

National Park Estate (Reservations)

Bill 2002

Explanatory note

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

Overview of Bill

The object of this Bill is to transfer certain land to the national park estate and to make provision for the transfer of certain land to Aboriginal ownership.

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 2003.

Clause 3 defines expressions used in the proposed Act.

Part 2 Land transfers

Clause 4 revokes the dedication as State forest of land that is:

- (a) to be reserved under the *National Parks and Wildlife Act 1974*, or
- (b) to be vested in the Minister administering the *National Parks and Wildlife Act 1974* for the purposes of Part 11 of that Act, or
- (c) to be transferred to Aboriginal ownership.

Clause 4 also revokes notices setting apart flora reserves, declarations of national forests and declarations of special management zones (being notices or declarations in respect of the State forest land whose dedication is revoked by the clause).

Additionally, clause 4 revokes notices setting apart certain fragments of flora reserves remaining after the transfer of land within flora reserves to the national park estate by the *Forestry and National Park Estate Act 1998*.

Clause 5 reserves certain land in revoked State forests as national park, nature reserve or state conservation area. The land concerned is set out in Schedule 1.

Clause 6 reserves certain Crown lands as national park, nature reserve or state conservation area. The land concerned is set out in Schedule 2.

Clause 7 declares certain land in State forests as special management zones under the *Forestry Act 1916*. The land concerned is set out in Schedule 3.

Clause 8 vests certain land in revoked State forests in the Minister administering the *National Parks and Wildlife Act 1974* for the purposes of Part 11 of that Act. The land concerned is set out in Schedule 4.

Clause 9 provides for the transfer of certain revoked State forest land to Eden Local Aboriginal Land Council. The land concerned is set out in Schedule 5.

Clause 10 reserves, as national parks or state conservation areas, certain freehold land that is vested in Her Majesty or the Minister administering the *National Parks and Wildlife Act 1974* for the purposes of Part 11 of that Act. The land concerned is set out in Schedule 6.

Clause 11 enables the Director-General of National Parks and Wildlife to adjust the descriptions of land in Schedules 1, 2, 3, 4, 6 or 7 in order to alter the boundaries of the land for the purposes of the more effective management of national park estate land and State forest land and to adjust boundaries to public roads (so long as the adjustment will not result in any significant reduction in the size or value of any such land). Adjustments are also authorised in connection with easements and to provide a more detailed description of land described in Schedule 3.

Clause 12 gives effect to Schedule 8, which contains ancillary and special provisions with respect to the land transfers under this Part.

Part 3 Miscellaneous

Clause 13 provides that the proposed Act binds the Crown.

Clause 14 enables the making of regulations for the purposes of the proposed

Act, including regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Clause 15 gives effect to Schedule 9, which amends:

(a) the *Forestry Act 1916* to provide that a notice declaring an area of State forest to be a special management zone may only be revoked by Act of Parliament, and makes a number of associated consequential amendments to that Act, and

(b) the *Native Title (New South Wales) Act 1994* to preserve native title rights and interests in respect of a reservation, dedication or vesting of, or declaration over, land or waters by the operation of the proposed Act.

Schedule 1 State forests reserved as national park, nature reserve or state conservation area

This Schedule sets out the land whose dedication as State forest is revoked and that is reserved as national park, nature reserve or state conservation area.

Schedule 2 Crown lands reserved as national park, nature reserve or state conservation area

This Schedule sets out the Crown lands that are reserved as national park, nature reserve or state conservation area.

Schedule 3 Areas in State forests declared as special management zones under Forestry Act 1916

This Schedule sets out the land within State forests that is declared as special management zones under the *Forestry Act 1916*.

Schedule 4 State forests vested in NPW Minister

This Schedule sets out the land (being land whose dedication as State forest is revoked) that is vested in the Minister administering the *National Parks and Wildlife Act 1974* for the purposes of Part 11 of that Act.

Schedule 5 State forest land to be transferred to Aboriginal ownership

This Schedule sets out the State forest land that is to be transferred to Eden Local Aboriginal Land Council.

Schedule 6 Freehold land vested in NPW Minister or Her Majesty that is reserved as national parks or state conservation areas

This Schedule sets out the land (being freehold land that is vested in Her Majesty or the Minister administering the *National Parks and Wildlife Act 1974*) that is reserved as national parks or state conservation areas.

Schedule 7 Revocation of remnant flora reserves

This Schedule sets out lands whose status under the *Forestry Act 1916* as flora reserves is revoked. The flora reserves concerned are fragments of flora reserves remaining after the transfer of land within flora reserves to the national park estate by the *Forestry and National Park Estate Act 1998*.

Schedule 8 Land transfers—ancillary and special provisions

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

Schedule 9 Amendment of other Acts

This Schedule contains the amendments to the *Forestry Act 1916* and the *Native Title (New South Wales) Act 1994* given effect to by clause 15.