

New South Wales

Forestry (Darling Mills State Forest Revocation) Bill 2004

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to revoke the dedication of Darling Mills State Forest as a State forest (and part of a national forest) pursuant to section 19A of the *Forestry Act 1916*, and
- (b) to dedicate that land as part of the Bidjigal Reserve.

In accordance with the terms of the *Bidjigal Reserve Deed of Agreement*, executed on 4 December 2003, and pursuant to section 82 of the *Crown Lands Act 1989*, an abstract of the proposed dedication of land (apart from the Darling Mills State Forest) comprising the Bidjigal Reserve, was tabled before both Houses of Parliament on 31 August 2004. The proposed dedication of land for the preservation of Aboriginal cultural heritage, preservation of flora and fauna and public recreation was published in the Gazette on 13 August 2004. An erratum notice correcting the description of the land was published in the Gazette on 10 September 2004 and tabled before both Houses of Parliament on 19 October 2004.

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 defines a term used in the proposed Act.

Clause 4 revokes the dedication as a State forest of Darling Mills State Forest (being part of a national forest).

Clause 5 confirms that the land the subject of that revocation is vested in the Crown as Crown land.

Clause 6 dedicates the land the subject of that revocation as part of the Bidjigal Reserve and validates the dedication of the other land comprising the Bidjigal Reserve.

Clause 7 provides that any *existing interest*, such as any lease, licence or permit, will continue in force under the *Forestry Act 1916* until that interest is cancelled, suspended or expires.

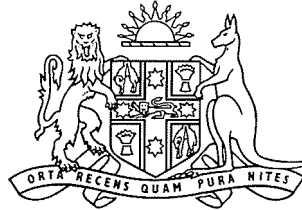
Clause 8 provides that the proposed Act binds the Crown.

Clause 9 provides that the proposed Act applies despite the provisions of the *Forestry Act 1916* and the *Crown Lands Act 1989*.

Clause 10 provides that a revocation effected by the proposed Act does not affect anything done or omitted before the commencement of the proposed section.

Schedule 1 Addition to Bidjigal Reserve

Schedule 1 describes the land comprising the Darling Mills State Forest.



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No. , 2004

A Bill for

An Act to revoke the dedication of Darling Mills State Forest as a State forest (and part of a national forest) and to dedicate that land as part of the Bidjigal Reserve; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Forestry (Darling Mills State Forest Revocation) Act 2004</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6
3 Definition	7
In this Act:	8
<i>State forest</i> means land dedicated under the <i>Forestry Act 1916</i> (or under the former <i>Forestry Act 1909</i>) as a State forest, being a dedication that is in force.	9 10 11
4 Revocation of dedication as State forest of certain area of national forest	12
(1) The dedication as a State forest of the land described in Schedule 1 is revoked.	13 14
(2) Any notification under section 19A of the <i>Forestry Act 1916</i> that declared, as a national forest, the area of State forest whose dedication is revoked by subsection (1), is also revoked by this Act, but only to the extent to which it relates to national forests or parts of national forests situated within the land referred to in that subsection.	15 16 17 18 19
5 Former State forest to be subject to Crown Lands Act 1989	20
The land described in Schedule 1 is vested in the Crown as Crown land and is subject to the <i>Crown Lands Act 1989</i> , except as provided by section 7.	21 22 23
6 Dedication of former State forest as part of Bidjigal Reserve	24
(1) The land described in Schedule 1 is dedicated under the <i>Crown Lands Act 1989</i> as part of the Bidjigal Reserve, reserve number D1010489.	25 26
(2) The requirements of section 82 of the <i>Crown Lands Act 1989</i> are taken to have been complied with in respect of all land that is part of the Bidjigal Reserve including the land described in the Erratum, published in Gazette No 143 of 10 September 2004 at page 7498, that corrects the notice entitled <i>Proposed Dedication of Crown Land for a Public Purpose</i> , published in Gazette No 134 of 13 August 2004 at page 6559.	27 28 29 30 31 32

7 Existing interests	1
(1) An existing interest continues in force under the <i>Forestry Act 1916</i> until the existing interest is cancelled, surrendered or expires (whichever occurs first) and the <i>Forestry Act 1916</i> continues to apply in respect of the existing interest until it is cancelled, surrendered or expires.	2 3 4 5
(2) The administration of existing interests is vested in the Minister administering the <i>Crown Lands Act 1989</i> .	6 7
(3) For the purposes of subsection (2), the Minister administering the <i>Crown Lands Act 1989</i> has the powers, functions, authorities and duties of the Minister administering the <i>Forestry Act 1916</i> .	8 9 10
(4) In this section, <i>existing interest</i> means a lease, easement, licence, permit, occupancy, authority or authorisation under the <i>Forestry Act 1916</i> :	11 12 13
(a) affecting any of the land described in Schedule 1, and	14
(b) current and in force immediately before the commencement of this section.	15 16
8 Act to bind Crown	17
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.	18 19 20
9 Application of this Act	21
(1) This Act has effect despite the provisions of the <i>Forestry Act 1916</i> and, in particular, despite any different procedure for the revocation of State forests or national forests under that Act.	22 23 24
(2) This Act has effect despite the provisions of the <i>Crown Lands Act 1989</i> and, in particular, despite any different procedure for dedicating land under that Act.	25 26 27
10 Saving	28
A revocation effected by this Act does not affect anything done or omitted to be done before the commencement of this section.	29 30

Schedule 1 Addition to Bidjigal Reserve

Schedule 1 Addition to Bidjigal Reserve

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(Sections 4 (1), 5, 6 (1) and 7 (4))

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The area being Darling Mills State Forest No 1038, named by Gazette notification on 26 October 1984, dedicated as Cumberland State Forest No 869, No 3 Extension by proclamation published in the Gazette on 29 July 1955, and declared part of the Cumberland National Forest No 18, No 2 Extension by notification published in the Gazette on 22 May 1964, in the Parish of Field of Mars, County of Cumberland and being the land that remains so dedicated immediately before the commencement of this Act.

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