



New South Wales

National Parks and Heritage Legislation Amendment Bill 2024

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 **NPW Act**) as follows—

- (a) to revoke reservations of certain land in the following areas—
 - (i) Gardens of Stone State Conservation Area,
 - (ii) Lake Macquarie State Conservation Area,
 - (iii) Lake Innes Nature Reserve,
 - (iv) Jervis Bay National Park,
 - (v) Marramarra National Park,
 - (vi) Royal National Park,
 - (vii) Sea Acres National Park,
- (b) to recategorise Serpentine Nature Reserve as Serpentine Aboriginal Area,
- (c) to enable the Minister for the Environment to deal with land and property vested in the Minister for the Environment under the NPW Act,
- (d) to establish a fund for the National Parks and Wildlife Conservation Trust (the **Trust**) for the purposes of holding money not permitted to be held by the National Parks and Wildlife Conservation Public Fund (the **Public Fund**),
- (e) to further provide for the preparation and content of plans of management for land reserved under the NPW Act.

The Bill also amends the *Heritage Act 1977* in relation to the Heritage Conservation Fund (the *Fund*), including in relation to payments made into and out of the Fund.

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 the date of assent to the proposed Act.

Schedule 1 **Amendment of National Parks and Wildlife Act 1974 No 80**

Revocations and recategorisation

Schedule 1[20] specifies that the Minister for the Environment may deal with land or property vested in the Minister under any provision of the NPW Act.

Schedule 1[24] recategorises Serpentine Nature Reserve by revoking the nature reserve area dedication and reserving the area as an Aboriginal area to be known as Serpentine Aboriginal Area.

Schedule 1[25] revokes reservations of certain land in the following areas and provides that the land subject to the revocation is acquired and vested in the Minister for the Environment for the purposes of Part 11—

- (a) Gardens of Stone State Conservation Area,
- (b) Lake Macquarie State Conservation Area,
- (c) Lake Innes Nature Reserve,
- (d) Jervis Bay National Park,
- (e) Marramarra National Park,
- (f) Royal National Park,
- (g) Sea Acres National Park.

The amendment also provides that some of this land must not be transferred unless the Minister for the Environment is satisfied appropriate compensation for the land has been provided.

Schedule 1[26] provides that land or property vested in the Minister for the Environment, or the Minister for the Environment on behalf of the Crown, is taken to be vested in and acquired by the Minister for the purposes of the NPW Act, Part 11 and, if dealt with before the commencement of the proposed Act, is taken to be dealt with in accordance with the NPW Act, section 149.

National Parks and Wildlife Conservation Operating Fund

Schedule 1[19] establishes the National Parks and Wildlife Conservation Operating Fund (the *Operating Fund*), which will be administered by the Trust. The purpose of the Operating Fund is to hold money for the exercise of the Trust's functions. The Operating Fund may hold money that cannot be held by the Public Fund because of the Public Fund's status under the *Income Tax Assessment Act 1997* of the Commonwealth. **Schedule 1[13]–[18]** make consequential amendments.

Plans of management

Schedule 1[5] updates requirements for the content of plans of management. **Schedule 1[3], [4]** and **[6]** make consequential amendments.

Schedule 1[7] provides that the Secretary of the Department of Climate Change, Energy, the Environment and Water is no longer required to refer certain plans of management for land in a catchment area or special area to the Secretary of the Department of Industry, Skills and Regional Development, now read as the Department of Climate Change, Energy, the Environment and

Water, if the Secretary is also required to refer the plan of management to the Hunter Water Corporation.

Schedule 1[9] updates the circumstances in which a plan of management relating to fisheries must be referred to the Minister administering the *Fisheries Management Act 1994*. The amendment also requires a plan of management relating to marine parks or aquatic reserves to be referred to the Minister administering the *Marine Estate Management Act 2014*. **Schedule 1[8], [10]–[12]** and **[21]** make consequential amendments.

Miscellaneous

Schedule 1[1] removes definitions that are no longer required.

Schedule 1[22] excludes the Board members and employees of the Trust from personal liability.

Schedule 1[2] makes a consequential amendment.

Schedule 1[23] extends existing offences relating to assaulting, hindering or obstructing the Secretary, officers, or rangers in the exercise of their functions under the NPW Act to any Act or law.

Schedule 2 Amendment of Heritage Act 1977 No 136

Schedule 2[1] clarifies that the Fund is administered by the Minister administering the *Heritage Act 1977*.

Schedule 2[2] sets out the purposes of the Fund.

Schedule 2[4] permits additional types of payments to be paid into the Fund. **Schedule 2[3]** and **[5]** make consequential amendments.

Schedule 2[7] and **[8]** permit additional types of payments to be paid out of the Fund. **Schedule 2[6]** and **[9]** make consequential amendments.



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