

**National Parks and Wildlife
Amendment (Jenolan Caves Reserves)
Bill 2005**

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**):

- (a) to transfer the assets, rights and liabilities of the Jenolan Caves Reserve Trust (**the Trust**) to the Director-General of the Department of Environment and Conservation (**the Director-General**), and
 - (b) to vest the care, control and management of Jenolan Caves Reserve Trust lands (currently vested in the Trust) in the Director-General and preserve the karst conservation reserve status of those lands, and
 - (c) to make provision for the continued management of certain areas of those lands (to be referred to as **the Jenolan Caves Visitor Use and Services Zone**) by an administrator of the Trust for an interim period, and
 - (d) to dissolve the Trust and transfer the staff of the Trust to the Department of Environment and Conservation (**the Department**), and
 - (e) to establish a Karst Management Advisory Committee to advise the National Parks and Wildlife Advisory Council on matters relating to the conservation and management of karst environments, and
 - (f) to require certain leases and licences relating to land within karst conservation reserves to include conditions requiring the environmental performance of the lessees and licensees to be measured against environmental performance indicators contained in the plan of management for the land concerned, and to provide for their environmental performance to be monitored and reported on.
- The Bill also makes a number of consequential amendments to the Principal Act and the legislation referred to in Schedule 2 to the Bill.

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 that gives effect to the amendments to the *National Parks and Wildlife Act 1974* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the Acts and Regulation set out in Schedule 2.

Schedule 1 Amendment of National Parks and Wildlife Act 1974

Schedule 1 [8] repeals Division 8 of Part 4 of the Principal Act which (among other things) reserves certain lands as the Abercrombie, Jenolan and Wombeyan Karst Conservation Reserves and establishes the Jenolan Caves Reserve Trust to have the care, control and management of the lands so reserved.

Schedule 1 [24] inserts new Part 6 (proposed clauses 45–59) into Schedule 3 to the Principal Act (Savings, transitional and other provisions) consequential on the proposed repeal of Division 8 of Part 4. In particular (but subject to proposed clause 58 which makes provision for the management of the Jenolan Caves Visitor Use and Services Zone by an administrator of the Trust for an interim period):

- (a) proposed clause 48 transfers to the Director-General the care, control and management of the land that was Jenolan Caves Reserve Trust land immediately before the repeal of the provision establishing the Trust and proposed clauses 53 and 54 continue the karst conservation reserve status of

that land under the Principal Act,

(b) proposed clause 49 transfers the assets, rights and liabilities of the Trust to the Director-General,

(c) proposed clause 50 transfers the staff of the Trust to the Department and provides for the retention of existing leave entitlements and (until such time as provision is otherwise made under any Act or law) for employment of the staff in accordance with the industrial instrument or determination that applied to them as staff of the Trust,

(d) proposed clause 55 provides for the closing of any accounts maintained by the Trust and the transfer of account funds to the National Parks and Wildlife Fund.

Proposed clause 57 makes provision for the modified operation of certain of the proposed clauses consequent on proposed clause 58.

Schedule 1 [1]–[4], [7], [9]–[15], [18]–[22] and [26] make amendments consequential on the amendment made by Schedule 1 [8].

Schedule 1 [6] inserts new Division 4 (proposed sections 29 and 30) into Part 3 of the Principal Act. New section 29 constitutes the Karst Management Advisory Committee comprising a Chairperson (who is to be the Director-General or a member of staff of the Department nominated for the time being by the Director-General) and 8 other persons appointed by the Minister. Under new section 30, the function of the Committee is to advise the National Parks and Wildlife Advisory Council on matters generally relating to the conservation and management of karst environments.

Schedule 1 [16] and [17] amend sections 151 and 151B of the Principal Act to require certain leases and licences relating to land under those sections within a karst conservation reserve to contain conditions requiring the environmental performance of the lessees and licensees to be measured against environmental performance indicators set out in the plan of management for the land. The amendments also require the Director-General to monitor the environmental performance of such lessees and licensees as measured against those indicators and to report on the results of that monitoring.

Schedule 1 [25] substitutes Schedule 4 to the Principal Act. New Schedule 4 contains formal provisions with respect to the members and procedure of the Karst Management Advisory Committee.

Schedule 1 [5] amends section 24 of the Principal Act to make it clear that the additional advisory committees that may be constituted under section 24 (3) are to be constituted by the Minister.

Schedule 1 [23] allows regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed Act.

Schedule 2 Amendment of other legislation

Schedule 2.1–2.7 make amendments to certain Acts and a Regulation consequential on the amendment made by Schedule 1 [8] (discussed above).