



New South Wales

# Great Koala Protected Area Bill 2021

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are to—

- (a) establish the Great Koala Protected Area and include certain land within it, and
- (b) require the Secretary of the Department of Planning, Industry and Environment (the *Department*) to include further land in the Great Koala Protected Area that is land within State forests or state conservation areas by reserving the land as, or as part of, a national park, regional park, nature reserve or Aboriginal area, and
- (c) require the Secretary to prepare a plan of management for the Great Koala Protected Area to ensure the Area is managed in a way that promotes the conservation and growth of the koala population and koala habitat, and
- (d) require the Secretary to prepare a transition plan for the inclusion of land as part of the Great Koala Protected Area to provide for—
  - (i) the transition of persons employed in connection with forestry operations on the land to alternative employment consistent with the principles of ecologically sustainable development, and
  - (ii) opportunities for developing public understanding and appreciation of heritage values associated with the koala population.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** provides for the proposed Act to bind the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

**Clause 4** sets out the main object of the proposed Act.

**Clause 5** defines certain words used in the proposed Act.

### Part 2 Great Koala Protected Area

#### Division 1 Establishment and management of Great Koala Protected Area

**Clause 6** establishes the Great Koala Protected Area. The Great Koala Protected Area is to consist of land specified in proposed Schedule 1 and land reserved under proposed section 11.

**Clause 7** provides that the primary purpose of the Great Koala Protected Area is to reverse the current trend of koala population decline by requiring land in the Area to be managed in a way that promotes the conservation and growth of the koala population and habitat (the *primary purpose*). The primary purpose applies to land within the Great Koala Protected Area in addition to the management principles, within the meaning of the *National Parks and Wildlife Act 1974*, that apply to the land. To the extent of an inconsistency between the primary purpose and the management principles, the primary purpose prevails.

**Clause 8** requires the Secretary to prepare a plan of management for the Great Koala Protected Area within 12 months of the commencement of the proposed Act. The plan of management must—

- (a) be consistent with the primary purpose, and
- (b) provide for certain matters specified in the proposed section.

The plan of management must state how the Secretary proposes to achieve the objectives and performance measures outlined in the plan. The plan of management applies to land within the Great Koala Protected Area in addition to a plan of management within the meaning of the *National Parks and Wildlife Act 1974* (a *secondary plan of management*). The plan of management made under the proposed section prevails over a secondary plan of management to the extent of an inconsistency.

**Clause 9** sets out requirements that must be met by the Secretary of the Department (the *Secretary*) before approving the plan of management. The Secretary may approve the plan of management without changes or with changes in response to comments and submissions received. The approved plan of management must be published on a website maintained by the Department.

**Clause 10** requires the Minister administering the *National Parks and Wildlife Act 1974* and authorised officers appointed under that Act to exercise functions under the proposed Act in relation to land included in the Great Koala Protected Area consistently with the plan of management.

#### Division 2 Reservation of State forests and state conservation areas

**Clause 11** requires the Secretary to reserve land specified in proposed Schedule 2 as one of the following, or as part of one of the following, within 2 years of the commencement of the proposed Act—

- (a) a national park,
- (b) a regional park,
- (c) a nature reserve,
- (d) an Aboriginal area.

On the date the land is reserved under the proposed section, the dedication of the land as State forest or state conservation area is revoked and the land becomes part of the Great Koala Protected Area. The land is taken to have been reserved under the *National Parks and Wildlife Act 1974*, Part 4, Division 1.

The proposed section applies despite provisions of the *National Parks and Wildlife Act 1974* and the *Forestry Act 2012* relating to the reservation of land and the revocation of the dedication of land as State forest. A reservation under the proposed section does not apply to the part of a State forest specified in proposed Schedule 2 that is a plantation, within the meaning of the *Forestry Act 2012*, section 4.

**Clause 12** provides for licences or permits under the *Forestry Act 2012* affecting—

- (a) land within a national park or nature reserve specified in proposed Schedule 1 to be cancelled on the commencement of the proposed Act, and
- (b) land reserved under proposed section 11 as a national park or nature reserve to be cancelled on the date the land is reserved.

### **Division 3      Transition plan**

**Clause 13** requires the Secretary to prepare a transition plan for the inclusion of land specified in proposed Schedule 2 as part of the Great Koala Protected Area. The transition plan must be prepared within 12 months of the commencement of the proposed Act. The transition plan must be consistent with the primary purpose. The transition plan must also provide for—

- (a) the transition of persons employed in connection with forestry operations on relevant land (*relevant persons*) to alternative employment, consistent with the principles of ecologically sustainable development, and
- (b) opportunities for developing public understanding and appreciation of heritage values associated with the koala population.

The transition plan ceases to apply to the land on the date the land is reserved under proposed section 11.

**Clause 14** sets out requirements that must be met by the Secretary before approving the transition plan. The Secretary may approve the transition plan without changes or with changes made in response to comments and submissions received. The approved transition plan must be—

- (a) tabled in each House of Parliament within 1 month after the day on which the transition plan is approved, and
- (b) published on a website maintained by the Department.

The proposed section requires Ministers administering the *National Parks and Wildlife Act 1974* and the *Forestry Act 2012* to have regard to the transition plan in carrying out functions under the Acts.

**Clause 15** provides that Parliament recommend the appropriation of funds out of the Consolidated Fund to support the implementation of the transition plan and the compensation of relevant persons.

## **Schedule 1      NPW reserved land included in Great Koala Protected Area**

**Schedule 1** specifies NPW reserved land that is to be included in the Great Koala Protected Area.

## **Schedule 2      Land to be reserved and included in Great Koala Protected Area**

**Schedule 2** specifies State forests and state conservation areas that are to be reserved under proposed section 11 and included in the Great Koala Protected Area.



New South Wales

# Great Koala Protected Area Bill 2021

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The Legislature of New South Wales enacts— 1

## Part 1 Preliminary 2

### 1 Name of Act 3

This Act is the *Great Koala Protected Area Act 2021*. 4

### 2 Commencement 5

This Act commences on the date of assent to this Act. 6

### 3 Act binds Crown 7

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities. 8  
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### 4 Main object of Act 11

The main object of this Act is to conserve and grow the koala population and habitat, including by— 12  
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(a) establishing the Great Koala Protected Area, and 14

(b) requiring the Secretary to— 15

(i) reserve certain State forests and state conservation areas as, or as part of, a national park, regional park, nature reserve or Aboriginal area, and 16  
17

(ii) include the land in the Great Koala Protected Area, and 18

(iii) prepare a plan of management for the Great Koala Protected Area, and 19

(iv) prepare a transition plan for the inclusion of land as part of the Great Koala Protected Area. 20  
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### 5 Definitions 22

In this Act— 23

*Aboriginal area* has the same meaning as in the *National Parks and Wildlife Act 1974*. 24  
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*Department* means the Department of Planning, Industry and Environment. 26

*forestry operations* has the same meaning as in the *Forestry Act 2012*. 27

*Great Koala Protected Area*—see section 6. 28

*national park* has the same meaning as in the *National Parks and Wildlife Act 1974*. 29

*nature reserve* has the same meaning as in the *National Parks and Wildlife Act 1974*. 30

*primary purpose*—see section 7. 31

*regional park* has the same meaning as in the *National Parks and Wildlife Act 1974*. 32

*relevant persons* means persons employed in connection with forestry operations on land reserved under section 11. 33  
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*NPW reserved land* means land reserved by the Governor under the *National Parks and Wildlife Act 1974*, section 30A, as— 35  
36

(a) a national park, or 37

(b) a regional park, or 38

(c) a nature reserve, or 39

(d) an Aboriginal area. 40

*Secretary* means the Secretary of the Department. 41



*state conservation area* has the same meaning as in the *National Parks and Wildlife Act 1974*.

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*State forest* has the same meaning as in the *Forestry Act 2012*.

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**Note—** The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

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<b>Part 2</b>	<b>Great Koala Protected Area</b>	1
<b>Division 1</b>	<b>Establishment and management of Great Koala Protected Area</b>	2
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<b>6</b>	<b>Establishment of Great Koala Protected Area</b>	4
(1)	The Great Koala Protected Area is established.	5
(2)	The Great Koala Protected Area is to consist of—	6
(a)	NPW reserved land specified in Schedule 1, and	7
(b)	land reserved under section 11.	8
<b>7</b>	<b>Management of Great Koala Protected Area</b>	9
(1)	The purpose of the Great Koala Protected Area is to reverse the current trend of koala population decline by requiring land in the Great Koala Protected Area to be managed in a way that promotes the conservation and growth of the koala population and habitat (the <i>primary purpose</i> ).	10 11 12 13
(2)	The primary purpose applies to land within the Great Koala Protected Area in addition to the management principles that apply to the land, but prevails over the principles to the extent of an inconsistency.	14 15 16
(3)	In this section— <i>management principles</i> has the same meaning as in the <i>National Parks and Wildlife Act 1974</i> .	17 18 19
<b>8</b>	<b>Plan of management for Great Koala Protected Area</b>	20
(1)	The Secretary must prepare a plan of management for the Great Koala Protected Area within 12 months of the commencement of this Act.	21 22
(2)	The plan of management must—	23
(a)	be consistent with the primary purpose, and	24
(b)	provide for the following matters—	25
(i)	the conservation of the koala population, including the conservation of koala habitat,	26 27
(ii)	the prohibition of works and activities that may harm the koala population or damage koala habitat,	28 29
(iii)	the encouragement of research into land management principles that support the conservation of the koala population and koala habitat,	30 31
(iv)	the use of the Great Koala Protected Area for the purposes of scientific research into initiatives to promote the interests of the koala population,	32 33
(v)	a written scheme of operations in relation to how the Great Koala Protected Area is to be managed consistently with the primary purpose.	34 35
(3)	The plan of management must also state how the Secretary proposes to achieve the plan's objectives and performance measures.	36 37
(4)	The plan of management applies to land within the Great Koala Protected Area in addition to a secondary plan of management that applies to the land, but prevails over the secondary plan of management to the extent of an inconsistency.	38 39 40
(5)	In this section— <i>secondary plan of management</i> means a plan of management within the meaning of the <i>National Parks and Wildlife Act 1974</i> .	41 42 43

<b>9 Making of plan of management</b>	1
(1) Before approving the plan of management, the Secretary must do the following—	2
(a) publish a draft plan on a website maintained by the Department,	3
(b) invite comments and submissions on the draft plan within 28 days from the date of publication,	4
(c) consider all comments and submissions received.	5
(2) The Secretary may approve the plan of management—	6
(a) without changes, or	7
(b) with changes made in response to comments and submissions received.	8
(3) The approved plan of management must be published on a website maintained by the Department.	9
<b>10 Operations under plan of management</b>	10
The following persons must exercise functions under the <i>National Parks and Wildlife Act 1974</i> in relation to land included in the Great Koala Protected Area consistently with the plan of management for the Great Koala Protected Area—	11
(a) the Minister administering the <i>National Parks and Wildlife Act 1974</i> ,	12
(b) authorised officers appointed under that Act.	13
<b>Division 2 Reservation of State forests and state conservation areas</b>	14
<b>11 Reservation of certain State forests and state conservation areas</b>	15
(1) This section applies despite—	16
(a) the <i>National Parks and Wildlife Act 1974</i> , Part 4, and	17
(b) the <i>Forestry Act 2012</i> , section 15.	18
(2) The Secretary must, within 2 years of the commencement of this Act, reserve land dedicated as State forest or state conservation area and specified in Schedule 2 as one of the following or as part of one of the following—	19
(a) a national park,	20
(b) a regional park,	21
(c) a nature reserve,	22
(d) an Aboriginal area.	23
(3) On the date land is reserved under this section—	24
(a) the dedication of the land as State forest or state conservation area is revoked, and	25
(b) the land becomes part of the Great Koala Protected Area.	26
(4) Land reserved under this section is taken to have been reserved by the Governor under the <i>National Parks and Wildlife Act 1974</i> , Part 4, Division 1.	27
(5) Despite subsection (2), a reservation under this section does not apply to the part of a State forest specified in Schedule 2 that is a plantation.	28
(6) In this section—	29
<i>plantation</i> has the same meaning as in the <i>Forestry Act 2012</i> , section 4.	30

<b>12 Licences and permits under Forestry Act 2012</b>	1
Despite the <i>National Parks and Wildlife Act 1974</i> , sections 42(2) and 55(2), a licence or permit under the <i>Forestry Act 2012</i> affecting—	2
(a) land within a national park or nature reserve specified in Schedule 1—is cancelled on the commencement of this Act, and	3
(b) land reserved under section 11 as a national park or nature reserve—is cancelled on the date the land is reserved under that section.	4
	5
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<b>Division 3 Transition plan</b>	8
<b>13 Transition plan for inclusion of State forest in Great Koala Protected Area</b>	9
(1) The Secretary must, within 12 months of the commencement of this Act, prepare a transition plan for the inclusion of land specified in Schedule 2 as part of the Great Koala Protected Area.	10
(2) The transition plan must—	11
(a) be consistent with the primary purpose, and	12
(b) provide for the following matters—	13
(i) the transition of relevant persons to alternative employment consistent with the principles of ecologically sustainable development,	14
(ii) opportunities for developing public understanding and appreciation of heritage values associated with the koala population, including—	15
(A) opportunities for sustainable visitor or tourist use and enjoyment of the land, and	16
(B) the development of educational programs about the conservation of the koala population and koala habitat.	17
(3) The transition plan ceases to apply to the land on the date the land is reserved under section 11.	18
(4) In this section—	19
<i>ecologically sustainable development</i> has the same meaning as in the <i>Protection of the Environment Administration Act 1991</i> , section 6(2).	20
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	22
	23
	24
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<b>14 Making of transition plan</b>	29
(1) Before approving the transition plan, the Secretary must do the following—	30
(a) publish a draft plan on a website maintained by the Department,	31
(b) invite comments and submissions on the draft plan within 28 days from the date of publication,	32
(c) consider all comments and submissions received.	33
(2) The Secretary may approve the transition plan—	34
(a) without changes, or	35
(b) with changes made in response to comments and submissions received.	36
(3) The approved transition plan must—	37
	38

- (a) be tabled in each House of Parliament within one month after the day on which the transition plan is approved, and 1
  - (b) be published on a website maintained by the Department. 2
- (4) Ministers administering the *National Parks and Wildlife Act 1974* and *Forestry Act 2012* must have regard to the transition plan in carrying out functions under the Acts. 3
- 15 Implementation of transition plan** 4
- Parliament recommends the appropriation of funds out of the Consolidated Fund to support— 5
- (a) the implementation of the transition plan, and 6
  - (b) the compensation of relevant persons. 7
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<b>Schedule 1</b>	<b>NPW reserved land included in Great Koala Protected Area</b>	1
		2
	section 6	3
<b>1</b>	<b>National parks</b>	4
	Bellinger River National Park	5
	Bindarri National Park	6
	Bongil Bongil National Park	7
	Cascade National Park	8
	Chaelundi National Park	9
	Dorrigo National Park	10
	Dunggir National Park	11
	Gumbaynggirr National Park	12
	Guy Fawkes River National Park	13
	New England National Park	14
	Nymboi-Binderay National Park	15
	Ulidarra National Park	16
	Yarriabini National Park	17
	Yuraygir National Park	18
<b>2</b>	<b>Regional parks</b>	19
	Coffs Coast Regional Park	20
<b>3</b>	<b>Nature reserves</b>	21
	Baalijin Nature Reserve	22
	Bagul Waajaarr Nature Reserve	23
	Bollanolla Nature Reserve	24
	Bowraville Nature Reserve	25
	Byrnes Scrub Nature Reserve	26
	Coramba Nature Reserve	27
	Deer Vale Nature Reserve	28
	Garby Nature Reserve	29
	Hortons Creek Nature Reserve	30
	Jaaningga Nature Reserve	31
	Jagun Nature Reserve	32
	Jobs Mountain Nature Reserve	33
	Juugawaarri Nature Reserve	34
	Kororo Nature Reserve	35
	Moonee Beach Nature Reserve	36

Muldiva Nature Reserve	1
Muttonbird Island Nature Reserve	2
Ngambaa Nature Reserve	3
Pee Dee Nature Reserve	4
Sherwood Nature Reserve	5
Skillion Nature Reserve	6
Valla Nature Reserve	7
Yarravel Nature Reserve	8
<b>4 Aboriginal areas</b>	<b>9</b>
Nambucca Aboriginal area	10
Nunguu Mirral Aboriginal Area	11

<b>Schedule 2</b>	<b>Land to be reserved and included in Great Koala Protected Area</b>	1
		2
	section 11	3
<b>1</b>	<b>State forests</b>	4
	Bagawa State Forest	5
	Boambee State Forest	6
	Boundary Creek State Forest	7
	Buckra Bendinni State Forest	8
	Chaelundi State Forest	9
	Clouds Creek State Forest	10
	Collombatti State Forest	11
	Conglomerate State Forest	12
	Diehappy State Forest	13
	Ellis State Forest	14
	Gladstone State Forest	15
	Gundar State Forest	16
	Hyland State Forest	17
	Ingalba State Forest	18
	Irishman State Forest	19
	Kangaroo River State Forest	20
	Little Newry State Forest	21
	Lower Bucca State Forest	22
	Marara State Forest	23
	Marengo State Forest	24
	Mistake State Forest	25
	Moonpar State Forest	26
	Muldiva State Forest	27
	Nambucca State Forest	28
	Nana Creek State Forest	29
	Never Never State Forest	30
	Newry State Forest	31
	Nulla-Five Day State Forest	32
	Oakes State Forest	33
	Old Station State Forest	34
	Orara East State Forest	35
	Orara West State Forest	36



Pee Dee State Forest	1
Pine Creek State Forest	2
Roses Creek State Forest	3
Scotchman State Forest	4
Sheas Nob State Forest	5
Tamban State Forest	6
Tarkeeth State Forest	7
Thumb Creek State Forest	8
Tuckers Nob State Forest	9
Viewmont State Forest	10
Way Way State Forest	11
Wedding Bells State Forest	12
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<b>2 State conservation areas</b>	14
Bindarri State Conservation Area	15
Cascade State Conservation Area	16
Chaelundi State Conservation Area	17
Gumbaynggirr State Conservation Area	18
Guy Fawkes River State Conservation Area	19
Nymboi-Binderay State Conservation Area	20
Yarriabini State Conservation Area	21