

NATIONAL PARKS AND HERITAGE LEGISLATION AMENDMENT BILL 2024

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Bill amends the *National Parks and Wildlife Act 1974* (NPW Act) to revoke around 144 hectares of land from seven national parks and reserves in the NSW national park system. The revocations are needed to enable delivery of government infrastructure projects, together with some smaller-scale sensible proposals to improve boundaries with park neighbours and local councils.

Minor technical amendments are also proposed to the NPW Act to confirm provisions related to the holding and transfer of lands revoked from the national park system.

The National Parks and Wildlife Advisory Council and regional advisory committees have been consulted about the proposed revocations, as have relevant NSW agencies and local councils that will receive the revoked lands.

The Bill also includes one recategorisation of a nature reserve to an Aboriginal area under the NPW Act in recognition of its Aboriginal cultural values. This is supported by local Aboriginal community representatives.

The Bill includes miscellaneous legislative amendments to the NPW Act to support NSW National Parks and Wildlife Service (NPWS) staff safety, operation of the National Parks and Wildlife Conservation Trust, and amendments to clarify requirements for the preparation of park plans of management.

The Bill also amends the *Heritage Act 1977* (Heritage Act) to modify existing provisions for the management of the Heritage Conservation Fund (HCF), to align the HCF provisions with other modern legislation. These changes are required to provide Heritage NSW and the Minister for Heritage with legal certainty around how monies in the fund may be spent.

Objectives: What is the policy's objective couched in terms of the public interest?

The revocation proposals set out in the Bill will improve land management efficiencies, support delivery of priority state infrastructure, and ensure appropriate management of local infrastructure.

The proposal to recategorise Serpentine Nature Reserve to an Aboriginal area under the NPW Act will ensure cultural values are managed in accordance with the principles for Aboriginal areas under the NPW Act.

Miscellaneous legislative amendments to the NPW Act for NPWS staff safety, the National Parks and Wildlife Conservation Trust, park plans of management, and dealing in vested land will provide clarity to the public and ensure the Act remains robust and fit for purpose.

The proposed amendments to the Heritage Act will enable the Minister for Heritage to fund programs and activities that support achievement of the Government's heritage objectives. These programs and activities will enable the government to better target financial support for owners of State-listed heritage items to make conservation, activation and adaptive reuse of heritage items easier and more viable.

Options: What alternative policies and mechanisms were considered in advance of the bill?

Under the NPW Act, land can only be revoked from national parks and other reserves via an Act of Parliament. Land is generally revoked from parks only as a last resort and where no

other practical options are available. This Bill presents a sensible and targeted package of essential revocation proposals, which will be matched with appropriate compensation to protect the overall integrity of the national parks system.

Other amendments are considered necessary to ensure reserved land is managed according to the most appropriate management principles, the plan of management process is transparent, staff safety is supported, and that the NPW Act remains fit for purpose.

Proposed amendments to the Heritage Act address existing legislative shortcomings which currently limit the effectiveness of the Heritage Conservation Fund.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The revocations will enable the delivery of government infrastructure projects, with some smaller-scale sensible proposals to improve boundaries with park neighbours and councils. Revocations are proposed as a last resort – when no other alternatives are possible.

The Bill will also require appropriate compensation for some revocations, consistent with the published NPWS *Revocation, Recategorisation and Road Adjustment Policy*. Compensation usually consists of the transfer of land to the Minister administering the NPW Act for addition to the national park system.

Amendments to the park plan of management process will help improve public understanding of the process, stages and relevant decision-making required. This will reduce existing uncertainties and avoid confusion.

Expansion of the safety provisions in the NPW Act will help the Government meet its commitment to keeping frontline workers safe, and ensure staff are protected from assault and harassment while undertaking their duties. Amendments to provisions dealing with the National Parks and Wildlife Conservation Trust will ensure the efficient operation of the Trust, by establishing a specific Operational Fund separate to the existing Public Fund (which was established to accept public donations)

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will be tabled in Parliament in May 2024. The NSW Department of Climate Change, Energy, the Environment and Water and Heritage NSW are responsible for implementing the Bill after it commences, including transfers of revoked lands to relevant parties.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

Relevant statutory advisory bodies were consulted for the proposed revocations. NPWS also liaised with relevant local councils, agencies, and other relevant parties regarding the transfer of revoked lands and the requirement for compensation. For the proposed recategorisation of Serpentine Nature Reserve, relevant members of the local Aboriginal community and the relevant NPWS regional advisory committee were consulted and support the proposal.

NSW Police were consulted about proposed amendments to improve staff safety; these will also apply to NSW Police officers exercising the powers of ex-officio rangers under the NPW Act.

Heritage NSW previously consulted peak stakeholder bodies and government agencies on the proposed amendments to the Heritage Act. The proposals were broadly supported. The amendments are consistent with the recommendations of the 2021 Legislative Council Standing Committee on Social Issues' Inquiry into the Heritage Act.