

## **Explanatory note**

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

Overview of Bill

The objects of this Bill are:

(a) to transfer to the national park estate certain State forest lands and Crown lands in the South-Western area of the State, and

(b) to enable forestry operations to continue on land in the South-Western area of the State remaining as State forest, and

(c) to make other miscellaneous provisions and adjustments in relation to reserved land.

Outline of provisions

### **Part 1 Preliminary**

**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 1 January 2011.

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**Clause 3** defines certain words and expressions used in the proposed Act. The clause contains a map that sets out the South-Western area for the purposes of the proposed Act.

### **Part 2 Land transfers**

**Clause 4** revokes the dedication as State forest of lands that are to be reserved as national park, nature reserve or state conservation area, or are to be vested in the Minister for Climate Change and the Environment for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*. The dedication of the lands specified in Schedules 1, 3 and 6 is revoked on 1 January 2011 and the dedication of the lands specified in Schedule 2 is revoked on 1 January 2012.

**Clause 5** reserves, on 1 January 2011, certain lands in revoked State forests as national park, nature reserve or state conservation area. The lands concerned are set out in Schedule 1.

**Clause 6** reserves, on 1 January 2012, certain lands in revoked State forests as national park or nature reserve. The lands concerned are set out in Schedule 2.

**Clause 7** vests, on 1 January 2011, certain lands in revoked State forests in the Crown as Crown land, which will be subject to the *Crown Lands Act 1989* (with an assessed preferred use for the purposes of nature conservation). The lands concerned are set out in Schedule 3.

**Clause 8** reserves, on 1 January 2011, certain Crown lands as national park, nature reserve or state conservation area. The lands concerned are set out in Part 1 of Schedule 4 (being general reservations) and in Part 2 of Schedule 4 (being land reserved as compensation for the revocation by clause 11 of the existing reservation relating to Merry Beach Caravan Park). Crown lands in the Brigalow and Nandewar area are also reserved as conservation zones under the *Brigalow and Nandewar Community Conservation Area Act 2005* by amendments to that Act contained in Schedule 7 to this Bill.

**Clause 9** reserves, on 1 January 2011, lands comprising Joulni Station, Willandra Lakes, as an addition to Mungo National Park and as Mungo State Conservation Area. The lands concerned are set out in Schedule 5.

**Clause 10** vests, on 1 January 2011, certain lands in revoked State forests in the Minister for Climate Change and the Environment for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*. The lands concerned are set out in Schedule 6.

**Clause 11** revokes the reservation of certain land in Murramarang National Park that is used in connection with Merry Beach Caravan Park. On revocation, the land will become Crown land.

**Clause 12** makes provision for land with high conservation value in the Manna State

Forest to be declared a special management zone under the *Forestry Act 1916*.

**Clause 13** requires a review to be carried out by 1 January 2012 of the status of land reserved as a state conservation area to determine which land should be retained as such reserved land because of the mineral values of the land and which should

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become national park. The decision is to be made by the joint determination of the Directors-General of the Department of Environment, Climate Change and Water and the Department of Industry and Investment.

**Clause 14** enables pending Aboriginal land claims over Crown land under the *Aboriginal Land Rights Act 1983* in relation to land reserved by Schedule 4 or 5 or by the amendments under Schedule 7 in the Brigalow and Nandewar area to continue to be dealt with as if the land had not been reserved. The reservation will be revoked if the land claims are granted.

**Clause 15** enables the Director-General of the Department of Environment, Climate Change and Water to adjust the descriptions of land in Schedules 1–6 in order to alter the boundaries of the land for the purposes of effective management of national park estate land and State forest land, to adjust boundaries to public roads, to adjust descriptions of easements or to provide a more detailed description of the boundaries of the land.

### **Part 3 Forestry operations on land remaining as State forest**

**Clause 16** defines certain words and expressions used in proposed Part 3. In particular, ***South-Western forestry operations*** is defined to mean ***forestry operations*** within the meaning of the *Forestry and National Park Estate Act 1998* to which Part 4 of that Act applies that are carried out in South-Western State forests.

**Clause 17** provides that an integrated forestry operations approval may be granted under Part 4 of the *Forestry and National Park Estate Act 1998* for South-Western forestry operations. The clause makes transitional arrangements to enable forestry operations to continue pending the granting of an approval.

### **Part 4 Miscellaneous**

**Clause 18** provides that the proposed Act binds the Crown.

**Clause 19** enables the making of regulations for the purposes of the proposed Act.

**Schedule 1** sets out the lands within State forests (whose dedication as State forest is revoked) that are, on 1 January 2011, reserved (to a depth of 100 metres) as national park, nature reserve or state conservation area.

**Schedule 2** sets out the lands within State forests (whose dedication as State forest is revoked) that are, on 1 January 2012, reserved (to a depth of 100 metres) as national park or nature reserve.

**Schedule 3** sets out the lands (whose dedication as State forest is revoked) that are, on 1 January 2011, vested in the Crown as Crown land and subject to the *Crown Lands Act 1989*.

**Schedule 4** sets out the Crown lands that are, on 1 January 2011, reserved as national park, nature reserve or state conservation area. Part 2 of the Schedule sets out the land

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that is reserved in compensation for the revocation relating to Merry Beach Caravan Park.

**Schedule 5** sets out the Crown land comprising Joulni Station reserved as part of Mungo National Park and as Mungo State Conservation Area (subject to the western lands lease of land in the area to the Soil Conservation Commission).

**Schedule 6** sets out the lands (whose dedication as State forest is revoked) that are,

on 1 January 2011, vested in the Minister for Climate Change and the Environment for the purposes of Part 11 of the *National Parks and Wildlife Act 1974*.

**Schedule 7** amends the *Brigalow and Nandewar Community Conservation Area Act 2005* to reserve Crown lands in the area under that Act (to a depth of 100 metres) as Zone 1 (Conservation and recreation), Zone 2 (Conservation and Aboriginal culture) and Zone 3 (Conservation, recreation and mineral extraction). The reservations take effect on 1 January 2011, but are subject to the determination of pending Aboriginal land claims.

**Schedule 8** makes ancillary and special provisions with respect to land transferred under the proposed Act.

**Schedule 9** sets out amendments to other Acts.