



New South Wales

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).



New South Wales

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New South Wales

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

No. , 2005

A Bill for

An Act to amend the *National Parks and Wildlife Act 1974* to dissolve the Jenolan Caves Reserve Trust and to establish a Karst Management Advisory Committee; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>National Parks and Wildlife Amendment (Jenolan Caves Reserves) Act 2005</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6
3 Amendment of National Parks and Wildlife Act 1974 No 80	7
The <i>National Parks and Wildlife Act 1974</i> is amended as set out in Schedule 1.	8 9
4 Amendment of other legislation	10
The Acts and Regulation specified in Schedule 2 are amended as set out in that Schedule.	11 12

Schedule 1	Amendment of National Parks and Wildlife Act 1974	1
		2
	(Section 3)	3
[1]	Section 5 Definitions	4
	Omit the definitions of <i>Jenolan Caves Reserve Trust</i> , <i>Jenolan Caves Reserve Trust lands</i> , <i>member of the Jenolan Caves Reserve Trust Board</i> and <i>officer of the Jenolan Caves Reserve Trust</i> from section 5 (1).	5 6 7
[2]	Section 8 Miscellaneous functions of Director-General	8
	Omit “, prospective honorary rangers and (with the concurrence of the Jenolan Caves Reserve Trust) officers of the Jenolan Caves Reserve Trust” from section 8 (8).	9 10 11
	Insert instead “and prospective honorary rangers”.	12
[3]	Section 8 (11) and (12)	13
	Omit the subsections.	14
[4]	Section 23 Functions and duties of Council	15
	Omit section 23 (3).	16
[5]	Section 24 Constitution of advisory committees	17
	Insert “by the Minister” after “constituted” in section 24 (3).	18
[6]	Part 3 Council and committees	19
	Insert after Division 3:	20
Division 4	Karst Management Advisory Committee	21
29	Constitution of Karst Management Advisory Committee	22
(1)	There is constituted by this Act the Karst Management Advisory Committee.	23 24
(2)	The Committee is to consist of:	25
(a)	the Chairperson of the Committee who is to be the Director-General or a member of staff of the Department of Environment and Conservation nominated for the time being by the Director-General, and	26 27 28 29
(b)	8 other persons appointed by the Minister.	30

(3)	Of the members appointed by the Minister under subsection (2) (b):	1
	(a) one is to be a person who has qualifications in karst or earth sciences or in a related discipline, and	2
	(b) one is to be a person with qualifications in geomorphology, hydrology, water management or a related discipline, and	3
	(c) one is to be a person with qualifications and experience in eco-tourism or recreational planning, and	4
	(d) one is to be a person nominated by the Australian Speleological Federation Inc, and	5
	(e) one is to be a person nominated by the NSW Heritage Office, and	6
	(f) one is to be a person nominated by the National Parks Association of NSW Inc, and	7
	(g) one is to be a person nominated by the New South Wales Aboriginal Land Council, and	8
	(h) one is to be a person nominated by the Nature Conservation Council of New South Wales.	9
(4)	The Chairperson of the Committee is entitled to attend and chair meetings of the Committee but is not entitled to vote at any such meeting.	10
(5)	Schedule 4 has effect with respect to the members and procedure of the Committee.	11
30	Function of Karst Management Advisory Committee	12
	The function of the Karst Management Advisory Committee is to advise the Council on the following matters:	13
	(a) the conservation and management of karst environments on lands reserved, or acquired for reservation, under this Act (including matters relating to planning and policy),	14
	(b) any plan of management for land reserved under this Act that the Council considers contains significant karst environments, being a plan that the Council has referred to the Committee for its consideration and advice,	15
	(c) such other matters as are referred to the Committee by the Council, being matters relating to the administration of this Act with respect to karst environments,	16
	(d) the development, implementation and review of policies directed towards achieving the objects of this Act in relation to karst environments,	17

(e)	priorities for research relating to the management and conservation of karst environments across the State,	1 2
(f)	opportunities for sustainable visitor use and enjoyment of karst conservation reserves compatible with the reserves' natural and cultural values,	3 4 5
(g)	opportunities for sustainable use (including adaptive reuse) of any buildings or structures on, or modified natural areas of, karst conservation reserves having regard to the conservation of the reserves' natural and cultural values,	6 7 8 9 10
(h)	opportunities to secure funding in relation to the management and conservation of karst environments,	11 12
(i)	the protection of karst environments across the State,	13
(j)	assisting, supporting and promoting Government initiatives in relation to karst conservation.	14 15
[7]	Section 58S Application of certain provisions to karst conservation reserves	16 17
	Omit section 58S (2).	18
[8]	Part 4, Division 8 Abercrombie, Jenolan and Wombeyan Karst Conservation Reserves	19 20
	Omit the Division.	21
[9]	Section 71BO Definitions	22
	Omit “, 73 or 75B” from the definition of <i>responsible authority</i> .	23
	Insert instead “or 73”.	24
[10]	Section 75B Plans of management for Jenolan Caves Reserve Trust lands	25 26
	Omit the section.	27
[11]	Section 138 Payments into Fund	28
	Omit section 138 (1A).	29
[12]	Section 140 Community service contribution	30
	Omit section 140 (5).	31
[13]	Section 143 Charges and fees	32
	Omit section 143 (2).	33

[14] Section 144A Overdue community service contributions, charges, fees and other money	1 2
Omit “(or, in the case of money payable to the Jenolan Caves Reserve Trust, that Trust)” from section 144A (3).	3 4
[15] Section 146 Acquisition or occupation of lands for certain purposes	5
Omit section 146 (4).	6
[16] Section 151 Leases of and licences over reserved or dedicated lands	7
Insert after section 151 (4):	8
(4A) The Minister is to include:	9
(a) in every lease of lands within a karst conservation reserve granted under subsection (1) (d), and	10 11
(b) in every licence in relation to lands within a karst conservation reserve granted under subsection (1) (f),	12 13
a condition requiring the environmental performance of the lessee or licensee (in relation to the lands the subject of the lease or licence) to be measured against such environmental performance indicators set out in the plan of management for the reserve as the Minister specifies in the condition.	14 15 16 17 18
(4B) The Director-General is (in relation to a lease or licence to which subsection (4A) applies):	19 20
(a) to monitor the lessee’s or licensee’s environmental performance as measured against the environmental performance indicators contained in the lease or licence, and	21 22 23 24
(b) to report on the results of that monitoring, annually, by:	25
(i) recording the results in the register kept under section 151D, and	26 27
(ii) placing the results on the website of the Department of Environment and Conservation.	28 29
[17] Section 151B Leases and licences of reserved land in accordance with plan of management	30 31
Insert after section 151B (10):	32
(10A) The Minister is to include in every lease of lands within a karst conservation reserve granted under this section a condition requiring the environmental performance of the lessee (in relation to the lands leased) to be measured against such environmental performance indicators set out in the plan of	33 34 35 36 37

	management for the reserve as the Minister specifies in the condition.	1 2
(10B)	The Director-General is (in relation to a lease to which subsection (10A) applies):	3 4
	(a) to monitor the lessee's environmental performance as measured against the environmental performance indicators contained in the lease, and	5 6 7
	(b) to report on the results of that monitoring, annually, by:	8
	(i) recording the results in the register kept under section 151D, and	9 10
	(ii) placing the results on the website of the Department of Environment and Conservation.	11 12
[18]	Sections 169 and 170	13
	Omit “, member of the Jenolan Caves Reserve Trust Board” wherever occurring in sections 169 (1)–(3) and 170.	14 15
[19]	Sections 169 (1)–(3) and 170	16
	Omit “, honorary ranger or officer of the Jenolan Caves Reserve Trust” wherever occurring.	17 18
	Insert instead “or honorary ranger”.	19
[20]	Section 170 Corruption	20
	Omit “, ranger or member” wherever occurring. Insert instead “or ranger”.	21
[21]	Section 178 Recovery of charges	22
	Omit “, the Jenolan Caves Reserve Trust” from section 178 (1).	23
[22]	Section 178 (3)	24
	Omit the subsection.	25
[23]	Schedule 3 Savings, transitional and other provisions	26
	Insert at the end of clause 1 (1):	27
	<i>National Parks and Wildlife Amendment (Jenolan Caves Reserves) Act 2005</i>	28 29

[24] Schedule 3, Part 6	1
Insert at the end of the Schedule:	2
Part 6 Provisions consequent on enactment of National Parks and Wildlife Amendment (Jenolan Caves Reserves) Act 2005	3 4 5
45 Definitions and interpretation	6
(1) In this Part:	7
<i>amending Act</i> means the <i>National Parks and Wildlife Amendment (Jenolan Caves Reserves) Act 2005</i> .	8 9
<i>assets</i> means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.	10 11 12 13
<i>conveyance</i> includes transfer, assignment and assurance.	14
<i>Department</i> means the Department of Environment and Conservation.	15 16
<i>Director-General</i> means the Director-General of the Department.	17 18
<i>instrument</i> means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.	19 20 21 22
<i>liabilities</i> means all liabilities, debts or obligations (whether present or future and whether vested or contingent).	23 24
<i>relevant period</i> means the period commencing on the repeal of section 58V by the amending Act and ending on a day to be appointed by proclamation, being a day subsequent to the day on which the Minister first adopts a plan of management for the Jenolan Caves Visitor Use and Services Zone after the period commences.	25 26 27 28 29 30
<i>rights</i> means all rights, powers, privileges and immunities (whether present or future and whether vested or contingent).	31 32
<i>the Jenolan Caves Reserves</i> means the lands reserved under repealed section 58U as the Abercrombie Karst Conservation Reserve, the Jenolan Karst Conservation Reserve and the Wombeyan Karst Conservation Reserve, and any other lands reserved as, or as part of, a karst conservation reserve the care, control and management of which was vested in the Jenolan	33 34 35 36 37 38

Caves Reserve Trust, immediately before the repeal of section 58V by the amending Act.	1 2
<i>the Jenolan Caves Visitor Use and Services Zone</i> means the areas in the Jenolan Caves Reserves shown, on the commencement of this definition, edged heavy black on the map marked “Jenolan Caves Visitor Use and Services Zone”, copies of which are deposited in the offices of the Department at Haymarket, Hurstville and Parramatta.	3 4 5 6 7 8
<i>Trust</i> means the Jenolan Caves Reserve Trust constituted under repealed section 58V.	9 10
<i>Trust Board</i> means the Jenolan Caves Reserve Trust Board established under repealed section 58ZA.	11 12
(2) In this Part, a reference to a <i>repealed section</i> , a <i>repealed clause</i> or a <i>repealed Schedule</i> is a reference to the section, the clause or the Schedule as in force immediately before its repeal by the amending Act.	13 14 15 16
46 General	17
The provisions of this Part are subject to any regulations made under clause 1.	18 19
47 References to Trust or its staff or Trust lands	20
A reference in any other Act, or in any instrument made under any Act or in any instrument of any kind:	21 22
(a) to the Trust is to be read as a reference to the Director-General, and	23 24
(b) to the staff (however expressed) of the Trust is to be read as a reference to the staff of the Department, and	25 26
(c) to Jenolan Caves Reserve Trust lands is to be read as a reference to the Jenolan Caves Reserves.	27 28
48 Transfer of care, control and management of Jenolan Caves Reserves	29 30
The care, control and management of the Jenolan Caves Reserves vests in the Director-General for the purposes of this Act.	31 32
49 Transfer of assets, rights and liabilities of Trust	33
(1) The assets, rights and liabilities of the Trust are transferred to the Director-General and the following provisions have effect:	34 35
(a) those assets vest in the Director-General by virtue of this clause and without the need for any conveyance,	36 37

(b)	those rights and liabilities become the rights and liabilities of the Director-General,	1 2
(c)	all proceedings relating to those assets, rights and liabilities commenced before the transfer by or against the Trust and pending immediately before the transfer are taken to be proceedings pending by or against the Director-General,	3 4 5 6 7
(d)	any act, matter or thing relating to those assets, rights and liabilities done or omitted to be done before the transfer by, to or in respect of the Trust is (to the extent that the act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Director-General.	8 9 10 11 12 13
(2)	Duty is not chargeable in respect of the transfer of assets, rights and liabilities under this clause.	14 15
50	Transfer of staff of Trust	16
(1)	The persons who are members of staff of the Trust immediately before the repeal of section 58V by the amending Act are transferred to the Department and become members of staff of the Department.	17 18 19 20
(2)	A person who is transferred to the Department pursuant to subclause (1):	21 22
(a)	retains any rights to leave (including annual leave, extended leave and sick leave) accrued or accruing to the person as a member of staff of the Trust, and	23 24 25
(b)	is, until such time as provision is otherwise made under any Act or law, to continue to be employed in accordance with any State industrial instrument or determination that, immediately before the transfer, applied to the person as a member of staff of the Trust.	26 27 28 29 30
51	Trust Board	31
(1)	A reference in any other Act, or in any instrument made under any Act or in any instrument of any kind to the Trust Board is to be read as a reference to the Director-General.	32 33 34
(2)	Any act, matter or thing done or omitted to be done by, to or in respect of the Trust Board is (to the extent that the act, matter or thing has any force or effect) to be taken to have been done or omitted to be done by, to or in respect of the Director-General.	35 36 37 38

52	Members of committees	1
	A person who held office as a member of a committee established under section 58Z immediately before its repeal by the amending Act:	2
	(a) ceases to hold office, and	3
	(b) is not entitled to any remuneration or compensation because of the loss of that office.	4
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53	Continuation of reserved status of land reserved under section 58U	8
	(1) Land reserved as a karst conservation reserve under repealed section 58U (1) continues to be so reserved as if that subsection (and repealed Schedule 4) had not been repealed.	9
	(2) Repealed section 58U (2) and (3) (but not repealed section 58U (4)) continue to apply to the land referred to in subclause (1) as if those provisions had not been repealed.	10
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54	Continuation of reserved status of land referred to in section 58W	16
	No amendment made by the amending Act affects a reservation of land made by a notice referred to in repealed section 58W (4).	17
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55	Funds of Trust	19
	Any account maintained by the Trust under repealed section 58X and operating on the repeal of section 58V by the amending Act is to be closed by the Director-General and any amount standing to its credit is to be paid into the Fund.	20
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56	Operation of Part	24
	The operation of this Part is not to be regarded:	25
	(a) as a breach of contract or confidence or otherwise as a civil wrong, or	26
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	(b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or	28
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	(c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or	31
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	(d) as an event of default under any contract or other agreement.	35
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57	Operation of certain provisions in this Part during relevant period	1
(1)	During the relevant period:	2
(a)	clause 47 (a) operates in relation to references to the Trust only to the extent that the Trust is not taken to continue under clause 58, and	3 4 5
(b)	clause 47 (b) operates in relation to references to staff of the Trust only to the extent that such staff have become members of staff of the Department under clause 50, and	6 7 8
(c)	clause 48 does not operate in relation to the Jenolan Caves Visitor Use and Services Zone, and	9 10
(d)	clause 49 does not operate in relation to assets, rights and liabilities of the Trust in relation to the Jenolan Caves Visitor Use and Services Zone, and	11 12 13
(e)	clause 50 operates only in relation to a person who was, immediately before the repeal of section 58V by the amending Act, the Jenolan ranger or a permanent or temporary member of staff of the Wombeyan Caves, the Abercrombie Caves or the Karst Conservation Unit, and	14 15 16 17 18
(f)	clause 51 operates only to the extent that the Trust is not taken to continue under clause 58.	19 20
(2)	Clauses 52 and 55 commence on the expiry of the relevant period.	21 22
(3)	This clause, clause 58 and the definitions of <i>the Jenolan Caves Visitor Use and Services Zone</i> and <i>relevant period</i> in clause 45 (1), are repealed on the expiry of the relevant period.	23 24 25
58	Interim management of Jenolan Caves Visitor Use and Services Zone	26 27
(1)	Despite the repeal of section 58V by the amending Act, the Trust is taken to continue during the relevant period for the purposes of this clause.	28 29 30
(2)	The Minister is to appoint an administrator to manage the affairs of the Trust in relation to the Jenolan Caves Visitor Use and Services Zone during the relevant period.	31 32 33
(3)	During the relevant period:	34
(a)	the administrator has all the responsibilities, powers, authorities, duties and functions that the Trust had in relation to the Jenolan Caves Visitor Use and Services Zone immediately before the repeal of section 58V by the amending Act, and	35 36 37 38 39

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- (b) any provision amended or repealed by Schedule 1 to the amending Act that is relevant to the operation of paragraph (a) (including repealed section 58ZD) continues to apply for the purposes of, and to the extent required by, that paragraph, as if the provision had not been so amended or repealed. 1
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- (4) During the relevant period: 7
- (a) repealed section 58ZE (4)–(6) apply to the administrator as if those provisions were still in force, and 8
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- (b) repealed clause 15 of Schedule 6 applies to the administrator, and any person acting under the direction of the administrator, as if that clause were still in force. 10
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- (5) During the relevant period, repealed Schedule 5A continues to apply to the staff of the Trust (other than staff referred to in clause 57 (1) (e)) as if that Schedule were still in force. 13
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- (6) On and from the commencement of the relevant period until the day on which the Minister first adopts a plan of management for the Jenolan Caves Visitor Use and Services Zone after that commencement, the Minister must not: 16
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- (a) consent to any lease or licence of land within that Zone under repealed section 58ZB (as continued in force under subclause (3)), or 20
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- (b) grant any lease of land within that Zone under section 151 (1) (d) or 151B or any licence in relation to land within that Zone under section 151 (1) (f), 23
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the term of which (including any option to renew) exceeds 26
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2 years.
- (7) The Trust is dissolved on the expiration of the relevant period. 28
- 59 Conditions in leases and licences under sections 151 and 151B** 29
- An amendment made by Schedule 1 [16] or [17] to the amending Act does not apply to a lease or licence granted before the commencement of the amendment, or to the renewal of a lease or licence after that commencement under an option to renew that was granted before that commencement. 30
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[25] Schedule 4	1
Omit the Schedule. Insert instead:	2
Schedule 4 Karst Management Advisory Committee	3 4
(Section 29 (5))	5
1 Definitions	6
In this Schedule:	7
<i>appointed member</i> means a member other than the Chairperson.	8
<i>Chairperson</i> means the Chairperson of the Committee.	9
<i>Committee</i> means the Karst Management Advisory Committee constituted by this Act.	10 11
<i>member</i> means a member of the Committee.	12
2 Nomination of members	13
If, for the purposes of section 29 (3) (d), (e), (f), (g) or (h), a nomination is not made within the time or in the manner specified by the Minister in a written notice given to the person or body entitled to make the nomination:	14 15 16 17
(a) the Minister may appoint a person to be a member of the Committee instead of the person required to be appointed under section 29 (3) (d), (e), (f), (g) or (h), and	18 19 20
(b) the person so appointed is taken to have been duly nominated.	21 22
3 Removal from office	23
The Minister may remove from office any appointed member at any time.	24 25
4 Vacancy in office of member	26
The office of an appointed member becomes vacant if the member:	27 28
(a) dies, or	29
(b) completes a term of office and is not re-appointed, or	30
(c) resigns the office by instrument in writing addressed to the Minister, or	31 32
(d) becomes a mentally incapacitated person, or	33
(e) is removed from office by the Minister under clause 3.	34

5	Vacancies	1
	If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	2 3
6	Acting members	4
(1)	The Minister may, from time to time, appoint a person to act in the office of an appointed member during the illness or absence of the appointed member, and the person, while so acting, has and may exercise all the functions of the appointed member and is taken to be an appointed member.	5 6 7 8 9
(2)	The Minister may remove a person from the office to which the person was appointed under this clause.	10 11
(3)	For the purposes of this clause, a vacancy in the office of a member is regarded as an absence from office of the member.	12 13
7	Term of office	14
	Subject to this Schedule, an appointed member holds office for such period not exceeding 5 years as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.	15 16 17 18
8	Quorum	19
	The quorum for a meeting of the Committee is 5 members.	20
9	Voting	21
	A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.	22 23 24
10	Transaction of business outside meetings or by telephone	25
(1)	The Committee may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Committee for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Committee.	26 27 28 29 30
(2)	The Committee may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	31 32 33 34 35

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

Schedule 1 Amendment of National Parks and Wildlife Act 1974

(3)	For the purposes of:	1
	(a) the approval of a resolution under subclause (1), or	2
	(b) a meeting held in accordance with subclause (2),	3
	the Chairperson of the Committee and each member of the	4
	Committee have the same voting rights as they have at an	5
	ordinary meeting of the Committee.	6
(4)	A resolution approved under subclause (1) is, subject to the	7
	regulations, to be recorded in the minutes of the meetings of the	8
	Committee.	9
(5)	Papers may be circulated among the members for the purposes of	10
	subclause (1) by facsimile or other transmission of the	11
	information in the papers concerned.	12
11	Procedure	13
(1)	Subject to this Act and the direction of the Minister, the	14
	procedure for calling meetings of the Committee and for the	15
	conduct of business at those meetings is to be as determined by	16
	the Committee.	17
(2)	The Director-General is to call the first meeting of the Committee	18
	in such manner as the Director-General thinks fit.	19
12	Expenses	20
	A member is entitled to receive such travelling and other	21
	expenses (if any) as the Minister may determine in respect of the	22
	member.	23
[26]	Schedules 5, 5A and 6	24
	Omit the Schedules.	25

Schedule 2	Amendment of other legislation	1
	(Section 4)	2
2.1	First State Superannuation Act 1992 No 100	3
	Schedule 1 Employers	4
	Omit “Jenolan Caves Reserve Trust”.	5
2.2	National Parks and Wildlife Regulation 2002	6
[1]	Clause 3 Definitions	7
	Omit paragraph (c) from the definition of <i>park authority</i> in clause 3 (1).	8
[2]	Clause 3 (1), definition of “park authority”	9
	Omit “(other than a karst conservation reserve of which the Jenolan Caves Reserve Trust is trustee)” from paragraph (d).	10 11
2.3	Public Finance and Audit Act 1983 No 152	12
	Schedule 2 Statutory bodies	13
	Omit “Jenolan Caves Reserve Trust”.	14
2.4	Public Reserves Management Fund Act 1987 No 179	15
	Section 6 Payments out of Public Reserves Management Fund	16
	Omit section 6 (1) (f1).	17
2.5	State Authorities Non-contributory Superannuation Act 1987 No 212	18 19
	Schedule 1 Employers	20
	Omit “Jenolan Caves Reserve Trust” from Part 1.	21
2.6	State Authorities Superannuation Act 1987 No 211	22
	Schedule 1 Employers	23
	Omit “Jenolan Caves Reserve Trust” from Part 1.	24

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Schedule 2 Amendment of other legislation

2.7 Superannuation Act 1916 No 28	1
Schedule 3 List of employers	2
Omit “Jenolan Caves Reserve Trust” from Part 1.	3