



New South Wales

National Parks and Wildlife Amendment Regulation 2021

under the

National Parks and Wildlife Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

MATT KEAN, MP
Minister for Energy and Environment

Explanatory note

The objects of this Regulation are as follows—

- (a) to insert a new Division into Part 2 of the *National Parks and Wildlife Regulation 2019* to provide for the imposition and collection of fees and charges for entry to parks, and roads traversing parks, by motor vehicles, including provisions that—
 - (i) enable the Secretary of the Department of Planning, Industry and Environment (the **Secretary**) to determine fees and charges for entry to a park by motor vehicle and impose conditions relating to the payment of fees and charges, and
 - (ii) require determinations made by the Secretary to be published on the website of the Department of Planning, Industry and Environment, and
 - (iii) make it a condition of entry to a park by motor vehicle that a person must ensure the motor vehicle is removed from the park by a specified time and date or before the expiry of a specified period of time, and
 - (iv) require the applicable fees and charges to be displayed on a sign adjacent to the entrance to the relevant park or relevant part of the park, and
 - (v) create offences of failing to pay the applicable fee or charge or failing to ensure the motor vehicle by which a person entered the park is removed from the park by a specified time and date or before the expiry of a specified period of time, and
 - (vi) enable the Secretary to waive the requirement for a person or a class of persons to pay all or part of a fee or charge, and
 - (vii) create an offence of failing to display a valid receipt, ticket or pass to show that an applicable fee or charge has been paid,
- (b) to update references relating to the Secretary and the Secretary of the Department of Premier and Cabinet,
- (c) to prescribe additional offences as penalty notice offences and to prescribe persons employed in Service NSW and persons engaged by Service NSW or Transport for NSW under a contract for services as persons authorised to serve penalty notices,
- (d) to clarify that Mutawintji land includes the Mutawintji State Conservation Area,

(e) to make consequential amendments.

This Regulation is made under the *National Parks and Wildlife Act 1974*, including sections 154 (the general regulation-making power), 155, 156 and 192(1) and (6).

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1 Name of Regulation

This Regulation is the *National Parks and Wildlife Amendment Regulation 2021*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of National Parks and Wildlife Regulation 2019

[1] Whole Regulation (except where otherwise amended by this Schedule)

Omit “Chief Executive” and “Chief Executive’s” wherever occurring.

Insert instead “Secretary” and “Secretary’s”, respectively.

[2] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

DPC Secretary means the Secretary of the Department of Premier and Cabinet.

Secretary means the Secretary of the Department of Planning, Industry and Environment.

[3] Clause 6 Regulation by public or written notices

Omit clause 6(1)(d), (g) and (h). Insert in appropriate order—

- (d) impose fees and charges on persons—
 - (i) entering or using the park or a part of the park, other than by motor vehicle, or
 - (ii) using facilities in the park, or
 - (iii) driving animals who enter or use a public road or other road traversing the park,
- (d1) impose conditions relating to the payment of fees or charges imposed under paragraph (d),
- (d2) impose conditions on persons entering or using the park, a part of the park or facilities in the park,

[4] Clause 6(2)(f)

Omit “a vehicle or”. Insert instead “an”.

[5] Clause 10 Use of vehicles, animals, vessels and machines in parks

Omit clause 10(1)(c) and (6)(b).

[6] Part 2, Division 2A

Insert after Division 2—

Division 2A Fees and charges—motor vehicles

10A Definitions

In this Division—

applicable period of time and *applicable time and date*—see clause 10B(2).

park, when used as a noun, includes part of a park or a public road or other road traversing a park.

waiver determination—see clause 10H(1).

waiver pass—see clause 10H(4).

10B Secretary may determine fees and charges

- (1) The Secretary may, from time to time, determine fees or charges payable for entry by persons by motor vehicle to a park.
- (2) A determination of a fee or charge may—
 - (a) specify a corresponding time and date by which (the *applicable time and date*), or a period of time within which (the *applicable period of time*), a person entering the park by motor vehicle must ensure the motor vehicle by which the person entered the park is removed from the park, and
 - (b) impose conditions relating to the payment of fees or charges.
- (3) A copy of a determination made under this clause must be published on the website of the Department of Planning, Industry and Environment as soon as possible after the determination is made.

10C Conditions of entry to parks

- (1) It is a condition of entry to a park by motor vehicle by a person who has entered the park after paying a fee or charge determined under clause 10B(2)(a) that the person must ensure the motor vehicle is removed from the park by the applicable time and date or before the expiry of the applicable period of time.
- (2) The Secretary may, from time to time, make a determination imposing other conditions of entry on persons entering a park by motor vehicle.

10D Notification of fees and charges in parks

The Secretary is to ensure that the fees or charges determined under clause 10B are displayed in a public notice erected at or adjacent to each entrance to the park to which the fees or charges relate.

10E Issue of receipt, ticket or pass on payment of fee or charge

- (1) On payment of the fee or charge determined under clause 10B, a person is to be issued with a receipt, ticket or pass to show that the fee or charge for entry to the park has been paid.
- (2) The receipt, ticket or pass may be issued in an electronic form.

10F Entry without paying fees or charges

- (1) A person must not enter a park by motor vehicle without paying the fee or charge determined under clause 10B for the entry.
Maximum penalty—30 penalty units.
- (2) A person does not commit an offence under this clause if another person in the motor vehicle has paid the required fee or charge.
- (3) A park authority may, in a particular case, waive payment of a required fee or charge.
- (4) A person does not commit an offence under this clause for anything done or omitted to be done with the consent of a park authority and in accordance with conditions to which the consent is subject.

10G Failure to comply with conditions of entry

- (1) A person who has entered a park after paying a fee or charge determined under clause 10B(2)(a) must not park a motor vehicle in the park after the applicable time and date or after the expiry of the applicable period of time.

Maximum penalty—30 penalty units.

Note— Clause 3 provides that, when used as a verb, **park** means to park a vehicle or to cause or allow a vehicle to park, stand or wait.

- (2) A person must not fail to comply with a condition of entry determined under clause 10C(2).

Maximum penalty—30 penalty units.

- (3) A person does not commit an offence under this clause for anything done or omitted to be done with the consent of a park authority and in accordance with conditions to which the consent is subject.

10H Waiver determinations and waiver passes

- (1) The Secretary may, from time to time, determine to waive, in whole or part, the requirement for a person or a class of persons to pay a fee or charge determined under clause 10B (**waiver determination**).
- (2) A waiver determination may specify different categories of waiver.
- (3) A copy of a waiver determination must be published on the website of the Department of Planning, Industry and Environment as soon as possible after the determination is made.
- (4) A person may apply to the Secretary for a **waiver pass**, waiving, in whole or part, the requirement for the person to pay a fee or charge determined under clause 10B.
- (5) A waiver pass may be issued—
- (a) subject to conditions determined by the Secretary and notified in writing to the person to whom the waiver pass is issued, and
 - (b) in electronic or hard copy form.
- (6) A waiver pass must specify 1 or more motor vehicles that are subject to the pass.
- (7) The Secretary may vary or revoke a waiver pass at any time by written notice given to the person to whom the waiver pass has been issued.
- (8) To avoid doubt, a person who enters a park by motor vehicle does not commit an offence under clause 10F(1)—
- (a) if the driver or a passenger in the motor vehicle is the subject of a waiver determination, or
 - (b) if—
 - (i) the driver or a passenger in the motor vehicle and the motor vehicle are the subject of a valid waiver pass, and
 - (ii) the entry is in accordance with all conditions applying to the waiver pass.

10I Display of receipt, ticket or pass

- (1) A person who parks a motor vehicle in a park must ensure the motor vehicle clearly displays a valid receipt, ticket or pass to show that the fee or charge determined under clause 10B for entry to the park has been paid, unless—
- (a) the receipt, ticket or pass was issued in an electronic form, or
 - (b) the motor vehicle clearly displays a receipt, ticket or pass to show that a park authority has waived payment of a required fee or charge under clause 10F(3), or

- (c) the driver or a passenger in the motor vehicle is the subject of a waiver determination and the motor vehicle clearly displays a receipt, ticket or pass issued by the park authority to show that the motor vehicle was permitted to enter the park on that basis, or
- (d) the driver or a passenger in the motor vehicle and the motor vehicle are the subject of a valid waiver pass issued in an electronic form, or
- (e) the driver or a passenger in the motor vehicle and the motor vehicle are the subject of a valid waiver pass issued in hard copy form and the motor vehicle clearly displays the waiver pass.

Maximum penalty—30 penalty units.

Note— Clause 3 provides that, when used as a verb, **park** means to park a vehicle or to cause or allow a vehicle to park, stand or wait.

- (2) A person does not commit an offence under this clause for anything done or omitted to be done with the consent of a park authority and in accordance with conditions to which the consent is subject.

[7] Clause 54 Use of Mutawintji land for certain community development purposes

Omit “and Mutawintji Nature Reserve”.

Insert instead “, Mutawintji Nature Reserve and Mutawintji State Conservation Area”.

[8] Clauses 59, 60(4)(d), (9), note and (10)(c), 62 and 83(1)

Omit “Chief Executive” and “Chief Executive’s” wherever occurring.

Insert instead “DPC Secretary” and “DPC Secretary’s”, respectively.

[9] Schedule 1 Penalty notice offences

Insert at the end of paragraph (b)—

, and

- (c) the following classes of persons are prescribed—
 - (i) persons employed in Service NSW,
 - (ii) persons engaged by Service NSW or Transport for NSW under a contract for services.

[10] Schedule 1

Omit the matter relating to clause 10(1)(c). Insert in appropriate order—

Clause 10F(1) \$100

Clause 10G(1), for a person who parks a motor vehicle in a park after the applicable time and date or after the expiry of the applicable period of time—

- (a) for a period not exceeding 1 day, or \$100
- (b) for a period exceeding 1 day but not exceeding 3 days, or \$200
- (c) for a period exceeding 3 days, or \$300
- (d) for a period that is unable to be determined by an authorised officer. \$100

Clause 10G(2) \$100

Clause 10I(1) \$100