge or be in possession of any prohibited weapon in a karst conservation reserve; or
- (d) carry or be in possession of any explosive, net, trap or hunting device in a karst conservation reserve; or
- (e) be accompanied by a dog in a karst conservation reserve.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding 6 months, or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if the person proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed:

- (a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or
- (b) in pursuance of a duty imposed by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the carrying or being in possession of a net if the person proves that the net was carried or was in the person's possession for the purpose only of taking, or attempting to take, fish from any waters.

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SCHEDULE 1—AMENDMENTS— *continued*

(5) A person, being a lessee or occupier of any lands within a karst conservation reserve, or a person authorised by such a lessee or occupier in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of an animal that is within those lands, other than fauna.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

Restrictions as to timber, vegetation, plants etc. in karst conservation reserves

58R. (1) Subject to section 58P (2), a person shall not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a karst conservation reserve.

(2) A person shall not be in possession of any native plant within a karst conservation reserve.

(3) A person who commits an offence arising under subsection (1) or (2) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding 6 months, or both.

(4) A person shall not be convicted of an offence arising under subsection (1) or (2) if the person proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed:

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part 9; or

(b) in pursuance of a duty imposed by or under any Act.

(5) A person, being a lessee or occupier of any lands within a karst conservation reserve, or a person authorised by such a lessee or occupier in that behalf, shall not be convicted of an offence arising under subsection (1) or (2) in respect of the felling, cutting, destroying, injuring, picking or removing of or setting fire to any tree, timber, plant, flower or vegetation, or the possession of a native plant, that is or was growing within those lands.

SCHEDULE 1—AMENDMENTS— *continued*

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2), or both.

Application of certain provisions to karst conservation reserves

58S. The provisions of:

- (a) section 33 (5) and (6);
- (b) section 35;
- (c) section 39;
- (d) sections 43 and 44; and
- (e) sections 46 and 47,

apply to and in respect of a karst conservation reserve in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference in those provisions to:

- (f) a proclamation under section 33 (2) or (3) were a reference to a proclamation under section 58K (1) or (2); and
- (g) a reservation under Division 1 were a reference to a dedication under this Division.

(6) Section 59 (Declaration of wilderness areas):

In section 59 (1), after “lands”, insert “(including subterranean lands)”.

(7) Section 69C (Purpose and content of agreements):

- (a) From section 69C (1) (e), omit “or” where lastly occurring.
- (b) After section 69C (1) (e), insert:
 - (e1) for the purpose of the study, preservation, protection or care of karst regions; or

(8) Section 72 (Plans of management):

- (a) From section 72 (1) (c), omit “or state game reserve”, insert instead “, state game reserve or karst conservation reserve”.
- (b) In section 72 (2), after “state game reserve,”, insert “karst conservation reserve,”.

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SCHEDULE 1—AMENDMENTS— *continued*

- (c) From section 72 (3), omit “or state game reserve”, insert instead “ , state game reserve or karst conservation reserve”.
 - (d) In section 72 (4) (b) and (d), after “state game reserve,” wherever occurring, insert “karst conservation reserve,”.
 - (e) From section 72 (4) (c), (g) and (h), omit “or state game reserve” wherever occurring, insert instead “ , state game reserve or karst conservation reserve”.
 - (f) In section 72 (4) (f) and (i), after “state game reserve” wherever occurring, insert “ , karst conservation reserve”.
 - (g) From section 72 (4) (i), omit “and”.
 - (h) After section 72 (4) (i), insert:
 - (j1) the setting apart of the whole or part of a karst conservation reserve as a wilderness area; and
- (9) Section 74 (**Catchment areas**):
- (a) After “state game reserve” where firstly occurring, insert “ , karst conservation reserve”.
 - (b) In section 74 (a), after “state game reserve,”, insert “karst conservation reserve,”.
- (10) Section 76 (**Adoption etc. of plan of management for nature reserve, state game reserve or karst conservation reserve**):
- Omit “or state game reserve” wherever occurring, insert instead “ , state game reserve or karst conservation reserve”.
- (11) Section 80 (**Lands submerged by water**):
- In section 80 (1), after “state game reserve”, insert “ , karst conservation reserve”.
- (12) Section 81 (**Operations under plan of management**):
- In section 81 (1), after “state game reserve,”, insert “karst conservation reserve,”.
- (13) Section 81A (**Leases etc. subject to plan of management**):
- Omit “or state game reserve”, insert instead “ , state game reserve or karst conservation reserve”.

National Parks and Wildlife (Karst Conservation) Amendment 1991

SCHEDULE 1—AMENDMENTS—*continued*

- (14) Section 86 (**Offences relating to relics**):
In section 86 (c), (d) and (e), after “state game reserve” wherever occurring, insert “, karst conservation reserve”.
- (15) Section 88 (**The Australian Museum Trust to have custody of certain relics**):
In section 88, after “state game reserve,” wherever occurring, insert “karst conservation reserve,”.
- (16) Section 120 (**General licence**):
In section 120 (2), after “state game reserve,” insert “karst conservation reserve,”.
- (17) Section 122 (**Game licence**):
In section 122 (2) (b), after “nature reserve”, insert “, karst conservation reserve”.
- (18) Section 123 (**Trapper’s licence**):
In section 123 (2), after “state game reserve,”, insert “karst conservation reserve,”.
- (19) Section 129 (**Certain licences authorising shooting etc. in national parks etc.**):
- (a) From section 129 (a), omit “reserve or”, insert instead “reserve,”.
 - (b) In section 129 (a), after “state game reserve”, insert “or karst conservation reserve”.
- (20) Section 138 (**Payments into the Fund**):
After “state game reserve” wherever occurring, insert “, karst conservation reserve”.
- (21) Section 139 (**Payments out of the Fund**):
In section 139 (2) (e), after “state game reserve,”, insert “karst conservation reserve,”.
- (22) Section 140 (**Community service contribution**):
From section 140 (1), omit “or state game reserve”, insert instead “, state game reserve or karst conservation reserve”,

National Parks and Wildlife (Karst Conservation) Amendment 1991

SCHEDULE 1—AMENDMENTS—*continued*

- (23) Section 141 (**Payment of rates to rural lands protection boards in Western Division**):
- (a) Omit section 141 (1), insert instead:
 - (1) In this section, “board” means a rural lands protection board for a rural lands protection district within the meaning of the Rural Lands Protection Act 1989.
 - (b) From section 141 (2), omit “Part 3 of the Pastures Protection Act 1934”, insert instead “Part 4 of the Rural Lands Protection Act 1989”.
 - (c) From section 141 (2), omit “or state game reserves”, insert instead “, state game reserves or karst conservation reserves”.
- (24) Section 143 (**Charges and fees**):
- After “state game reserve”, insert “, karst conservation reserve”.
- (25) Section 144 (**Exemption from rates**):
- Omit “or state game reserve”, insert instead “, state game reserve or karst conservation reserve”.
- (26) Section 148 (**Power of Minister to accept gifts etc.**):
- From section 148 (4) (b), omit “or state game reserve”, insert instead “, state game reserve or karst conservation reserve”.
- (27) Section 149 (**Disposal of lands, gifts etc.**):
- From section 149 (2) (b), omit “or state game reserve”, insert instead “, state game reserve or karst conservation reserve”.
- (28) Section 151 (**Leases of and licences over lands in a national park, historic site, nature reserve, state game reserve or karst conservation reserve**):
- (a) From section 151 (1) (d), omit “or state game reserve”, insert instead “, state game reserve or karst conservation reserve”.

SCHEDULE 1—AMENDMENTS— *continued*

- (b) From section 151 (1) (d), omit “or 58A”, insert instead “, 58A or 58K”.
- (c) From section 151 (1) (e) and (f), omit “or state game reserve” wherever occurring, insert instead “, state game reserve or karst conservation reserve”.
- (29) Section 153 (Easements):**
Omit “or state game reserve” wherever occurring, insert instead “, state game reserve or karst conservation reserve”.
- (30) Section 155 (Regulations relating to parks):**
In section 155 (1), after “state game reserve”, insert “, karst conservation reserve”.
- (31) Section 160A (Removal of unauthorised structures and occupiers):**
In section 160A (1) (a), after “State game reserve,”, insert “karst conservation reserve,”.
- (32) Section 161 (Removal of vehicles obstructing traffic):**
In paragraph (a) of the definition of “prescribed land” in section 161 (1) (a), after “state game reserve,”, insert “karst conservation reserve”.
- (33) Section 162 (Impounding):**
After “state game reserve” wherever occurring, insert “, karst conservation reserve”.
- (34) Section 163 (Application of Dog Act 1966):**
In section 163 (2), after “state game reserve”, insert “, karst conservation reserve”.
- (35) Section 171 (Authority to take or kill etc.):**
- (a) In section 171 (1) (a) (i), after “state game reserve,”, insert “karst conservation reserve,”.
- (b) From section 171 (1) (b) and (c), omit “or state game reserve” wherever occurring, insert instead “, state game reserve or karst conservation reserve”.

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**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF
WILDERNESS ACT 1987— *continued***

(36) Section 177 (Compensation):

In section 177 (1) (a), after “state game reserve”, insert “, karst conservation reserve”.

(37) Section 181 (Evidentiary provisions etc.):

In section 181 (1), after “state game reserve,”, insert “karst conservation reserve,”.

(38) Section 185 (Catchment areas):

After “state game reserve” wherever occurring, insert “, karst conservation reserve”.

(39) Section 186 (Requirement for examination):

In section 186 (3), after “stategame reserves”, insert “, karst conservation reserves”.

**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF
WILDERNESS ACT 1987**

(Sec. 4)

Wilderness Act 1987 No. 196

(1) Section 2 (Definitions):

In the definition of “wilderness area” in section 2 (1), after “lands”, insert “(including subterranean lands)”.

(2) Section 8 (Declaration of wilderness areas):

In section 8 (1), after “land”, insert “(which may, but need not, be restricted to land that is wholly or predominantly subterranean land)”.

*[Minister's second reading speech made in—
Legislative Assembly on 2 1991
Legislative Council on 4 December 1991]*