



New South Wales

National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2010

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *National Parks and Wildlife Act 1974* (the *Principal Act*) to revoke the reservation of certain land currently reserved as part of Beni State Conservation Area and Gwydir River State Conservation Area.

Outline of provisions

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.

Schedule 1 **Amendment of National Parks and Wildlife Act 1974 No 80**

Schedule 1 inserts proposed Schedule 2 into the Principal Act, which revokes the reservation or dedication of certain land under the Principal Act. It also inserts proposed Part 1 of Schedule 2, which contains the provisions specifically relating to

the proposed Act. Proposed clause 1 of Schedule 2 revokes the reservation of land that is part of Beni State Conservation Area (being approximately 1.47 hectares) and vests that land in Dubbo City Council.

Proposed clause 2 of Schedule 2 revokes the reservation of land that is part of Gwydir River State Conservation Area (being approximately 140 hectares) and vests that land in the State Water Corporation. However, proposed clause 2 (3) of Schedule 2 provides that the revocation and vesting do not have effect until a day appointed by the Minister by notice published in the Gazette. Proposed clause 2 (4) and (5) of Schedule 2 provide that the Minister must not publish such a notice until other land has been transferred into the national park estate as compensation for the excision of the land within Gwydir River State Conservation Area.

Schedule 2 Amendment of Native Title (New South Wales) Act 1994 No 45

Schedule 2 makes a consequential amendment to section 104A of the *Native Title (New South Wales) Act 1994*, which saves native title rights and interests with respect to the vesting of land in state conservation areas.

First print



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National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2010

No. , 2010

A Bill for

An Act to amend the *National Parks and Wildlife Act 1974* to revoke the reservation of certain land currently reserved as part of Beni State Conservation Area and Gwydir River State Conservation Area.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>National Parks and Wildlife Amendment (Adjustment of Areas) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1	Amendment of National Parks and Wildlife Act 1974 No 80	1
		2
Schedule 2		3
Insert before Schedule 3:		4
Schedule 2	Revocation of reservation or dedication of certain land	5
		6
Part 1	Revocations under the National Parks and Wildlife Amendment (Adjustment of Areas) Act 2010	7
		8
		9
1	Revocation in Beni State Conservation Area	10
(1)	The reservation under this Act as state conservation area of land within Lot 2, DP 1155597, being part of Beni State Conservation Area, is revoked.	11 12 13
(2)	On the revocation of the reservation as state conservation area of land described in subclause (1), that land is vested in Dubbo City Council for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, rights of way or other easements.	14 15 16 17 18
2	Revocation in Gwydir River State Conservation Area	19
(1)	The reservation under this Act as state conservation area of land within Lot 3, DP 1156300, being part of Gwydir River State Conservation Area, is revoked.	20 21 22
(2)	On the revocation of the reservation as state conservation area of land described in subclause (1), that land is vested in the State Water Corporation for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests, rights of way or other easements.	23 24 25 26 27
(3)	The revocation and vesting referred to in this clause do not have effect until a day appointed by the Minister by notice published in the Gazette.	28 29 30
(4)	The Minister must not publish a notice under subclause (3) unless other land has been transferred into the national park estate as compensation for the excision of the land described in subclause (1) (being other land that is, in the opinion of the Minister, of equal or greater conservation value).	31 32 33 34 35

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Schedule 1 Amendment of National Parks and Wildlife Act 1974 No 80

- (5) For the purposes of subclause (4), the national park estate
comprises land reserved under this Act or land acquired by the
Minister under Part 11 of this Act for the purposes of its
reservation under this Act. 1
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Schedule 2 Amendment of Native Title (New South Wales) Act 1994 No 45 1
2

Section 104A Saving of native title rights and interests with respect to national parks and other reservations, dedications or declarations 3
4

Omit “or the *National Parks and Wildlife (Adjustment of Areas) Act 2006*,” from section 104A (1) (a). 5
6

Insert instead “, the *National Parks and Wildlife (Adjustment of Areas) Act 2006* or Schedule 2 to the *National Parks and Wildlife Act 1974*,”. 7
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