



New South Wales

National Parks and Wildlife Amendment (Transfer of Special Areas) Bill 2001

Explanatory note

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

Overview of Bill

The object of this Bill is to make a number of ancillary provisions as a consequence of the transfer of certain catchment management areas from the Sydney Catchment Authority to the national park estate.

The Bill:

- (a) amends the *National Parks and Wildlife Act 1974*:
 - (i) to enable money to be paid into and out of the National Parks and Wildlife Fund in connection with the implementation of plans of management adopted under the *Sydney Water Catchment Management Act 1998* for special areas under that Act, and

- (ii) to enable the Minister for the Environment to grant leases, licences, easements and rights of way over lands reserved or dedicated under the Act that are special areas under the *Sydney Water Catchment Management Act 1998* or the *Hunter Water Act 1991* so that the Sydney Catchment Authority, the Sydney Water Corporation or the Hunter Water Corporation may exercise its functions in relation to the lands concerned, and
- (b) amends the *Sydney Water Catchment Management Act 1998*:
 - (i) to enable the Director-General of National Parks and Wildlife to implement plans of management adopted under the Act for special areas, and
 - (ii) to enable the Authority and the Director-General to engage contractors (including government agencies) to assist them in such implementation.

The Bill also makes minor, consequential and ancillary amendments to both of those Acts.

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

Clause 4 is a formal provision giving effect to the amendments to the *Sydney Water Catchment Management Act 1998* set out in Schedule 2.

Schedule 1 Amendment of National Parks and Wildlife Act 1974

Schedule 1 [1] makes an amendment consequential on the amendment made by Schedule 1 [4].

Schedule 1 [2] amends section 138 to enable money received from the Sydney Catchment Authority in connection with the implementation of a plan of management for a special area under the *Sydney Water Catchment Management Act 1998* to be paid into the National Parks and Wildlife Fund.

Schedule 1 [3] amends section 139 to enable the costs of implementing such plans of management to be paid out of the Fund.

Schedule 1 [4] inserts a new section 153B that allows the Minister for the Environment to grant leases, licences, easements and rights of way over lands reserved or dedicated under the principal Act that are special areas under the *Sydney Water Catchment Management Act 1998* or the *Hunter Water Act 1991*, for the purpose of enabling the Sydney Catchment Authority, the Sydney Water Corporation or the Hunter Water Corporation to exercise its functions in relation to the lands concerned.

Under the proposed section, the Minister must not grant such a lease, licence, easement or right of way unless its purpose, duration and other relevant information is specified in a plan of management adopted under the principal Act for the lands concerned.

Schedule 1 [5] amends section 186 so as to require the fullest examination to be carried out before the Minister grants a lease, licence, easement or right of way under proposed section 153B.

Schedule 1 [6] amends Schedule 3 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

Schedule 1 [7] inserts a new clause 27 into Schedule 3 that validates past payments into and out of the National Parks and Wildlife Fund that would have been valid had the relevant amendment made by Schedule 1 [2] or [3] been in force when the payments into or out of the Fund were made.

Schedule 2 Amendment of Sydney Water Catchment Management Act 1998

Schedule 2 [1] amends section 24C to make it clear that payments may be made out of the Sydney Catchment Management Fund to the Director-General of National Parks and Wildlife (the Director-General) in connection with the implementation of plans of management for special areas adopted under the Act.

Schedule 2 [2] and **[3]** amend section 50 to enable both the Director-General and the Sydney Catchment Authority (the Authority) to implement such plans of management, and to engage contractors to assist them in doing so. Operations undertaken in special areas by the Director-General or the Authority must be in accordance with such plans of management.

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Schedule 2 [4] amends Schedule 6 to enable regulations of a savings or transitional nature to be made as a consequence of the enactment of the proposed amending Act.

Schedule 2 [5] inserts a new clause 9 into Schedule 6 that validates past payments out of the Fund and past acts or omissions that would have been valid had the relevant amendment made by Schedule 2 [1], [2] or [3] been in force when the payments were made or the things were done or omitted.



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National Parks and Wildlife Amendment (Transfer of Special Areas) Bill 2001

No , 2001

A Bill for

An Act to amend the *National Parks and Wildlife Act 1974* and the *Sydney Water Catchment Management Act 1998* to make ancillary provisions with respect to plans of management and other matters consequential on the transfer of certain water catchment management areas to the national park estate; 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 (Transfer of Special Areas) Act 2001</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6 7
3 Amendment of National Parks and Wildlife Act 1974 No 80	8
The <i>National Parks and Wildlife Act 1974</i> is amended as set out in Schedule 1.	9 10
4 Amendment of Sydney Water Catchment Management Act 1998 No 171	11
The <i>Sydney Water Catchment Management Act 1998</i> is amended as set out in Schedule 2.	12 13

Schedule 1	Amendment of National Parks and Wildlife Act 1974	1
		2
	(Section 3)	3
[1]	Section 81A Leases, licences and easements subject to plan of management	4
		5
	Omit “an easement” from section 81A (b).	6
	Insert instead “a lease, licence or easement”.	7
[2]	Section 138 Payments into Fund	8
	Insert after section 138 (1) (e):	9
	(e1) any money received from the Sydney Catchment Authority in connection with carrying out and giving effect to a plan of management adopted under the <i>Sydney Water Catchment Management Act 1998</i> ,	10
		11
		12
		13
[3]	Section 139 Payments out of Fund	14
	Insert after section 139 (2) (m1):	15
	(m2) the cost of carrying out and giving effect to a plan of management adopted under the <i>Sydney Water Catchment Management Act 1998</i> ,	16
		17
		18
[4]	Section 153B	19
	Insert after section 153A:	20
153B	Granting of interests in respect of reserved or dedicated lands that are also water catchment special areas	21
		22
	(1) This section applies to lands reserved or dedicated under this Act that are also within a special area within the meaning of the <i>Sydney Water Catchment Management Act 1998</i> or the <i>Hunter Water Act 1991</i> .	23
		24
		25
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Schedule 1 Amendment of National Parks and Wildlife Act 1974

(2) The Minister may grant leases of, or licences to occupy or use, or easements or rights of way through, on or in, lands to which this section applies for the purpose of enabling the Sydney Catchment Authority, the Sydney Water Corporation or the Hunter Water Corporation to exercise its functions in relation to the lands concerned.	1 2 3 4 5 6
(3) The Minister must not grant a lease, licence, easement or right of way under subsection (2) unless a plan of management for the lands concerned identifies:	7 8 9
(a) the person to whom, and	10
(b) the lands in respect of which, and	11
(c) the purpose and term for which,	12
the lease, licence, easement or right of way is to be granted.	13
(4) Subsection (3) does not limit the operation of Part 5.	14
(5) A lease, licence, easement or right of way under subsection (2) may be granted subject to such terms and conditions as the Minister may determine.	15 16 17
(6) The Minister may from time to time revoke or vary any grant under subsection (2) of an easement or right of way.	18 19
[5] Section 186 Requirement for examination	20
Insert “or 153B (2)” after “section 151 (1)” and “section 153 (1)” in section 186 (1) (c) and (e), respectively.	21 22
[6] Schedule 3 Savings, transitional and other provisions	23
Insert at the end of clause 1 (1):	24
<i>National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001</i>	25 26

[7] Schedule 3, Part 2	1
Insert after clause 26:	2
27 Provision consequent on enactment of National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001	3 4
Anything done or omitted to be done before the commencement of an amendment made by Schedule 1 [2] or [3] to the <i>National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001</i> is as valid as it would have been had the amendment been in force when the thing was done or omitted.	5 6 7 8 9 10

Schedule 2	Amendment of Sydney Water Catchment Management Act 1998	1
		2
	(Section 4)	3
[1]	Section 24C Payments out of Fund	4
	Insert “(including payment of money to the Director-General of National Parks and Wildlife in that connection)” after “section 50” in section 24C (b).	5
		6
[2]	Section 50 Operations under plan of management	7
	Omit “the Authority” wherever occurring.	8
	Insert instead “the joint sponsors”.	9
[3]	Section 50 (3)	10
	Insert after section 50 (2):	11
	(3) The joint sponsors (together or individually) may engage such contractors (including government agencies) as may be necessary or convenient to assist them in carrying out and giving effect to the plan.	12
		13
		14
		15
[4]	Schedule 6 Savings, transitional and other provisions	16
	Insert at the end of clause 1 (1):	17
	<i>National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001</i>	18
		19

[5] Schedule 6, Part 3	1
Insert after clause 8:	2
Part 3 Provision consequent on enactment of National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001	3 4 5
9 Operations under plans of management	6
Anything done or omitted to be done before the commencement of an amendment made by Schedule 2 [1]–[3] to the <i>National Parks and Wildlife Amendment (Transfer of Special Areas) Act 2001</i> is as valid as it would have been had the amendment been in force when the thing was done or omitted.	7 8 9 10 11 12