

[Act 1996 No 58]



New South Wales

National Parks and Wildlife Amendment Bill 1995

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 NPW Act):

- to create a new category of land reserved under that Act (referred to as regional parks), the primary purpose of which will be the provision of open space and recreation opportunities, and
- to extend the regulatory and administrative provisions of the NPW Act to regional parks, and
- to provide for the management of regional parks by the Director-General of National Parks and Wildlife or by regional park trusts in certain cases, and
- to modify and improve the provisions of the NPW Act relating to the reservation of land as state recreation areas, and to bring the provisions relating to the management of those areas by trustees into line with the proposed provisions relating to regional parks.

* Amended in committee—see table at end of volume.

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 a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments to the *National Parks and Wildlife Act 1974*.

Clause 4 is a formal provision giving effect to the Schedule of amendments to other Acts.

Schedule 1 Amendment of National Parks and Wildlife Act 1974

Schedule 1 [1] provides definitions for the purposes of the Bill. The term *regional park* refers to land reserved as a regional park under the Bill. The definitions also include *SRA trust* (ie a corporation constituted as trustee of a state recreation area) and *regional park trust* (ie a corporation constituted as trustee of a regional park).

Schedule 1 [2]–[12] and [26]–[59] insert appropriate references to regional parks in existing provisions of the NPW Act dealing with such matters as the powers and functions of the Director-General, the National Parks and Wildlife Service and the National Parks and Wildlife Advisory Council, the preparation, content and adoption of plans of management and operations under those plans, the protection of relics, the financial operations of the National Parks and Wildlife Service, regulations relating to the use of parks and compensation with respect to offences. As a result of these amendments, most of the regulatory and administrative provisions of the NPW Act will apply to or in respect of regional parks.

A number of these amendments also apply to state recreation areas so as to bring the administration and regulation of SRAs into line with regional parks and other land dedicated or reserved under the NPW Act.

Schedule 1 [13]–[23] modify the existing provisions of the NPW Act relating to the reservation of land as state recreation areas. These amendments generally provide for the reservation of state recreation areas to be along similar lines to how other land is reserved or dedicated under the NPW Act (including the manner in which regional parks are to be reserved). The status of state recreation areas under the NPW Act is not affected, only the manner in which such areas are reserved and managed.

Consistent with the proposed provisions relating to regional parks, the care, control and management of SRAs will vest in the Director-General or in an SRA trust constituted as trustee. The affairs of such a trust will be managed by a trust board, and the trust will be required to report to the Director-General.

Schedule 1 [24] provides for certain state recreation areas (currently under the administration of the Minister for Land and Water Conservation) to become reserves under the *Crown Lands Act 1989* when proposed section 47N commences.

Schedule 1 [25] inserts proposed Division 1B of Part 4 of the NPW Act. The new Division provides for the reservation of certain land (eg Crown land and reserves under the *Crown Lands Act 1989*) as regional parks, the naming of regional parks, the disallowance of the reservation of land as regional parks, and for the constitution of regional park trusts. If constituted in respect of a regional park, a trust will have the care, control and management of the park, and its affairs will be managed by a trust board appointed by the Minister. Generally, the provisions relating to regional parks are consistent with the existing provisions of the NPW Act relating to other categories of land that are reserved or dedicated under the Act.

Schedule 1 [60] contains transitional provisions that continue the former trustees of a state recreation area as the relevant SRA trust, and a regulation making power enabling regulations to be made containing provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [61] replaces Schedule 9A of the NPW Act (which currently deals with the management of state recreation areas by trustees) with a Schedule providing for the transfer of assets, rights and liabilities in circumstances when land is reserved as a state recreation area or regional park, or when a SRA trust or regional park trust is dissolved, or when those state recreation areas currently under the administration of the Minister for Land and Water Conservation are converted to reserves under the *Crown Lands Act 1989* pursuant to proposed section 47N.

Proposed Schedule 10 contains provisions relating to the membership and procedure of SRA and regional park trust boards.

Schedule 2 Amendment of other Acts

Schedule 2 contains amendments to various Acts that are consequential on the creation of the new category of reserved land under the NPW Act (namely regional parks).