



New South Wales

Kosciuszko Wild Horse Heritage Bill 2018

Explanatory note

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

Overview of Bill

The object of this Bill is to recognise the heritage value of sustainable wild horse populations within parts of Kosciuszko National Park and to protect that heritage through a wild horse heritage management plan.

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 the date of assent to the proposed Act.

Clause 3 defines certain words and expressions used in the proposed Act.

Clause 4 sets out the object of the proposed Act which is to recognise the heritage value of sustainable wild horse populations within parts of Kosciuszko National Park and to protect that heritage.

Part 2 Wild horse heritage management plan

Clause 5 requires the Chief Executive of the Office of Environment and Heritage (the *Chief Executive*) to cause a draft wild horse heritage management plan to be prepared for Kosciuszko National Park. The draft plan is to identify the heritage value of sustainable wild horse populations within identified parts of the park and set out how that heritage value will be protected while

ensuring other environmental values of the park are also maintained. The draft plan is also to take into account the objects of the proposed Act and the *National Parks and Wildlife Act 1974* and the matters that must be taken into consideration in preparing a plan of management under that Act. The Chief Executive is to seek the advice of the Wild Horse Community Advisory Panel in the preparation of the draft plan.

Clause 6 requires the Chief Executive to give notice of the public exhibition of the draft plan and to invite the public to make representations on the draft plan.

Clause 7 requires the Chief Executive to provide a copy of the draft plan to the National Parks and Wildlife Advisory Council (the *Advisory Council*) and the Heritage Council of New South Wales (the *Heritage Council*) and to invite those bodies to make representations on the draft plan.

Clause 8 requires the Chief Executive (following the consultation under proposed sections 6 and 7) to forward the draft plan and representations on the draft plan to the Minister administering the proposed Act (the *Minister*).

Clause 9 provides that the Minister may, after considering the draft plan and the representations, adopt the plan with or without alteration or refer the draft plan back to the Chief Executive for further consideration.

Clause 10 requires that an adopted plan be carried out and given effect to by the Chief Executive.

Clause 11 enables the Minister to direct the Chief Executive to prepare a draft amending plan to make amendments to an adopted plan or to prepare a new draft plan to replace an adopted plan.

Part 3 Miscellaneous

Clause 12 provides that an adopted plan prevails to the extent of any inconsistency between the adopted plan and a plan of management under the *National Parks and Wildlife Act 1974* and requires future plans of management prepared under that Act for Kosciuszko National Park to recognise the heritage value of sustainable wild horse populations within parts of the park.

Clause 13 enables the Chief Executive to delegate the exercise of any function of the Chief Executive under the proposed Act.

Clause 14 enables the Governor to make regulations for the purposes of the proposed Act including regulations of a savings or transitional nature to be made consequent on the enactment of the proposed Act or any Act that amends that Act.

Schedule 1 Wild Horse Community Advisory Panel

Schedule 1 provides for the constitution, functions and procedure of the Wild Horse Community Advisory Panel.