



New South Wales

# National Parks and Wildlife Amendment Bill 2021

## 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 Act*) and regulations made under the Act as follows—

- (a) to streamline processes for preparing plans of management for national parks and reserves,
- (b) to enable the Minister to approve priority conservation actions and visitor infrastructure projects that are not provided for or not consistent with a plan of management, in certain circumstances,
- (c) to enable the Minister to create biodiversity credits for management actions carried out on land reserved or acquired under the Act, which are taken to be biodiversity credits under the biodiversity offsets scheme established by the *Biodiversity Conservation Act 2016*, Part 6, Division 4, subject to the modification and exclusion of provisions of that Act for biodiversity credits created under the Act,
- (d) to enable the Minister, or for certain land, an Aboriginal Land Council, to create, acquire, hold, sell or otherwise deal with carbon sequestration rights in land reserved or acquired under the Act, if doing so is consistent with the objects of the Act,
- (e) to establish a corporate non-profit entity to receive tax deductible donations which can be applied to the conservation and management of national parks,
- (f) to provide for the identification of relevant conservation values when land is declared an asset of intergenerational significance,

- (g) to enable the location of land declared an asset of intergenerational significance, and other information in relation to that land, to be kept confidential when considered necessary for conservation purposes,
- (h) to provide for penalties for offences against land declared an asset of intergenerational significance,
- (i) to enable the use of digital images and data for compliance and enforcement actions relating to vehicles entering or using a park,
- (j) to provide for a power to make regulations about monitoring and reporting on the ecological health of parks.

## 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.

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

**Schedule 1.1[1], [2], [3], [5], [6], [13], [33] and [36]** update references to refer to the Secretary, persons employed in the Department and the Department of Planning, Industry and Environment consequent on administrative changes.

**Schedule 1.1[4]** defines *carbon sequestration right, committed land, deal, Department, DPC Secretary* and *Secretary*.

**Schedule 1.1[7]** makes a consequential amendment to reflect the repeal of the *Rural Fires Act 1997*, section 47(1)(d).

**Schedule 1.1[8]** updates references to refer to the Secretary and the Secretary of the Department of Premier and Cabinet consequent on administrative changes.

**Schedule 1.1[9]–[12]** remove redundant references to certain licences and a wildlife management area.

**Schedule 1.1[15]** inserts proposed sections 81AA and 81AB. Proposed section 81AA allows the Minister to approve conservation actions or infrastructure projects for visitor management or conservation on land in certain circumstances. Proposed section 81AB sets out the process by which the Minister may approve an action or project under proposed section 81AA. **Schedule 1.1[14]** makes a consequential amendment to provide that the requirement the Minister must not undertake operations in relation to lands to which an adopted plan of management relates does not prevail over a project or action approved under proposed section 81AA.

**Schedule 1.1[16]** inserts proposed Parts 5A and 5B. Proposed Part 5A provides for the creation of biodiversity credits for management actions carried out on land reserved or acquired under the Act, and for the credits to be acquired, held, retired, sold or otherwise dealt with or traded in under the biodiversity offsets scheme established under the *Biodiversity Conservation Act 2016*, Part 6. The Minister may create the credits in relation to proposed management actions that meet certain requirements, including that the actions are likely to deliver biodiversity outcomes that are greater than the outcomes from actions typically implemented on the land in the previous 5 years. A national parks biodiversity assessment report must be prepared by an accredited person in accordance with the biodiversity assessment method established under the *Biodiversity Conservation Act 2016*. The Minister may make a statement of commitment which sets out matters, including the number of biodiversity credits created for the land the subject of the statement of commitment.

Credits created under proposed Part 5A are taken to be biodiversity credits under the *Biodiversity Conservation Act 2016*, Part 6, subject to the exclusions and modifications set out in proposed Part

5A, Division 3. Regulations may make necessary modifications to the operation of a provision of the *Biodiversity Conservation Act 2016* and provide for matters that are dealt with by regulations made under that Act.

Proposed Part 5B defines *carbon sequestration* and *carbon sequestration right*. The Minister may create and deal with carbon sequestration rights in land acquired, reserved or dedicated under the Act, other than certain Aboriginal land. The Minister may also do anything incidental to or in connection with creating and dealing with carbon sequestration rights. The Minister may exercise the functions in relation to land only if the Minister is satisfied that exercising the functions is consistent with the objects of the Act and has consulted any trust or local council that has care, control and management of the land. Regulations may be made to prescribe other types of carbon sequestration, carbon sequestration rights or other functions or activities that the Minister may exercise or take in relation to carbon sequestration rights. **Schedule 1.1[26]** also allows for regulations to be made about dealings with carbon sequestration rights.

**Schedule 1.1[17]** updates references in Part 6 to refer to the Secretary of the Department of Premier and Cabinet consequent on administrative changes.

**Schedule 1.1[18]** inserts proposed Part 7, which establishes the National Parks and Wildlife Conservation Trust as a body corporate with the corporate name of the National Parks and Wildlife Conservation Trust of New South Wales. The Trust is a statutory body representing the Crown and is subject to the control and direction of the Minister, except in relation to payments from the Public Fund. A Board of the Trust is established for the purpose of supporting and promoting the protection and enhancement of certain lands through the use of gifts received by the Public Fund.

The functions of the Trust include establishing and maintaining the Public Fund, inviting and encouraging gifts of money and property to the Public Fund, using money and property received by the Fund to support and promote its object, assessing and analysing lands for potential acquisition by payments from the Public Fund and investing money held in the Public Fund. The Trust is exempt from the *Duties Act 1997* in relation to the acquisition, leasing and disposal of land by the Trust for the purposes of, or under, the Act. The Trust is required to comply with the matters set out in the *Income Tax Assessment Act 1997* of the Commonwealth in relation to its registration as an environmental organisation within the meaning of that Act.

**Schedule 1.1[19]–[21] and [24]** update provisions relating to payments into and out of the National Parks and Wildlife Fund (the *Fund*) to reflect the establishment of the proposed biodiversity credit and carbon sequestration schemes. Amounts paid into the Fund for the transfer or retirement of biodiversity credits, other than surplus amounts for the credits, must be applied to management actions required under the statement of commitment for the relevant land.

**Schedule 1.1[22], [27] and [28]** make typographical corrections.

**Schedule 1.1[23]** creates a regulation-making power to allow for payments to be made out of the Fund for costs, charges, expenses, money or fees prescribed by the regulations.

**Schedule 1.1[25]** inserts proposed Part 12A, which relocates and amends former section 188H. The proposed Part provides that the Minister may declare land to be an environmental or cultural asset of intergenerational significance. The declaration must set out the environmental and cultural values of the declared land and include a map of the land. However, if the Minister is satisfied the disclosure of certain information may place the land or its environmental and cultural values at risk, certain information or maps may be omitted from the declaration. The regulations may make provisions about action that may be taken for the management of declared land. It is an offence for a person to interfere with, damage, harm or disturb an environmental or cultural value of declared land. **Schedule 1.1[37]** makes a consequential amendment to omit section 188H.

**Schedule 1.1[29]** inserts a regulation-making power in relation to the development and implementation by the Secretary of a program for the monitoring and reporting of matters relating to the ecological health of parks. **Schedule 1.1[30]** makes clear that this power extends to

regulations about requirements relating to the design of the program, the implementation of the program, including a requirement that the program be implemented to the greatest extent practicable, and reporting on the outcomes of the program.

**Schedule 1.1[31]** provides that an offence for causing harm to an environmental or cultural value of declared land under proposed section 153I is an executive liability offence for which a director of a corporation that commits an offence and certain other individuals may be personally liable.

**Schedule 1.1[32]** omits a reference to the Secretary of the Department of Industry, Skills and Regional Development, consequent on administrative changes.

**Schedule 1.1[34] and [35]** enable the Secretary to authorise work to be carried out for the maintenance or improvement of an access road to which the *Forestry Revocation and National Park Reservation Act 1996*, section 9 applies, and enables the Minister to determine a width for a road to which that provision applies to be excluded from reservation under the Act by exclusion order.

**Schedule 1.1[38]** inserts proposed sections 197A and 197B. Proposed section 197A provides for the use of images from approved cameras in proceedings for offences relating to vehicles entering or using national parks and other land, including that certain matters are prima facie evidence for the proceedings. Proposed section 197B makes it an offence for a person who obtains information in the exercise of a function relating to the use or operation of an approved camera to copy, use or disclose the information except in specified circumstances, including disclosure to specified law enforcement officials.

**Schedule 1.1[39]** inserts savings and transitional provisions.

**Schedule 1.2[1]** defines *committed Part 4A land*.

**Schedule 1.2[2]–[5]** update the functions of the National Parks and Wildlife Advisory Council, regional advisory committees and the Karst Management Advisory Committee.

**Schedule 1.2[6]** inserts proposed section 71BFA, which allows an Aboriginal Land Council to create, acquire, hold, sell or otherwise deal with carbon sequestration rights in relation to reserved or dedicated lands vested in the Aboriginal Land Council. The Aboriginal Land Council may also do anything incidental to or in connection creating or dealing with carbon sequestration rights. The Aboriginal Land Council may exercise the functions in relation to land only if satisfied exercising the functions is consistent with the objects of the Act. The Aboriginal Land Council must also only exercise the functions in relation to land with the agreement of the board of management for the land. The Secretary may exercise the functions on behalf of the Aboriginal Land Council at the request of the Aboriginal Land Council. The regulations may prescribe other functions or activities that the Aboriginal Land Council may take in relation to carbon sequestration rights.

**Schedule 1.2[7]** amends section 73A to provide that the period within which representations must be made, in relation to a plan of management, is a period of not less than 28 days. The responsible authority for a plan of management must provide the plan and representations received in relation to the plan to the appropriate regional advisory committee. The responsible authority is also required to provide the plan to the Karst Management Advisory Committee if the plan relates to land that contains significant karst environments. After the period of time for making representations has passed, the appropriate regional advisory committee must consider the plan and provide advice to the responsible authority for land reserved or dedicated under Part 4A, or otherwise, to the Minister. **Schedule 1.2[10]** makes a consequential amendment.

**Schedule 1.2[8]** amends section 73B to provide for the actions the Minister may take in relation to a plan of management. **Schedule 1.2[9]** makes a consequential amendment.

**Schedule 1.2[11]** defines *appropriate Aboriginal Land Council* and *committed Part 4A land* for proposed Part 5A.

**Schedule 1.2[13]** inserts proposed section 82DA which provides that an Aboriginal Land Council may deal with biodiversity credits for management actions carried out on reserved or dedicated

lands vested in the Aboriginal Land Council. The Aboriginal Land Council may undertake actions incidental to or in connection with the dealings with the biodiversity credit. A function under the proposed section in relation to biodiversity credits may be carried out only with the agreement of the board of management for the land. The Secretary may exercise the functions on behalf of the Aboriginal Land Council, at the request of the Aboriginal Land Council.

**Schedule 1.2[12] and [14]–[30]** amend proposed Part 5A, to ensure biodiversity credits that relate to land reserved or dedicated under Part 4A that is the subject of a statement of commitment reflect the role of the Aboriginal Land Council as initial holders of the credit, and the role of the board of management for the land as the authority responsible for carrying out management actions in relation to biodiversity credits on the land.

**Schedule 1.2[31]** requires amounts paid from the Fund for biodiversity credits in relation to land reserved or dedicated under Part 4A to be paid to the board of management for the land.

**Schedule 1.2[32] and [33]** provide that an amount, including a surplus amount, received for the transfer or retirement of a biodiversity credit in relation to land reserved or dedicated under Part 4A must be applied to that land.

**Schedule 1.2[34]** inserts Part 3 into Schedule 1A. The proposed Part revokes certain dedications and reservations of State forests and Crown lands, and reserves the lands as the Gardens of Stone State Conservation Area, part of the Gardens of Stone National Park and part of the Wollemi National Park. The Part has effect despite provisions under the Act, the *Forestry Act 2012* and the *Crown Land Management Act 2016* providing for different procedures for revocation of dedicated or reserved land and for the reservation of land. Provision is made for an adjustment of description of the land in certain circumstances.

## **Schedule 2      Amendment of National Parks and Wildlife Regulation 2019**

**Schedule 2[1] and [3]** remove the definitions of *Secretary*, *DPC Secretary* and *Department* from the *National Parks and Wildlife Regulation 2019 (the Regulation)* because the Bill inserts the definitions.

**Schedule 2[2]** inserts proposed Part 6A and 6B. Proposed Part 6A provides for the membership and procedure of the Board of the National Parks and Wildlife Conservation Trust established under proposed Part 7 of the Act, including the skills and experience required for persons to be appointed by the Minister. The procedures of the Board include procedures requiring the disclosure of a member's direct or indirect pecuniary interest in a matter considered by the Board that appears to raise a conflict of interest.

Proposed Part 6B applies provisions of the *Biodiversity Conservation Regulation 2017* relating to a public register of biodiversity credits with a modification that provides that a reference to a biodiversity stewardship site is taken to include a reference to committed land.

**Schedule 2[4] and [5]** update cross-references.

**Schedule 2[6]** makes a consequential amendment to the Regulation to reference the environmental or cultural values of land, consistent with the insertion of proposed Part 12A into the Act.

**Schedule 2[7]** replaces the word “diminish” in certain provisions with the phrase “put at risk”, consistent with proposed amendments to the Act.

**Schedule 2[8]** inserts proposed clause 87A to prescribe an offence under clause 10G as a *vehicle entry offence* within the meaning of the Act, proposed section 197A(3).

### **Schedule 3      Amendment of other Acts and instruments**

**Schedule 3.1[1]** inserts a note into the *Biodiversity Conservation Act 2016*, Part 6 stating that biodiversity credits created under the Act are taken to be biodiversity credits under that Act.

**Schedule 3.1[2]** requires a register of biodiversity credits kept under the *Biodiversity Conservation Act 2016*, section 9.7 to include information relating to biodiversity credits taken to be biodiversity credits under the Act, Part 6.

**Schedule 3.2[1]** corrects a typographical error in the *Biodiversity Conservation Regulation 2017*.

**Schedule 3.2[2]** amends the *Biodiversity Conservation Regulation 2017* to require the public register of biodiversity credits to include the contact details of the National Parks and Wildlife Service for biodiversity credits created under the Act.

**Schedule 3.2[3] and [4]** amend the *Biodiversity Conservation Regulation 2017* to require that the public register of biodiversity credits includes the contact details of the appropriate Aboriginal Land Council, within the meaning of the Act, proposed Part 5A for biodiversity credits created under the Act.

**Schedule 3.3** updates an amendment under the *Government Sector Finance Legislation (Repeal and Amendment) Act 2018* to reflect amendments made by the *Government Sector Finance Act 2018*, consequent on the repeal of the *Annual Reports (Statutory Bodies) Act 1984*.



New South Wales

# National Parks and Wildlife Amendment Bill 2021

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New South Wales

# National Parks and Wildlife Amendment Bill 2021

No. \_\_\_\_\_, 2021

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## **A Bill for**

An Act to amend the *National Parks and Wildlife Act 1974* and other legislation to streamline processes for plans of management; to enable the Minister to approve priority conservation actions; to establish an entity to receive donations; to allow the Minister to create and trade in carbon sequestration rights and biodiversity credits for certain land; to reserve land; and for other purposes.

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *National Parks and Wildlife Amendment Act 2021*.

3

**2 Commencement**

4

(1) Subject to subsection (2), this Act commences on the date of assent to this Act.

5

(2) Schedules 1.2 and 3.2[3] and [4] commence on the earlier of—

6

(a) a day or days to be appointed by proclamation, or

7

(b) 30 June 2022.

8

**Schedule 1      Amendment of National Parks and Wildlife Act**      1  
**1974 No 80**      2

**1.1 Amendments commencing on assent**      3

**[1] Whole Act**      4

Omit each expression specified in Column 1 of the following table wherever occurring, other than in sections 5, 21(3)(c)(viii), 75, 85, 85A, 87, 88–90D, 90F–90I, 90K–90M, 90Q, 90R and 185A(5) and Schedule 3.      5  
6  
7

Insert instead the expression specified opposite in Column 2—      8

<b>Column 1</b>	<b>Column 2</b>
Chief Executive	Secretary
Chief Executive's	Secretary's
Office's	Department's
Office of Environment and Heritage	Department of Planning, Industry and Environment

**[2] Section 5 Definitions**      9

Omit the definitions of *Chief Executive* and *Office* from section 5(1).      10

**[3] Section 5(1), definition of "authorised officer"**      11

Omit "Chief Executive". Insert instead "Secretary".      12

**[4] Section 5(1)**      13

Insert in alphabetical order—      14

*carbon sequestration right*—see section 82V(2).      15

*committed land*—see section 82B.      16

*deal*, in carbon sequestration rights, includes acquire, hold, sell or trade in the rights.      17  
18

*Department* means the Department of Planning, Industry and Environment.      19

*DPC Secretary* means the Secretary of the Department of Premier and Cabinet.      20  
21

*Secretary* means the Secretary of the Department.      22

**[5] Section 6 The Service**      23

Omit "those persons employed in the Office who are" from section 6(b).      24

Insert instead "that part of the Department that is".      25

**[6] Section 21(1)(b) and (2)(a), 29(2)(a) and 71AO(7)(b)**      26

Omit "Office" wherever occurring. Insert instead "Department".      27

**[7] Section 21 Delegation**      28

Omit "47 (1) (d) or" from section 21(3)(c)(vii).      29

**[8] Section 21(3)(c)(viii)**      30

Omit the subparagraph. Insert instead—      31

(viii)	on the Secretary or the DPC Secretary by the <i>State Records Act 1998</i> , section 25(2), or	1 2
<b>[9]</b>	<b>Sections 45(3)(a), 56(3)(a) and 58Q(3)(a)</b>	3
	Omit “a general licence under section 120, an occupier’s licence under section 121, a commercial fauna harvester’s licence under section 123 or a scientific licence under section 132C” wherever occurring.	4 5 6
	Insert instead “an authorisation under section 171”.	7
<b>[10]</b>	<b>Sections 57(4)(a) and 58R(4)(a)</b>	8
	Omit “a licence issued under Division 3 of Part 9 or section 132C” wherever occurring.	9
	Insert instead “an authorisation under section 171”.	10
<b>[11]</b>	<b>Section 70 Fauna in wildlife refuges and other areas</b>	11
	Omit “a general licence under section 120, an occupier’s licence under section 121, a commercial fauna harvester’s licence under section 123, a scientific licence under section 132C” from section 70(3)(a).	12 13 14
	Insert instead “an authorisation under section 171”.	15
<b>[12]</b>	<b>Section 72 Preparation of plans of management</b>	16
	Omit “, wildlife refuge or wildlife management area” from section 72(1)(d).	17
	Insert instead “or wildlife refuge”.	18
<b>[13]</b>	<b>Section 75 Special areas under the Hunter Water Act 1991—joint preparation and approval of plans of management</b>	19 20
	Omit “The Chief Executive” from section 72(2). Insert instead “The Secretary”.	21
<b>[14]</b>	<b>Section 81 Operations under plan of management</b>	22
	Omit section 81(4). Insert instead—	23
	(4) Subject to subsection (4A), despite anything in this or another Act or in an instrument made under this or another Act, if the Minister has adopted a plan of management under this Part, no operations may be undertaken in relation to the lands to which the plan relates unless—	24 25 26 27
	(a) the operations are in accordance with the plan, or	28
	(b) the Minister has approved a project or action in relation to the lands under section 81AA.	29 30
	(4A) Subsection (4) does not prevail over section 153G(5) or 185A.	31
<b>[15]</b>	<b>Sections 81AA and 81AB</b>	32
	Insert after section 81—	33
	<b>81AA Priority projects and actions</b>	34
	(1) This section applies to land reserved or acquired under this Act, whether or not a plan of management—	35 36
	(a) is adopted for the land, or	37
	(b) is required, or may be prepared, for the land under section 72.	38
	(2) The Minister may give an approval for—	39
	(a) conservation actions for the land, or	40

(b)	the establishment and maintenance of infrastructure projects on the land for—	1
	(i) visitor management, or	2
	(ii) conservation.	3
(3)	An action or project may be approved by the Minister only if—	4
(a)	the action or project is—	5
	(i) consistent with the objects of this Act, and	6
	(ii) an action or project, or class of action or project, prescribed by the regulations, and	7
(b)	the land is not land the subject of a statement of commitment in which biodiversity credits under Part 5A have been created.	8
(4)	The approval by the Minister of an action or project must be published on a NSW Government website.	9
(5)	The approval may prescribe how the action or project must be carried out or given effect to.	10
(6)	This section does not limit operations that may be carried out or given effect to—	11
(a)	under a plan of management adopted for the land, or	12
(b)	in the absence of a plan of management adopted for the land.	13
(7)	To avoid doubt, an action or project approved by the Minister under this section—	14
(a)	remains subject to a requirement under the <i>Environmental Planning and Assessment Act 1979</i> , and	15
(b)	does not remove the requirement to obtain a lease or licence under Part 12.	16
<b>81AB</b>	<b>Process for approvals for priority projects and actions</b>	17
(1)	The Minister may only approve an action or project under section 81AA if the Secretary—	18
(a)	publicly exhibits the proposal for at least 14 days (the <i>public exhibition period</i> ) and invites submissions on the proposal, and	19
(b)	sets out the way that a person may make submissions on the proposal during the public exhibition period, and	20
(c)	considers the submissions received during the public exhibition period.	21
(2)	For land reserved or dedicated under Part 4A—	22
(a)	the Secretary may publicly exhibit the proposal under subsection (1) only if the approval of the relevant board of management for the land has been provided in relation to the proposal, and	23
(b)	the Minister may approve the action or project only if the approval of the relevant board of management for the land has been provided in relation to the action or project.	24
(3)	Despite subsection (1), the Minister may waive the requirement for public exhibition and submissions if—	25
(a)	the Minister considers the action or project is urgently required—	26
(i)	for emergency management or restoration of infrastructure, or	27

	(ii) to prevent imminent risk to the conservation of natural or cultural values of the land, and	1 2
	(b) for land reserved or dedicated under Part 4A—the approval of the relevant board of management for the land has been provided.	3 4
<b>[16]</b>	<b>Parts 5A and 5B</b>	5
	Insert after Part 5—	6
	<b>Part 5A Biodiversity credits</b>	7
	<b>Division 1 Preliminary</b>	8
	<b>82A Purpose of Part</b>	9
	The purpose of this Part is to allow for—	10
	(a) the creation of biodiversity credits for management actions carried out on land reserved or acquired under this Act, and	11 12
	(b) the credits to be acquired, held, retired, sold or otherwise dealt with or traded in under the biodiversity offsets scheme established under the <i>Biodiversity Conservation Act 2016</i> , Part 6.	13 14 15
	<b>82B Definitions</b>	16
	In this Part—	17
	<i>accredited person</i> , in relation to a national parks biodiversity assessment report, has the same meaning as in the <i>Biodiversity Conservation Act 2016</i> for a biodiversity assessment report.	18 19 20
	<i>biodiversity</i> and <i>biodiversity values</i> have the same meanings as in the <i>Biodiversity Conservation Act 2016</i> .	21 22
	<i>biodiversity assessment method</i> has the same meaning as in the <i>Biodiversity Conservation Act 2016</i> .	23 24
	<i>biodiversity credit</i> means a biodiversity credit created by and in accordance with a statement of commitment.	25 26
	<i>biodiversity stewardship agreement</i> has the same meaning as in the <i>Biodiversity Conservation Act 2016</i> .	27 28
	<i>committed land</i> means the land to which a statement of commitment relates.	29
	<i>Environment Agency Head</i> has the same meaning as in the <i>Biodiversity Conservation Act 2016</i> .	30 31
	<i>management action</i> , for committed land, means an action, or refraining from an action, on the land in relation to which a biodiversity credit may be created.	32 33
	<i>national parks biodiversity assessment report</i> —means a report prepared under section 82F.	34 35
	<i>statement of commitment</i> means a statement of commitment made by the Minister under section 82H.	36 37
	<b>82C Application of Part</b>	38
	This Part applies to land reserved or acquired under this Act, other than land reserved or dedicated under Part 4A.	39 40

<b>Division 2</b>	<b>Creation of biodiversity credits</b>	1
<b>82D</b>	<b>Minister may create and deal with biodiversity credits</b>	2
(1)	Biodiversity credits may be created by the Minister and acquired, held, retired, sold or otherwise dealt with or traded in for management actions carried out on land to which this Part applies, subject to section 82E.	3 4 5
(2)	For the purposes of subsection (1), the Minister may undertake activities incidental to or in connection with the creation, acquisition, holding, retiring, selling or trading of, or other dealing with, biodiversity credits.	6 7 8
<b>82E</b>	<b>Requirements for creation of biodiversity credits</b>	9
(1)	A biodiversity credit may be created under this Part only if, in the reasonable view of the Minister, the credit is created in relation to proposed management actions that are likely to deliver biodiversity outcomes that are greater than outcomes from the actions typically implemented for the land in the 5 years before the Minister intends to make a statement of commitment for the land.	10 11 12 13 14
(2)	For land reserved under this Act on or before the commencement of this Part, biodiversity credits must not be created for management actions, to the extent the management actions are, in the opinion of the Minister, part of routine park management.	15 16 17 18
(3)	A biodiversity credit must not be created in relation to land if the Minister is of the opinion there are existing legal obligations to carry out biodiversity conservation measures for biodiversity offset purposes on the land.	19 20 21
(4)	A legal obligation to carry out biodiversity conservation measures referred to in subclause (3) includes the following—	22 23
(a)	a conservation measure in relation to biodiversity certification conferred under the <i>Biodiversity Conservation Act 2016</i> ,	24 25
(b)	a biodiversity stewardship site under the <i>Biodiversity Conservation Act 2016</i> for which biodiversity credits have been transferred or retired,	26 27
(c)	a condition of an approval or consent under the <i>Environmental Planning and Assessment Act 1979</i> ,	28 29
(d)	an area that is required to be set aside for native vegetation under the <i>Local Land Services Act 2013</i> .	30 31
<b>82F</b>	<b>Preparation of national parks biodiversity assessment report</b>	32
(1)	Before a statement of commitment is made, the Minister must direct that a <b><i>national parks biodiversity assessment report</i></b> be prepared by an accredited person that considers the proposed management actions for the proposed committed land.	33 34 35 36
(2)	The report must—	37
(a)	assess the biodiversity values of the proposed committed land in accordance with the biodiversity assessment method, and	38 39
(b)	set out the management actions proposed to be carried out on the proposed committed lands, and	40 41
(c)	specify, in accordance with the biodiversity assessment method, the number and class of biodiversity credits that may be created for the management actions.	42 43 44

<b>82G</b>	<b>Holder of biodiversity credits</b>	1	
	Credits created under a statement of commitment are initially held by the Minister.	2 3	
	<b>Division 3</b>	<b>Statements of commitment</b>	4
<b>82H</b>	<b>Minister may make a statement of commitment</b>	5	
(1)	The Minister may make a statement of commitment.	6	
(2)	The statement of commitment must state the following—	7	
(a)	the land to which the statement relates,	8	
(b)	the management actions to be carried out on the land,	9	
(c)	the number and class of biodiversity credits created for the management actions to be carried out on the land in accordance with the national parks biodiversity assessment report,	10 11 12	
(d)	the costs of the management actions,	13	
(e)	the way in which the costs of the management actions have been calculated.	14 15	
(3)	The statement of commitment may provide for the following—	16	
(a)	monitoring, reporting and audit requirements,	17	
(b)	any other matter relating to the committed land.	18	
(4)	The Secretary must carry out management actions under a statement of commitment.	19 20	
(5)	If the biodiversity assessment method is amended or replaced after a statement of commitment is made, the statement of commitment prevails to the extent of an inconsistency between the statement of commitment and the provisions of the biodiversity assessment method as amended or replaced.	21 22 23 24	
	<b>Note—</b> See section 82F, which applies the biodiversity assessment method to determine matters that are required to be included in the statement of commitment under this section.	25 26 27	
(6)	The statement of commitment must be published on a NSW Government website.	28 29	
<b>82I</b>	<b>Reports on management actions to be given to Minister</b>	30	
(1)	The Secretary must prepare an annual report for the Minister about the implementation of a statement of commitment, setting out the following—	31 32	
(a)	the management actions that have been implemented,	33	
(b)	the costs of the management actions that have been implemented,	34	
(c)	the number of biodiversity credits sold and the amount received for the credits.	35 36	
(2)	The report must be published on a NSW Government website.	37	
<b>82J</b>	<b>Duration of statement of commitment</b>	38	
(1)	A statement of commitment has effect from a day, or on the happening of an event, specified in the statement.	39 40	
(2)	A statement of commitment has effect in perpetuity, unless the statement is terminated by the Minister.	41 42	

(3)	The Minister must not terminate a statement of commitment unless measures are taken by the Minister to offset negative impacts of the termination on the biodiversity values protected by the statement.	1 2 3
(4)	For the purposes of subsection (3), the measures may include the following—	4
(a)	the cancellation of biodiversity credits created in relation to the committed land,	5 6
(b)	the retirement of biodiversity credits created in relation to other committed land,	7 8
(c)	entering into a statement of commitment for the purpose of establishing other committed land.	9 10
(5)	The <i>Biodiversity Conservation Act 2016</i> , section 6.30 applies in relation to the retirement of credits under this section if—	11 12
(a)	the Minister is not able to establish a statement of commitment or a biodiversity stewardship agreement for the required credits, or	13 14
(b)	the required credits are not available for purchase or retirement.	15
<b>82K</b>	<b>Variation of statements of commitment</b>	16
(1)	A statement of commitment may be varied by the Minister, if the variation is authorised under this Act.	17 18
(2)	The area of committed land may be increased or reduced by a variation of the statement.	19 20
(3)	The Minister must not vary, or agree to the variation of, a statement of commitment, unless the Minister is satisfied—	21 22
(a)	the variation does not have a negative impact on the biodiversity values protected by the statement, or	23 24
(b)	other measures have been taken by the Minister to offset negative impacts.	25 26
(4)	For the purposes of subsection (3)(b), the measures may include the following—	27 28
(a)	the cancellation of biodiversity credits created in relation to the committed land,	29 30
(b)	the retirement of biodiversity credits created in relation to other committed land,	31 32
(c)	entering into a statement of commitment for the purpose of establishing other committed land.	33 34
(5)	The <i>Biodiversity Conservation Act 2016</i> , section 6.30 applies in relation to the retirement of credits under this section, if—	35 36
(a)	the Minister is not able to establish a statement of commitment or a biodiversity stewardship agreement for the required credits, or	37 38
(b)	the required credits are not available for purchase or retirement.	39
(6)	Unless the Minister otherwise determines in accordance with the regulations, an application to vary a statement of commitment must be accompanied by a national parks biodiversity assessment report prepared by an accredited person that—	40 41 42 43
(a)	assesses the biodiversity values of the committed land, as proposed to be varied ( <i>proposed committed land</i> ), in accordance with the biodiversity assessment method, and	44 45 46



	(b) sets out proposed variations to the management actions to be carried out on the proposed committed land, and	1 2
	(c) specifies in accordance with the biodiversity assessment method any additional number and class of biodiversity credits that may be created for the management actions.	3 4 5
<b>82L</b>	<b>Application of Planning Act</b>	6
	(1) Management actions under a statement of commitment are taken to be exempt development for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> .	7 8 9
	(2) The regulations may exclude management actions from the operation of this section.	10 11
	(3) For the purposes of the <i>Environmental Planning and Assessment Act 1979</i> , section 1.6(2), a reference to an environmental planning instrument includes a statement of commitment.	12 13 14
	(4) A statement of commitment is not a regulatory instrument for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> , section 3.16.	15 16
<b>Division 4</b>	<b>Relationship to Biodiversity Conservation Act 2016</b>	17
<b>82M</b>	<b>Biodiversity credits to be dealt with under Biodiversity Conservation Act 2016</b>	18
	A biodiversity credit created under this Part is taken to be a biodiversity credit under the <i>Biodiversity Conservation Act 2016</i> , Part 6, Division 4 subject to this Division.	19 20 21
<b>82N</b>	<b>Application of Biodiversity Conservation Act 2016</b>	22
	The following provisions of the <i>Biodiversity Conservation Act 2016</i> extend to a biodiversity credit created under this Part, subject to this Division—	23 24
	(a) section 6.10,	25
	(b) Part 6, Divisions 4–6,	26
	(c) Part 7, Division 4 and Part 8, in relation to biodiversity offset obligations.	27 28
<b>82O</b>	<b>Modifications of provision of Biodiversity Conservation Act 2016</b>	29
	For the purposes of a provision of the <i>Biodiversity Conservation Act 2016</i> , as extended under this Division—	30 31
	(a) a reference to a biodiversity stewardship agreement is taken to be a reference to a statement of commitment, and	32 33
	(b) a reference to a biodiversity stewardship site is taken to be a reference to committed land, and	34 35
	(c) a reference to the biodiversity stewardship site owner, or the owner of the land, is taken to be the Minister, and	36 37
	(d) a reference to a biodiversity assessment report is taken to include a reference to a national parks biodiversity assessment report.	38 39
<b>82P</b>	<b>Provisions of Biodiversity Conservation Act 2016 not relevant to biodiversity credits created under Part</b>	40 41
	The following provisions of the <i>Biodiversity Conservation Act 2016</i> , Part 6, Divisions 4 and 5 do not extend to a biodiversity credit created under this Part—	42 43 44

(a)	section 6.20(5) and (6),	1
(b)	section 6.23(1)(b) and (2),	2
(c)	section 6.24(4), (6) and (7),	3
(d)	section 6.26,	4
(e)	section 6.29.	5
<b>82Q</b>	<b>Money received for certain credits</b>	6
(1)	The <i>Biodiversity Conservation Act 2016</i> , section 6.21 is modified in accordance with this section.	7 8
(2)	The <i>Biodiversity Conservation Act 2016</i> , section 6.21(1) and (5) are modified to require that the following amounts that would be paid to the Biodiversity Stewardship Payments Fund under those subsections must be paid into the National Parks and Wildlife Fund referred to in section 137—	9 10 11 12
(a)	an amount to be paid before a first transfer of a biodiversity credit created under this Part is registered,	13 14
(b)	if a biodiversity credit created under this Part is proposed to be retired without having been transferred—the amount that would have been payable if the biodiversity credit had instead been transferred.	15 16 17
<b>82R</b>	<b>Retirement of biodiversity credits</b>	18
(1)	Subject to subsection (2), the <i>Biodiversity Conservation Act 2016</i> , section 6.27 extends to—	19 20
(a)	the initial holder of a credit created under this Part, and	21
(b)	the holder of a biodiversity credit created under this Part if the credit has been transferred to the holder.	22 23
(2)	The <i>Biodiversity Conservation Act 2016</i> , section 6.27(4)(c) is modified to provide that the Environment Agency Head may refuse an application to retire a biodiversity credit if a payment required to be made to the Biodiversity Stewardship Payments Fund under section 6.21 is not paid into the National Parks and Wildlife Fund referred to in section 137.	24 25 26 27 28
	<b>Note—</b> See section 82Q, which modifies the operation of the <i>Biodiversity Conservation Act 2016</i> , section 6.21 to require payments to the Fund under this Act in certain circumstances.	29 30 31
(3)	The <i>Biodiversity Conservation Act 2016</i> , sections 6.31–6.33 extend to a biodiversity credit created under this Part that is retired under this section.	32 33
<b>82S</b>	<b>Regulations</b>	34
	The regulations may make provisions about the following—	35
(a)	a necessary modification to the operation of a provision of the <i>Biodiversity Conservation Act 2016</i> in relation to a biodiversity credit created under this Part, if the provision commences after the commencement of this section,	36 37 38 39
(b)	a matter for which a regulation may be made under the <i>Biodiversity Conservation Act 2016</i> for the purposes of this Part,	40 41
(c)	extending, modifying or excluding the operation of provision of a regulation made under the <i>Biodiversity Conservation Act 2016</i> for the purposes of this Part.	42 43 44

<b>Division 5</b>	<b>Miscellaneous</b>	1
<b>82T</b>	<b>Payments from Fund</b>	2
	The Minister may direct that payments be made from the Fund to the Service for the purpose of undertaking management actions on committed land.	3 4
<b>82U</b>	<b>Proposals by public authorities affecting committed land</b>	5
(1)	A public authority must not carry out development on committed land unless the public authority has—	6 7
	(a) given written notice of the proposed development to the Minister, and	8
	(b) received written notice from the Minister consenting to the development.	9 10
(2)	The Minister may consent to the development only if—	11
	(a) the Minister is of the opinion that the development will not adversely affect—	12 13
	(i) management actions that may be carried out on the land under a statement of commitment, and	14 15
	(ii) the biodiversity values protected by the statement, or	16
	(b) the Minister is satisfied that an adverse effect of the development on biodiversity values, including future improvement to biodiversity values that would otherwise be achieved by the management actions on the committed land, will be offset by the retirement of biodiversity credits by the public authority, or	17 18 19 20 21
	(c) the development is required for an essential public purpose or for a purpose of special significance to the State.	22 23
(3)	The Minister may, as a condition of granting consent under this section, direct the public authority to retire biodiversity credits of a number and class specified by the Minister.	24 25 26
	<b>Note—</b> The <i>Biodiversity Conservation Act 2016</i> , Part 6, Division 6 enables a person who is required under this section to retire biodiversity credits to make a payment instead to the Biodiversity Conservation Fund of the value of the credits in accordance with the offsets payment calculator.	27 28 29 30
(4)	The Minister may approve an arrangement under which—	31
	(a) the retirement of some or all of the biodiversity credits is deferred pending the completion of restorative actions that will restore or improve the biodiversity values affected by the development, and	32 33 34
	(b) the biodiversity credits the retirement of which is deferred pending the completion of the actions are required to be transferred to the Minister.	35 36
(5)	The <i>Biodiversity Conservation Act 2016</i> , section 6.28 applies in relation to an arrangement under this section as if it were a deferred credit retirement arrangement under section 6.28.	37 38 39
(6)	The Minister may, by publication on the Department’s website, vary or terminate a statement of commitment for committed land if the variation or termination is necessary to enable the public authority to carry out the development.	40 41 42 43
(7)	The consent of the Minister under this section is not an approval for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> , Part 5.	44 45
(8)	This section does not apply—	46
	(a) to a part of committed land that is a wilderness area, or	47

- (b) in relation to development that comprises emergency or routine work by a public authority of a kind that the public authority and the Minister have agreed to exclude from the application of this section, or 1  
2  
3
- (c) if the proposed development is not inconsistent with the terms of the statement of commitment—in relation to development proposed to be carried out by the Service. 4  
5  
6
- (9) In this section— 7  
*development* has the same meaning as in the *Environmental Planning and Assessment Act 1979*. 8  
9

## **Part 5B Minister may create and deal with carbon sequestration rights** 10 11

### **82V Meanings of “carbon sequestration” and “carbon sequestration right”** 12

- (1) In this Act, *carbon sequestration* means— 13
  - (a) the absorption from the atmosphere of carbon dioxide by land or anything on land, and 14  
15
  - (b) the storage of carbon in land or in anything on land. 16
- (2) In this Act, a *carbon sequestration right*, in relation to land— 17
  - (a) means the exclusive right to obtain the benefit, whether present or future, of carbon sequestration, and 18  
19
  - (b) includes a carbon sequestration right within the meaning of the *Conveyancing Act 1919*, section 87A. 20  
21
- (3) For the purposes of the definitions of *carbon sequestration* and *carbon sequestration right*, land includes terrestrial environments or ecosystems and aquatic environments or ecosystems. 22  
23  
24  
**Note—** See also the definition of *land* in the *Interpretation Act 1987*, section 21(1). 25
- (4) The regulations may prescribe other types of carbon sequestration and carbon sequestration rights for the purposes of the definitions. 26  
27

### **82W Minister may create and deal with carbon sequestration rights** 28

- (1) The Minister may create and deal with carbon sequestration rights in relation to land acquired, reserved or dedicated under this Act, other than land reserved or dedicated under Part 4A. 29  
30  
31
- (2) For the purposes of subsection (1), the Minister may undertake activities incidental to or in connection with creating and dealing with carbon sequestration rights. 32  
33  
34
- (3) Without limiting subsection (2), an activity incidental to or in connection with carbon sequestration rights includes a form of carbon benefit from the following activities— 35  
36  
37
  - (a) revegetation, 38
  - (b) vegetation management, 39
  - (c) improvements in soil carbon, 40
  - (d) the management of feral animals, 41
  - (e) fire management, 42
  - (f) carbon sequestered through land use changes or rehabilitation, 43
  - (g) human-induced regeneration. 44

(4)	A function under this section may be exercised in relation to land only if the Minister is satisfied that exercising the function is consistent with the objects of this Act.	1 2 3
(5)	A function under this section may not be exercised in relation to land of which a state conservation area trust, regional park trust or local council has care, control and management under this Act unless the Minister has consulted with, and considered advice given by, the trust or council.	4 5 6 7
(6)	The regulations may prescribe other functions or activities that the Minister may exercise or take in relation to carbon sequestration rights.	8 9
<b>[17]</b>	<b>Sections 85, 85A, 87, 88–90D, 90F–90I, 90K–90M, 90Q and 90R</b>	10
	Omit “Chief Executive’s” and “Chief Executive” wherever occurring.	11
	Insert instead “DPC Secretary’s” and “DPC Secretary”, respectively.	12
<b>[18]</b>	<b>Part 7</b>	13
	Insert after Part 6A—	14
	<b>Part 7 National Parks and Wildlife Conservation Trust</b>	15
	<b>Division 1 Preliminary</b>	16
	<b>92 Definitions</b>	17
	In this Part—	18
	<i>Public Fund</i> —see section 105(1).	19
	<i>Trust</i> means the National Parks and Wildlife Conservation Trust established under section 93.	20 21
	<b>Division 2 Establishment, functions and operation of Trust</b>	22
	<b>93 Establishment of Trust</b>	23
	There is established by this Act a body corporate with the corporate name of the National Parks and Wildlife Conservation Trust of New South Wales.	24 25
	<b>94 Status of Trust</b>	26
	(1) The Trust is a statutory body representing the Crown.	27
	(2) The Trust is subject to the control and direction of the Minister, except in relation to payments from the Public Fund.	28 29
	(3) The Trust must publish directions given to the Trust by the Minister on the Trust’s website.	30 31
	<b>95 Trust Board</b>	32
	(1) There is to be a Board of the Trust.	33
	(2) The Board of the Trust must consist of at least 5, and no more than 11, members appointed by the Minister.	34 35
	(3) The affairs of the Trust are to be managed by the Board.	36
	(4) An act, matter or thing done in the name of, or on behalf of, the Trust by the Board is taken to have been done by the Trust.	37 38

- (5) The Minister may do the following, in accordance with the regulations in relation to the Board—
- (a) appoint members of the Board, including persons with skills and experience in areas the Minister considers relevant,
  - (b) appoint a Chairperson and a Deputy Chairperson of the Board,
  - (c) determine remuneration and entitlements for travelling or other expenses for members of the Board,
  - (d) remove a member of the Board from office,
  - (e) establish committees and procedures for the committees,
  - (f) dissolve the Board.
- (6) The regulations may make provisions about the following—
- (a) the composition of the membership of the Board appointed by the Minister,
  - (b) procedures for nominations to the Board,
  - (c) procedures for the administration of membership of the Board, including the term of office for members of the Board,
  - (d) the procedures for—
    - (i) calling of meetings of the Board, and
    - (ii) conducting business at the meetings, including procedures to be determined by the Board,
  - (e) procedures in relation to possible conflicts of interest,
  - (f) the application of the *Government Sector Employment Act 2013* to members of the Board,
  - (g) fees that may be determined by the Board for services,
  - (h) requirements for the seal of the Trust,
  - (i) the dissolution of the Board.
- 96 Object of Trust**
- (1) The object of the Trust is to support and promote the protection and enhancement of the following through the use of gifts of money and property received by the Public Fund—
- (a) lands reserved or acquired under this Act,
  - (b) lands managed by the Service,
  - (c) lands managed in collaboration between the Service and landholders,
  - (d) lands being assessed for potential acquisition under this Act.
- (2) The Trust is not-for-profit.
- (3) The object of the Trust is also its principal purpose.
- Note—** For donations to the Public Fund to have tax deductible status under the *Income Tax Assessment Act 1997* of the Commonwealth, Subdivision 30-E, the Trust must have as its principal purpose the protection and enhancement of the natural environment or of a significant aspect of the natural environment.
- 97 Functions of Trust**
- The Trust has the following functions—
- (a) to establish and maintain the Public Fund,

(b)	to invite and encourage members of the public and organisations to make gifts of money and property to the Public Fund,	1 2
(c)	to establish and maintain a website for the purposes of facilitating the functions of the Trust,	3 4
(d)	to use gifts, devises, bequests or contributions received by the Public Fund to—	5 6
(i)	support and promote the conservation and management of lands referred to in section 96(1), and	7 8
(ii)	support the acquisition of additional lands,	9
(e)	to assess and analyse lands for potential acquisition by payments from the Public Fund,	10 11
(f)	to invest money held in the Public Fund,	12
(g)	to exercise functions delegated to the Trust under this Act,	13
(h)	another function conferred or imposed on the Trust by this Act or another law.	14 15
<b>98</b>	<b>Powers of Trust</b>	16
(1)	The Trust has power to do all things that are necessary or convenient to be done for or in connection with the exercise of its functions or that are supplemental or incidental to, or consequential on, the exercise of its functions.	17 18 19 20
(2)	Without limiting subsection (1), the Trust has power to do the following—	21
(a)	to buy, sell, hold, mortgage, lease or otherwise deal with land or other property,	22 23
(b)	to borrow money, either with or without security,	24
(c)	to act as trustee of money or other property vested in the Trust,	25
(d)	to invest money held in the Public Fund—	26
(i)	if the Trust is a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in a way that the Trust is permitted to invest money under that Part, or	27 28 29
(ii)	if the Trust is not a GSF agency for the purposes of the <i>Government Sector Finance Act 2018</i> , Part 6—in the same way as trustees may invest trust funds or in another way approved by the Treasurer,	30 31 32 33
(e)	to make and enter into contracts or other arrangements for the carrying out of works, the performance of services or the supply of goods or materials,	34 35 36
(f)	to appoint agents,	37
(g)	to set fees in relation to administrative matters.	38
<b>99</b>	<b>Staff of Trust</b>	39
(1)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Trust to exercise its functions.	40 41
	<b>Note—</b> The <i>Government Sector Employment Act 2013</i> , section 59 provides that the persons employed, or whose services the Trust makes use of, may be referred to as officers or employees, or members of staff, of the Trust. The <i>Constitution Act 1902</i> , section 47A precludes the Trust from employing staff.	42 43 44 45
(2)	The Trust may engage consultants for the purpose of getting expert advice.	46

<b>100</b>	<b>Delegation by Trust</b>	1
	The Trust may delegate a function of the Trust, other than this power of delegation, to—	2
		3
	(a) a member of the Board of the Trust, or	4
	(b) an employee of the Trust, or	5
	(c) a person, or a person of a class, prescribed by the regulations.	6
<b>101</b>	<b>Annual reports of Trust</b>	7
	The regulations may prescribe additional matters relating to the exercise of the Trust's functions that the Trust is required to include in its annual report under the <i>Annual Reports (Statutory Bodies) Act 1984</i> .	8
		9
		10
<b>102</b>	<b>Exemption from certain State taxes</b>	11
	The <i>Duties Act 1997</i> does not apply to or in relation to—	12
	(a) the acquisition of land by the Trust for the purposes of this Act, or	13
	(b) the leasing of land, whether as lessor or lessee, by the Trust for the purposes of this Act, or	14
	(c) the disposal of land by the Trust under this Act.	15
		16
<b>Division 3</b>	<b>National Parks and Wildlife Conservation Public Fund</b>	17
<b>103</b>	<b>Definitions</b>	18
	In this Division—	19
	<i>Environment Secretary</i> has the same meaning as in the ITAA 1997.	20
	<i>ITAA 1997</i> means the <i>Income Tax Assessment Act 1997</i> of the Commonwealth.	21
		22
<b>104</b>	<b>Registration of Trust as environmental organisation</b>	23
(1)	The Trust must comply with the requirements set out in the ITAA 1997, Subdivision 30-E in relation to the Trust's registration as an environmental organisation within the meaning of the ITAA 1997.	24
		25
		26
(2)	In particular, the Trust must—	27
	(a) establish and maintain a not-for-profit public fund that meets the requirements of the ITAA 1997, section 30-130, in accordance with section 105, and	28
		29
		30
	(b) comply with a rule the Commonwealth Minister and the Environment Minister make to ensure that gifts made to the public fund are used only for the principal purpose of the Trust, and	31
		32
		33
	(c) not pay any of the Trust's profits or financial surplus, or give any of the Trust's property, to its members, and	34
		35
	(d) not act as a mere conduit for the donation of money or property to other organisations, bodies or persons, and	36
		37
	(e) agree to give the Environment Secretary, within a reasonable period after the end of each income year, statistical information about gifts made to the Public Fund during the income year.	38
		39
		40
(3)	In this section—	41
	<i>Commonwealth Minister</i> means a Commonwealth Minister responsible for administering the relevant provisions of the ITAA 1997.	42
		43



	<i>Environment Minister</i> has the same meaning as in the ITAA 1997.	1
<b>105</b>	<b>National Parks and Wildlife Conservation Public Fund</b>	2
(1)	The public fund referred to in section 104(2)(a) must be called the National Parks and Wildlife Conservation Public Fund (the <b><i>Public Fund</i></b> ).	3 4
(2)	The Trust must—	5
(a)	maintain and only use the Public Fund for the principal purpose of the Trust, and	6 7
(b)	hold all accountable gifts in the Public Fund, and	8
(c)	not hold other money or property in the Public Fund, and	9
(d)	pay all money held in the Public Fund into an account kept, for the purposes of the Public Fund, with an authorised deposit-taking institution, and	10 11 12
(e)	keep records that record and explain all transactions and other acts the Trust engages in that are relevant to the Trust’s endorsement as a deductible gift recipient for operating the Public Fund, and	13 14 15
	<b>Note—</b> The <i>Taxation Administration Act 1953</i> of the Commonwealth, Schedule 1, section 382-15 requires deductible gift recipients to keep certain records.	16 17
(f)	issue receipts in the name of the Public Fund for accountable gifts worth \$2 or more, and	18 19
(g)	notify the Australian Taxation Office and the Environment Secretary of any changes made to the provisions of this Act that relate to the Trust or the Public Fund after the Trust is registered as an environmental organisation under the ITAA 1997, Subdivision 30-E.	20 21 22 23
(3)	In this section—	24
	<b><i>accountable gifts</i></b> means gifts, property, contributions or money referred to in the ITAA 1997, section 30-130.	25 26
	<b><i>authorised deposit-taking institution</i></b> has the same meaning as <b><i>ADI</i></b> has in the ITAA 1997.	27 28
<b>106</b>	<b>Transfer of assets on winding up</b>	29
(1)	At the first occurrence of a winding up event, the Trust must transfer surplus assets of the Public Fund that can be deducted under the ITAA 1997, Division 30 to a tax exempt fund determined by the Minister.	30 31 32
(2)	The Minister must give preference to tax exempt funds that operate principally in New South Wales.	33 34
(3)	In this section—	35
	<b><i>tax exempt fund</i></b> means a public fund that is—	36
(a)	on the register of environmental organisations kept under the ITAA 1997, Subdivision 30-E, and	37 38
(b)	maintained for a similar purpose to the principal purpose of the Trust.	39
	<b><i>winding up event</i></b> means—	40
(a)	the winding up of the Trust, or	41
(b)	the winding up of the Public Fund, or	42
(c)	the revocation of the Trust’s endorsement as a deductible gift recipient under the ITAA 1997, Division 30.	43 44

<b>107 Regulations</b>	1
The regulations may make provisions about matters necessary to ensure compliance with a requirement under the ITAA 1997 for the proper functioning of the Trust as a registered environmental organisation under the ITAA 1997, including in relation to—	2 3 4 5
(a) additional administrative arrangements to address a requirement, or	6
(b) additional governance arrangements to address a requirement.	7
<b>[19] Section 138 Payments into Fund</b>	8
Insert after section 138(1)(b)(i)—	9
(ia) the creation of and dealing with carbon sequestration rights in land acquired, reserved or dedicated under this Act,	10 11
(ib) amounts required to be paid into the Fund for the transfer or retirement of a biodiversity credit,	12 13
<b>[20] Section 139 Payments out of Fund</b>	14
Insert after section 139(2)(g)—	15
(g1) the cost of the Minister creating and dealing with carbon sequestration rights in land acquired, reserved or dedicated under this Act,	16 17
<b>[21] Section 139(2)(i1)</b>	18
Insert after section 139(2)(i)—	19
(i1) amounts the Minister directs to be paid from the Fund to the Service in relation to management actions carried out, or to be carried out, under a statement of commitment,	20 21 22
<b>[22] Section 139(2)(m)</b>	23
Omit “, and”.	24
<b>[23] Section 139(2)(o)</b>	25
Insert at the end of section 139(2)(n)—	26
, and	27
(o) any other costs, charges, expenses, money or fees prescribed by the regulations.	28 29
<b>[24] Section 139(3A)–(3C)</b>	30
Insert after section 139(3)—	31
(3A) An amount received under section 138(1)(b)(ib), other than a surplus amount must be applied to management actions required under the statement of commitment for the committed land for which the money was paid into the account.	32 33 34 35
(3B) A surplus amount may be applied to—	36
(a) land reserved or acquired under this Act, or	37
(b) support the acquisition of additional lands under this Act.	38
(3C) For the purposes of subsections (3A) and (3B), an amount is a <i>surplus amount</i> if the amount is—	39 40
(a) received under section 138(1)(b)(ib), and	41

(b)	more than the amount of the total Fund deposit for the credits, within the meaning of the <i>Biodiversity Conservation Act 2016</i> , section 6.21, as extended and modified under Part 5A.	1 2 3
[25]	<b>Part 12A</b>	4
	Insert after Part 12—	5
	<b>Part 12A Assets of intergenerational significance</b>	6
<b>153F</b>	<b>Definitions</b>	7
	In this Part—	8
	<i>conservation action plan</i> means a plan prepared under the regulations for declared land in relation to assets of intergenerational significance.	9 10
	<i>declared land</i> —see section 153G(1).	11
<b>153G</b>	<b>Assets of intergenerational significance</b>	12
(1)	If the Minister is satisfied that land reserved or acquired for reservation under this Act is an environmental or cultural asset of intergenerational significance, the Minister may, by order published in the Gazette, declare the land to be land to which this section applies ( <i>declared land</i> ).	13 14 15 16
(2)	The declaration must—	17
(a)	set out the environmental and cultural values of the land that determined the land to be declared land, and	18 19
(b)	include a map of the land.	20
(3)	Despite subsections (1) and (2), or a provision of the regulations, if the Minister is satisfied that the disclosure of information may place at risk the protection of the land to be declared land, or the environmental and cultural values of the land, the following information is not required to be published in the Gazette or otherwise—	21 22 23 24 25
(a)	the map required under subsection (2)(b),	26
(b)	information in the declaration that may reveal the location of the declared land,	27 28
(c)	the actions that may be taken for the management of the declared land.	29
(4)	The regulations may make provisions about action that may be taken for the management of declared land, including the protection of the land from bush fire risks.	30 31 32
(5)	Action authorised by regulations under this section may be taken despite a plan of management that applies to the declared land.	33 34
(6)	Regulations under this section do not affect the <i>Rural Fires Act 1997</i> or the regulations under that Act.	35 36
<b>153H</b>	<b>Application of Planning Act</b>	37
(1)	The following actions are taken to be exempt development for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> —	38 39
(a)	an action in relation to declared land, carried out under a conservation action plan,	40 41
(b)	an action that may be taken for the management of declared land, prescribed by the regulations under section 153G(4).	42 43

(2)	The regulations may exclude an action referred to in subsection (1) from the operation of this section.	1 2
(3)	For the purposes of the <i>Environmental Planning and Assessment Act 1979</i> , section 1.6(2), a reference to an environmental planning instrument includes a conservation action plan.	3 4 5
(4)	A conservation action plan is not a regulatory instrument for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> , section 3.16.	6 7
<b>153I</b>	<b>Offence for harm to environmental or cultural value of declared land</b>	8
(1)	A person must not interfere with, damage, harm or disturb an environmental or cultural value of land that is declared land.	9 10
	Maximum penalty—	11
(a)	for a corporation—10,000 penalty units, or	12
(b)	for an individual—5,000 penalty units or imprisonment for 2 years, or both.	13 14
	<b>Note—</b> An offence against subsection (1) committed by a corporation is an executive liability offence attracting executive liability for a director or other person involved in the management of the corporation—see section 175B.	15 16 17
(2)	It is a defence to a prosecution for an offence under subsection (1) if—	18
(a)	the person proves that the person did not know, because the declared land or environmental or cultural value of the declared land was not published by operation of section 153G(3), that the person was interfering with, damaging, harming or disturbing an environmental or cultural value of declared land, or	19 20 21 22 23
(b)	action taken by the person was—	24
(i)	carried out under a conservation action plan, or	25
(ii)	an action that may be taken for the management of the declared land prescribed by the regulations under section 153G(4), or	26 27
(c)	action taken by the person was necessary for the carrying out of development in accordance with a development consent within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> , or	28 29 30
(d)	action taken by the person was in accordance with an activity authorised by an approval granted by a determining authority within the meaning of the <i>Environmental Planning and Assessment Act 1979</i> , Part 5 after compliance with that Part, or	31 32 33 34
(e)	action taken by the person is authorised or required to be carried out under the <i>Rural Fires Act 1997</i> .	35 36
<b>[26]</b>	<b>Section 154 Regulations</b>	37
	Insert after section 154(b)—	38
(c)	the creation of and dealing with carbon sequestration rights, and activities incidental to or connected with the exercise of this function,	39 40
<b>[27]</b>	<b>Section 155 Regulations relating to parks</b>	41
	Insert “the following” after “particular, for or with respect to” in section 155(2).	42
<b>[28]</b>	<b>Section 155(2)(dd)</b>	43
	Omit “park, and”. Insert instead “park.”.	44

<b>[29] Section 155(2)(ee)</b>	1
Insert after section 155(2)(dd)—	2
(ee) the development and implementation by the Secretary of a program for the monitoring and reporting of matters relating to the ecological health of parks.	3 4 5
<b>[30] Section 155(2AA)</b>	6
Insert after section 155(2A)—	7
(2AA) Without limiting the generality of subsection (2), a regulation made under subsection (2)(ee) may include provisions about the following—	8 9
(a) requirements relating to the design of the program for monitoring and reporting, including—	10 11
(i) the park or other lands to which the program applies, and	12
(ii) the type of ecological health attributes to be measured, and	13
(iii) the frequency with which the attributes will be measured,	14
(b) requirements relating to the implementation of the program, including a requirement that the program be implemented to the greatest extent practicable,	15 16 17
(c) requirements relating to reporting on the outcomes of the program, including—	18 19
(i) the way the outcomes are published, and	20
(ii) the type of information that is not required to be published, or the circumstances in which certain types of information are not required to be published.	21 22 23
<b>[31] Section 175B Liability of directors etc for offences by corporation—offences attracting executive liability</b>	24 25
Insert after section 175B(1)(l)—	26
(11) section 153I(1),	27
<b>[32] Section 185 Catchment areas and special areas</b>	28
Omit “nor the Secretary of the Department of Industry, Skills and Regional Development” from section 185(5).	29 30
<b>[33] Section 185A Special areas under the Hunter Water Act 1991</b>	31
Omit “by the Chief Executive” from section 185A(5). Insert instead “by the Secretary”.	32
<b>[34] Section 188D Provisions relating to certain existing access roads on National Park Estate lands</b>	33 34
Insert after section 188D(9), definition of <i>access road</i> , paragraph (b)—	35
(b1) the <i>Forestry Revocation and National Park Reservation Act 1996</i> , section 9,	36 37
<b>[35] Section 188D(9), definition of “exclusion order”</b>	38
Insert after paragraph (b)—	39
(b1) the <i>Forestry Revocation and National Park Reservation Act 1996</i> , section 9(5),	40 41

<b>[36] Section 188G Public availability of register</b>	1
Omit “Office” from section 188G(1). Insert instead “Department”.	2
<b>[37] Section 188H Assets of intergenerational significance</b>	3
Omit the section.	4
<b>[38] Sections 197A and 197B</b>	5
Insert after section 197—	6
<b>197A Approved cameras—offences relating to vehicles entering or using park</b>	7
(1) In proceedings for a vehicle entry offence—	8
(a) a digital image purporting to be taken by means of the operation of an approved camera installed or set up at the place and on the day specified on the image, and bearing a security indicator, is prima facie evidence that the image—	9 10 11 12
(i) was taken at the place and on the day specified on the image, and	13
(ii) bears the security indicator, and	14
(b) evidence that the image bears a security indicator is prima facie evidence the image has not been altered since the image was taken, and	15 16
(c) the image is prima facie evidence of the matters shown or recorded on the image.	17 18
(2) In proceedings for a vehicle entry offence, a certificate purporting to be signed by the Secretary, and certifying the following particulars with the image, is admissible as prima facie evidence that—	19 20 21
(a) the person is the Secretary,	22
(b) within 12 months, or another period prescribed by the regulations, including a longer period, before the day recorded on the photograph as the day on which the photograph was taken, an authorised person carried out an inspection on the approved camera specified in the certificate,	23 24 25 26 27
(c) on the inspection, the approved camera was found to be operating correctly.	28 29
(3) In this section—	30
<b><i>approved camera</i></b> means a digital camera of a type approved by the Minister by order published in the Gazette as being designed—	31 32
(a) to take a photograph of a motor vehicle as the motor vehicle is being driven in or around a park, and	33 34
(b) to record on the photograph—	35
(i) the date on which the photograph is taken, and	36
(ii) the time and location at which the photograph is taken, and	37
(iii) the direction in which the vehicle activating the camera is travelling, and	38 39
(iv) ancillary information in connection with a fee or charge and the photographing of the motor vehicle at that time and location that is prescribed by the regulations.	40 41 42
<b><i>authorised person</i></b> means a person authorised by the Secretary to install and inspect approved cameras.	43 44

<i>digital camera</i> means a camera recording device that is capable of recording images in a digitised format.	1 2
<i>digital image</i> includes a digitised, electronic or computer generated image in a form approved by the Secretary.	3 4
<i>park</i> —	5
(a) means a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area, or land acquired by the Minister under Part 11, and	6 7 8
(b) includes roads and waters in the boundaries of a park, site, area, reserve or land specified in paragraph (a).	9 10
<i>security indicator</i> means a security indicator of a kind approved by the Minister by order published in the Gazette.	11 12
<i>vehicle entry offence</i> means the following offences—	13
(a) an offence against this Act or the regulations for entering a park by motor vehicle without payment of a fee or charge,	14 15
(b) an offence prescribed by the regulations for the purposes of this section.	16
<b>197B Information obtained by approved cameras</b>	17
(1) A person who obtains information in the exercise of a function relating to the use or operation of an approved camera under section 197A must not directly or indirectly make a record of, make use of, or give, the information to another person, unless the information is given—	18 19 20 21
(a) in the exercise of a function relating to the payment and collection of a fee or charge under this Act, or	22 23
(b) for the enforcement of a vehicle entry offence, or	24
(c) in the exercise of another function prescribed by the regulations.	25
Maximum penalty—50 penalty units.	26
(2) Subsection (1) does not apply to information given by an authorised officer, or given in accordance with a protocol approved by the Privacy Commissioner, to the following—	27 28 29
(a) the Independent Commission Against Corruption,	30
(b) the Australian Crime Commission,	31
(c) the New South Wales Crime Commission,	32
(d) the Ombudsman,	33
(e) the NSW Police Force, or the police force of another State or a Territory,	34 35
(f) the Australian Federal Police,	36
(g) the Director of Public Prosecutions of New South Wales, or the Director of Public Prosecutions of another State or Territory, or of the Commonwealth,	37 38 39
(h) the Department of Communities and Justice,	40
(i) Service NSW,	41
(j) the Office of the Sheriff of NSW,	42
(k) a person prescribed by the regulations for the purpose of this subsection.	43
(3) Subsection (2) applies only in relation to information acquired about a motor vehicle driven in connection with a vehicle entry offence.	44 45

(4)	In this section— <i>vehicle entry offence</i> has the same meaning as in section 197A.	1 2
[39]	<b>Schedule 3 Savings, transitional and other provisions</b> Insert at the end of the Schedule, with appropriate Part and clause numbering—	3 4
	<b>Part Provisions consequent on enactment of National Parks and Wildlife Amendment Act 2021</b>	5 6
	<b>Definition</b>	7
	In this Part— <i>amending Act</i> means the <i>National Parks and Wildlife Amendment Act 2021</i> .	8 9
	<b>Plans of management</b>	10
(1)	This clause applies if notice of the preparation of a plan of management has been given under section 73A before the commencement.	11 12
(2)	The period within which representations may be made under section 73A(2)(c), as in force before the commencement, continues to apply in relation to the plan of management.	13 14 15
(3)	On the commencement, if the responsible authority for the plan of management—	16 17
(a)	has not forwarded the plan of management and representations received to the appropriate regional advisory committee and the Council—the responsible authority must comply with section 73A(4)–(7), as substituted by the amending Act, or	18 19 20 21
(b)	has forwarded the plan of management and representations received to the appropriate regional advisory committee and the Council—sections 73A and 73B(1)–(6), as in force before the commencement, continue to apply in relation to the plan of management.	22 23 24 25
(4)	Subclause (3) extends to an amendment, alteration or substitution of a plan of management under section 73B(7).	26 27
(5)	In this clause— <i>commencement</i> means the commencement of the amending Act, Schedule 1.2[7].	28 29 30
	<b>Plans of management—alterations and amendments</b>	31
(1)	This clause applies in relation to an amendment, alteration or substitution of a plan of management under section 73B(7).	32 33
(2)	The period of 45 days within which representations may be made that applied immediately before the commencement under section 73(7) continues to apply to the amendment, alteration or substitution, if notice has been given under section 73A before the commencement.	34 35 36 37
(3)	In this clause— <i>commencement</i> means the commencement of the amending Act, Schedule 1.2[7].	38 39 40



<b>Relocation and amendment of section 188H</b>	1
(1) The relocation of section 188H (the <i>former section</i> ) to section 153G, as amended by the amending Act—	2 3
(a) does not affect a declaration of land under the former section before the commencement of section 153G, and	4 5
(b) does not affect regulations made under the former section or actions authorised by the regulations.	6 7
(2) A reference in an Act, instrument or other documents to the former section, made before the commencement of section 153G, is taken to be a reference to section 153G.	8 9 10
<b>1.2 Amendments commencing after assent</b>	11
<b>[1] Section 5 Definitions</b>	12
Insert in alphabetical order in section 5(1)—	13
<i>committed Part 4A land</i> —see section 82B.	14
<b>[2] Section 23 Functions and duties of Council</b>	15
Omit “and the development, implementation, review, amendment and alteration of plans of management for those areas” from section 23(1)(a)(iv).	16 17
Insert instead “, including, if requested by the Minister, the content of specific plans of management”.	18 19
<b>[3] Section 25 Functions of advisory committees</b>	20
Omit section 25(1)(c). Insert instead—	21
(c) to provide advice to the Minister on draft plans of management relating to the administrative region for which the committee was constituted,	22 23
<b>[4] Section 30 Function of Karst Management Advisory Committee</b>	24
Omit section 30(b).	25
<b>[5] Section 30(2)</b>	26
Insert at the end of the section—	27
(2) The function of the Karst Management Advisory Committee is also to advise a regional advisory committee on a plan of management for land reserved under this Act that contains significant karst environment, being a plan the responsible authority has referred to the Committee for consideration and advice.	28 29 30 31 32
<b>[6] Section 71BFA</b>	33
Insert after section 71BF—	34
<b>71BFA Aboriginal Land Council may create and deal with carbon sequestration rights</b>	35
(1) An Aboriginal Land Council may create and deal with carbon sequestration rights in relation to reserved or dedicated lands vested in the Aboriginal Land Council.	36 37 38
(2) For the purposes of subsection (1), the Aboriginal Land Council may undertake activities incidental to or in connection with the creating and dealing with, carbon sequestration rights.	39 40 41

(3)	Without limiting subsection (2), an activity incidental to or in connection with carbon sequestration rights includes a form of carbon benefit from the following activities—	1
	(a) revegetation,	2
	(b) vegetation management,	3
	(c) improvements in soil carbon,	4
	(d) the management of feral animals,	5
	(e) fire management,	6
	(f) carbon sequestered through land use changes or rehabilitation,	7
	(g) human-induced regeneration.	8
(4)	A function under this section may be exercised in relation to land only if the Aboriginal Land Council is satisfied that exercising the function is consistent with the objects of this Act.	9
(5)	A function under this section may be exercised in relation to land only with the agreement of the board of management for the land.	10
(6)	The Secretary may, subject to subsections (4) and (5), exercise functions under this section on behalf of an Aboriginal Land Council, but only at the request of the Aboriginal Land Council.	11
(7)	The regulations may prescribe other functions or activities that the Aboriginal Land Council may take in relation to carbon sequestration rights.	12
<b>[7] Section 73A</b>		13
	Omit the section. Insert instead—	14
<b>73A Public exhibition and consultation for plans of management</b>		15
(1)	When a plan of management is prepared, the responsible authority must give notice of the preparation of the plan in accordance with the regulations.	16
(2)	The notice must include—	17
	(a) the address of the place at which copies of the plan of management may be inspected, and	18
	(b) the address to which representations may be forwarded, and	19
	(c) the period within which representations may be made, being a period of not less than 28 days from the date on which the notice is made public (the <i>representation period</i> ).	20
(3)	The period between 20 December and 10 January, inclusive, is excluded from the calculation of days in a representation period.	21
	<b>Note—</b> See also the <i>Interpretation Act 1987</i> , section 36(2) if the last day of a representation period is a Saturday or Sunday or public holiday.	22
(4)	The responsible authority for a plan of management for a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve, Aboriginal area or land reserved or dedicated under Part 4A must provide to the appropriate regional advisory committee—	23
	(a) the plan of management on the day the responsible authority gives notice of the preparation of the plan under subsection (1), and	24
	(b) all representations received during the representation period.	25
(5)	The responsible authority for a plan of management must also provide the plan of management to the Karst Management Advisory Committee constituted by	26

this Act if the plan of management relates to land that contains significant karst environments.	1
(6) The Karst Management Advisory Committee must provide advice to the appropriate regional advisory committee within 14 days after the end of the representation period.	2 3 4 5
(7) The appropriate regional advisory committee must—	6
(a) consider the plan of management and representations, and	7
(b) provide advice that the committee considers appropriate, including advice provided by the Karst Management Advisory Committee—	8 9
(i) for land reserved or dedicated under Part 4A—to the responsible authority within 28 days after the end of the representation period, or	10 11 12
(ii) otherwise—to the Minister within 28 days after the end of the representation period, or a longer period that the Minister determines.	13 14 15
(8) This section does not apply in relation to a plan of management for land within Zone 1, 2 or 3 of the Community Conservation Area under the <i>Brigalow and Nandewar Community Conservation Area Act 2005</i> .	16 17 18
<b>[8] Section 73B Adoption, amendment and cancellation of plans of management</b>	19
Omit section 73B(1). Insert instead—	20
(1) The Minister may do the following after considering representations made under section 73A and advice from the appropriate regional advisory committee—	21 22 23
(a) adopt a plan of management without alteration,	24
(b) adopt a plan of management with the alterations the Minister thinks fit,	25
(c) refer the plan of management back to the responsible authority for further consideration.	26 27
(1A) For subsection (1), advice received from the appropriate regional advisory committee in relation to land reserved or dedicated under Part 4A must be provided to the Minister by the responsible authority.	28 29 30
(1B) Despite subsections (1) and (1A) the Minister may—	31
(a) if the appropriate regional advisory committee or responsible authority do not provide advice—	32 33
(i) adopt a plan of management, without alteration or with the alterations the Minister thinks fit, or	34 35
(ii) refer the plan of management back to the responsible authority and the regional advisory committee for further consideration, or	36 37
(b) if the appropriate regional advisory committee is not properly constituted—adopt a plan of management, without alteration or with the alterations the Minister thinks fit, or	38 39 40
(c) consider advice provided by the appropriate regional advisory committee after the expiration of the period for providing advice to the Minister under section 73A(7).	41 42 43
<b>[9] Section 73B(6)</b>	44
Insert “, (1B)” after “(1)”.	45

<b>[10] Section 73B(7)</b>	1
Omit “However, in relation to an amendment or alteration of a plan of management, the reference in section 73A (2) (c) (as applied) to “90 days” is taken to be a reference to “45 days”.”.	2 3 4
<b>[11] Section 82B Definitions</b>	5
Insert in alphabetical order—	6
<i>appropriate Aboriginal Land Council</i> means an Aboriginal Land Council in which the lands, in relation to which biodiversity credits are created, are vested.	7 8 9
<i>committed Part 4A land</i> means land reserved or dedicated under Part 4A that is committed land.	10 11
<b>[12] Section 82C Application of Part</b>	12
Omit “, other than land reserved or dedicated under Part 4A”.	13
<b>[13] Section 82DA</b>	14
Insert after section 82D—	15
<b>82DA Aboriginal Land Council may deal with biodiversity credits</b>	16
(1) An Aboriginal Land Council may acquire, hold, retire, sell or otherwise deal with or trade in biodiversity credits for management actions carried out on reserved or dedicated lands vested in the Aboriginal Land Council.	17 18 19
(2) For the purposes of subsection (1), the Aboriginal Land Council may undertake activities incidental to or in connection with the acquisition, holding, selling or trading of, or other dealing with, biodiversity credits.	20 21 22
(3) A function under this section may be exercised in relation to land only with the agreement of the board of management for the land.	23 24
(4) The Secretary may, subject to subsection (3), exercise functions under this section on behalf of an Aboriginal Land Council, but only at the request of the Aboriginal Land Council.	25 26 27
<b>[14] Section 82G Holder of biodiversity credits</b>	28
Omit “by the Minister.”. Insert instead—	29
by—	30
(a) in relation to committed Part 4A land—the appropriate Aboriginal Land Council, or	31 32
(b) otherwise—the Minister.	33
<b>[15] Section 82H Minister may make a statement of commitment</b>	34
Omit section 82H(4). Insert instead—	35
(4) The management actions under a statement of commitment must be carried out by—	36 37
(a) for committed Part 4A land—the board of management for the land, or	38
(b) otherwise—the Secretary.	39

<b>[16] Section 82I Reports on management actions to be given to Minister</b>	1
Insert “or, for committed Part 4A land, the board of management for the land,” after “Secretary” in section 82I(1).	2 3
<b>[17] Section 82J Duration of statement of commitment</b>	4
Omit section 82J(2). Insert instead—	5
(2) A statement of commitment has effect in perpetuity, unless the statement of commitment is terminated—	6 7
(a) in relation to committed Part 4A land—by the Minister with the consent of the board of management for the land, or	8 9
(b) otherwise—by the Minister.	10
<b>[18] Section 82J(3) and (3A)</b>	11
Omit section 82J(3). Insert instead—	12
(3) The Minister must not terminate a statement of commitment unless measures are taken to offset negative impacts of the termination on the biodiversity values protected by the agreement, by—	13 14 15
(a) for committed Part 4A land—the board of management for the land, or	16
(b) otherwise—the Minister.	17
(3A) Subsection (3) does not apply to committed Part 4A land if voluntary termination of the statement of commitment is permitted under section 82JA.	18 19
<b>[19] Section 82J(5)(a)</b>	20
Insert “or the board of management for committed Part 4A land” after “Minister” in section 82J(5)(a).	21 22
<b>[20] Section 82J(6)</b>	23
Insert after section 82J(5)—	24
(6) The Minister must consent to the termination of a statement of commitment in relation to committed Part 4A land if—	25 26
(a) requested by the board of management for the land, and	27
(b) voluntary termination of the statement is permitted under section 82JA.	28
<b>[21] Section 82JA</b>	29
Insert after section 82J—	30
<b>82JA Voluntary termination of statement of commitment</b>	31
(1) This section applies in relation to committed Part 4A land.	32
(2) For the purposes of section 82J, voluntary termination of a statement of commitment is permitted only if the board of management for the land requests the termination of the agreement within 3 months after the agreement is entered into, or more than 5 years after the agreement has been entered into, and at the time of termination—	33 34 35 36 37
(a) no biodiversity credits have been created in relation to the land, or	38
(b) if biodiversity credits have been created—whether or not the credits have been transferred—	39 40
(i) none of the credits created have been retired, and	41

(ii)	all of the credits are cancelled by the Environment Agency Head with the consent of the holder of the credits.	1 2
(3)	A request for the consent of the Minister to the termination of a statement of commitment must be made by application of the board of management for the land—	3 4 5
(a)	in the form approved by the Minister, and	6
(b)	accompanied by the information required by the form.	7
(4)	The Minister may require the board of management for the land to provide additional information to determine the application.	8 9
<b>[22]</b>	<b>Section 82K</b>	10
	Omit the section. Insert instead—	11
<b>82K</b>	<b>Variation of statements of commitment</b>	12
(1)	A statement of commitment may be varied, if the variation is authorised under this Act—	13 14
(a)	in relation to committed Part 4A land—by agreement between the Minister and the board of management for the land, or	15 16
(b)	otherwise—by the Minister.	17
(2)	The area of committed land may be increased or reduced by a variation of the statement.	18 19
(3)	The Minister must not vary, or agree to the variation of, a statement of commitment, unless the Minister is satisfied—	20 21
(a)	the variation does not have a negative impact on the biodiversity values protected by the statement, or	22 23
(b)	other measures have been taken to offset negative impact by—	24
(i)	in relation to committed Part 4A land—the board of management for the land, or	25 26
(ii)	otherwise—the Minister.	27
(4)	For the purposes of subsection (3)(b), the measures may include the following—	28 29
(a)	the cancellation of biodiversity credits created in relation to the committed land,	30 31
(b)	the retirement of biodiversity credits created in relation to other committed land,	32 33
(c)	entering into a statement of commitment for the purpose of establishing other committed land.	34 35
(5)	The <i>Biodiversity Conservation Act 2016</i> , section 6.30 applies in relation to the retirement of credits under this section, if—	36 37
(a)	the Minister or the board of management for the committed Part 4A land is not able to establish a statement of commitment or a biodiversity stewardship agreement for the required credits, or	38 39 40
(b)	the required credits are not available for purchase or retirement.	41
(6)	In relation to committed Part 4A land, a request for the agreement of the Minister to the variation of a statement of commitment must be made by application of the board of management for the land—	42 43 44
(a)	in the form approved by the Minister, and	45

(b)	accompanied by—	1
(i)	the information required by that form, and	2
(ii)	a fee prescribed by the regulations.	3
(7)	The Minister may require the board of management for the land to provide additional information to determine the application.	4 5
(8)	Unless the Minister otherwise determines in accordance with the regulations, an application to vary a statement of commitment must be accompanied by a national parks biodiversity assessment report prepared by an accredited person that—	6 7 8 9
(a)	assesses the biodiversity values of the committed land, as proposed to be varied ( <i>proposed committed land</i> ), in accordance with the biodiversity assessment method, and	10 11 12
(b)	sets out proposed variations to the management actions carried out on the proposed committed land, and	13 14
(c)	specifies in accordance with the biodiversity assessment method any additional number and class of biodiversity credits that may be created for the management actions.	15 16 17
(9)	The regulations may authorise the Minister to make minor variations to the statement of commitment, including without consent or consultation required by this section for committed Part 4A land.	18 19 20
<b>[23]</b>	<b>Section 82O Modifications of provision of Biodiversity Conservation Act 2016</b>	21
	Omit section 82O(c). Insert instead—	22
(c)	a reference to the biodiversity stewardship site owner, or the owner of the land, is taken to be—	23 24
(i)	in relation to committed Part 4A land—the appropriate Aboriginal Land Council, or	25 26
(ii)	otherwise—the Minister, and	27
<b>[24]</b>	<b>Section 82Q Money received for certain credits</b>	28
	Insert at the end of the section—	29
	<b>Note—</b> See section 138(1A) and (1B) in relation to requirements for accounts within the Fund for areas of lands leased under Part 4A.	30 31
<b>[25]</b>	<b>Section 82T Payments from Fund</b>	32
	Omit “to the Service for the purpose of undertaking management actions on committed land”. Insert instead—	33 34
	for the purpose of undertaking management actions on committed land, to—	35
(a)	in relation to committed Part 4A land—the board of management for the land, or	36 37
(b)	otherwise—the Service.	38
<b>[26]</b>	<b>Section 82U Proposals by public authorities affecting committed land</b>	39
	Insert at the end of section 82U(1)(b)—	40
	, and	41
(c)	in relation to committed Part 4A land—	42
(i)	given written notice of the proposed development to the board of management for the land, and	43 44

	(ii) received written notice from the board of management consenting to the development.	1 2
<b>[27] Section 82U(1A)</b>		3
	Insert after section 82U(1)—	4
	(1A) In relation to committed Part 4A land, the Minister must consider the advice of the board of management for the land, in relation to the number and class of biodiversity credits required to offset the development by the public authority, or alternative arrangements.	5 6 7 8
<b>[28] Section 82U(6)</b>		9
	Insert “, other than committed Part 4A land,” after “committed land”.	10
<b>[29] Section 82U(6A)–(6C)</b>		11
	Insert after section 82U(6)—	12
	(6A) The Minister may, by publication on the Department’s website, vary or terminate a statement of commitment in relation to committed Part 4A land, if—	13 14 15
	(a) the variation or termination is necessary to enable the public authority to carry out the development, and	16 17
	(b) the board of management for the land consents to the variation or termination.	18 19
	(6B) In relation to committed Part 4A land, the appropriate Aboriginal Land Council is not entitled to compensation as a result of the variation or termination of a statement of commitment under this section.	20 21 22
	(6C) Subsection (6B) does not affect a right to compensation the appropriate Aboriginal Land Council may have under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> or another Act in relation to the development.	23 24 25
<b>[30] Section 82U(8)(c)</b>		26
	Omit the paragraph. Insert instead—	27
	(c) if the proposed development is not inconsistent with the terms of the statement of commitment—in relation to development proposed to be carried out by—	28 29 30
	(i) for committed Part 4A land—the board of management for the land, or	31 32
	(ii) the Service.	33
<b>[31] Section 139 Payments out of Fund</b>		34
	Omit section 139(2)(i1). Insert instead—	35
	(i1) amounts the Minister directs to be paid from the Fund to the following, in relation to management actions carried out, or to be carried out, under a statement of commitment—	36 37 38
	(i) for committed Part 4A land—the board of management for the land, or	39 40
	(ii) otherwise—the Service,	41
<b>[32] Section 139(3B)</b>		42
	Omit the subsection. Insert instead—	43



(3B)	A surplus amount—	1
(a)	for committed Part 4A land—must be applied to the committed land for which the money was paid into the account, or	2 3
(b)	otherwise—may be applied to land reserved or acquired under this Act or to support the acquisition of additional lands under this Act.	4 5
<b>[33]</b>	<b>Section 139(5)(a) and (b)</b>	6
	Omit the paragraphs. Insert instead—	7
(a)	for the management of the lands, including the preparation of a plan of management for the lands, and the provisions of a plan of management for the lands, or	8 9 10
(b)	if the money was money received under section 138(1)(b)(ib) in relation to the transfer or retirement of a biodiversity credit—in accordance with subsections (3A) and (3B).	11 12 13
<b>[34]</b>	<b>Schedule 1A Reservation of land</b>	14
	Insert after Part 2—	15
	<b>Part 3 Land transfers and reservation</b>	16
	<b>3 Relationship to Forestry Act 2012 and Crown Land Management Act 2016</b>	17
(1)	This Part has effect despite—	18
(a)	the provisions of the <i>Forestry Act 2012</i> , in particular provisions that provide for a different procedure for revoking the dedication of State forest, a special management zone or a flora reserve, and	19 20 21
(b)	the provisions of the <i>Crown Land Management Act 2016</i> , in particular provisions that provide for a different procedure for revoking the dedication or reservation of Crown land.	22 23 24
(2)	Without limiting clause 1, this Part has effect despite provisions of this Act that provide for a different procedure for reserving, or revoking the reservation of, national parks and state conservation areas.	25 26 27
	<b>4 Revocation of State forest dedications and reservation as part of Wollemi National Park</b>	28 29
(1)	The dedication of the land described in subclause (2) as State forest is revoked.	30
(2)	An area of about 2,257 hectares, being part of Newnes State Forest No 748, dedicated by proclamation published in the NSW Government Gazette on 21 May 1920, and part Extensions No 4 and No 5, dedicated on 12 March 1976 and 23 April 2004, respectively, in the County of Cook, Parishes of Cook and Rock Hill, and being designated as 51-01 on the diagram catalogued Misc R 00355 Edition 1 held by the Service, subject to any variation or exceptions noted on the diagram.	31 32 33 34 35 36 37
(3)	The land described in subclause (2) is reserved as part of the Wollemi National Park.	38 39
(4)	A notice under the <i>Forestry Act 2012</i> , section 16 or 18 that declares an area of State forest, the dedication of which is revoked by this clause, as a flora reserve or special management zone is also revoked to the extent to which it relates to a flora reserve or special management zone, or a part of either, situated within the land described in subclause (2).	40 41 42 43 44

<b>5</b>	<b>Revocation of State forest dedications and reservation as Gardens of Stone State Conservation Area</b>	1 2
(1)	The dedication of the following land as State forest is revoked—	3
(a)	an area of about 6,235 hectares, being part of Ben Bullen State Forest No 434, dedicated by proclamation published in the NSW Government Gazette, being part Extension No 1, No 2, No 3, No 4 and No 6, dedicated on 20 May 1938, 17 June 1955, 8 August 1958, 29 May 1970 and 18 March 1983, respectively, in the Counties of Cook and Roxburgh, Parishes of Ben Bullen, Cox, Cullen Bullen and Lidsdale and being designated as 1201-01 on the diagram catalogued Misc R 00355 Edition 1 held by the Service, subject to any variation or exceptions noted on the diagram,	4 5 6 7 8 9 10 11 12
(b)	an area of 1053.8 hectares, being Wolgan State Forest No 454, dedicated by proclamation published in the NSW Government Gazette on 25 May 1917, in the County of Cook, Parish of Wolgan and being designated as 1201-02 on the diagram catalogued Misc R 00355 Edition 1 held by the Service, subject to any variation or exceptions noted on the diagram,	13 14 15 16 17 18
(c)	an area of about 21,033 hectares, being part of Newnes State Forest No 748, dedicated by proclamation published in the NSW Government Gazette on 21 May 1920, and Extension No 1, No 2, No 3, part No 4 and No 5, dedicated 24 March 1921, 7 July 1922, 8 April 1932, 12 March 1976 and 23 April 2004, respectively, in the County of Cook, Parishes of Clwydd, Cook, Cox, Lidsdale, Marrangaroo, Rock Hill and Wolgan, and being designated as 1201-03 on the diagram catalogued Misc R 00355 Edition 1 held by the Service, subject to any variation or exceptions noted on the diagram.	19 20 21 22 23 24 25 26 27
(2)	The land described in subclause (1) is reserved as the Gardens of Stone State Conservation Area.	28 29
(3)	The reservations in this clause are restricted to a depth of 50 metres below the surface of the land.	30 31
(4)	A notice under the <i>Forestry Act 2012</i> , section 16 or 18 that declares an area of State forest, the dedication of which is revoked by subclause (1), as a flora reserve or special management zone is also revoked to the extent to which it relates to a flora reserve or special management zone, or a part of either, situated within the land described in subclause (1).	32 33 34 35 36
<b>6</b>	<b>Revocation of reserved or dedicated Crown lands as national park or state conservation area</b>	37 38
(1)	The following Crown land dedicated or reserved under the <i>Crown Land Management Act 2016</i> , sections 2.3 and 2.8 is revoked—	39 40
(a)	all that piece or parcel of land containing 380 hectares, situated in the County of Cook, Parish of Wolgan being Lot 44, 45 and 47, DP 751666, Lots 1, 2, 3 and 4, DP 722376, and being designated as 87-01 on the diagram catalogued Misc R 00355 Edition 1 held by National Parks and Wildlife Service, subject to any variation or exceptions noted on the diagram,	41 42 43 44 45 46
(b)	all that piece or parcel of land containing about 617 hectares, situated in the County of Cook, Parishes of Cox and Wolgan being Lot 7001, DP 1055079, Lot 7006, DP 1055080, Lot 7300, DP 1139065 and Lot 7003, DP 1026540, and being designated as 1201-04 on the diagram	47 48 49 50

	catalogued Misc R 00355 Edition 1 held by the Service, subject to any variation or exceptions noted on the diagram.	1 2
(2)	The land described in subclause (1)(a) is reserved as part of the Gardens of Stone National Park.	3 4
(3)	The land described in subclause (1)(b) is reserved as the Gardens of Stone State Conservation Area.	5 6
(4)	The reservation in subclause (1)(b) is restricted to a depth of 50 metres below the surface of the land.	7 8
(5)	A lease or other interest in the land described in subclause (1) remains in force, as if the land had not been reserved, except as provided under subclause (6).	9 10
(6)	Crown-timber lands or timber reserves on the land described in subclause (1) are revoked by this clause, to the extent that the lands or reserves, or parts of the lands or reserves, are situated within the land described in subclause (1).	11 12 13
(7)	In this clause— <i>Crown-timber land</i> has the same meaning as in the <i>Forestry Act 2012</i> . <i>timber reserve</i> has the same meaning as in the <i>Forestry Act 2012</i> .	14 15 16
<b>7</b>	<b>Adjustment of description of transferred land</b>	17
(1)	The Secretary may adjust a description of land in clauses 4(2), 5(1)(a)–(c) and 6(1)(a) and (b) from time to time—	18 19
(a)	to alter the boundaries of the land for the purposes of the effective management of national park estate land, State forests land and Crown lands, including adjustments to enable boundaries to follow distinctive land features, to provide access to land or to rationalise the boundaries of similar areas of land, or	20 21 22 23 24
(b)	to adjust the boundary of land adjoining a public road, including adjustments to enable the boundary to follow the formed path of the road or to provide an appropriate setback from the carriageway of the road, or	25 26 27 28
(c)	to include, remove or change the description of an easement or restriction to which the land is subject, or	29 30
(d)	to provide a more detailed description of the boundaries of the land.	31
(2)	The land description adjustment must be made by notice published in the Gazette.	32 33
(3)	A notice made under this clause may be published in the Gazette only with the approval of—	34 35
(a)	the Minister, and	36
(b)	to the extent the notice relates to a State forest—the Minister administering the <i>Forestry Act 2012</i> , and	37 38
(c)	to the extent the notice applies to Crown land or a Crown road—the Minister administering the <i>Crown Land Management Act 2016</i> , and	39 40
(d)	to the extent the notice applies to a classified road—the Minister administering the provisions of the <i>Roads Act 1993</i> relating to classified roads.	41 42 43
(4)	The Secretary is required to certify in a notice under this clause that the adjustments effected by the notice will not result in significant reduction in the size or value of national park estate land or State forest land.	44 45 46

- (5) If a part of the land described in clauses 4(2), 5(1)(a)–(c) and 6(1)(a) and (b) is not included in the adjusted land description, the land is taken to never have been subject to or affected by the provisions of this Part applying to the land. 1  
2  
3
- (6) If land included in the adjusted land description includes land not described in clauses 4(2), 5(1)(a)–(c) and 6(1)(a) and (b), the land is taken to have been subject to the provisions of this Part on and from the day on which this Part commences. 4  
5  
6  
7
- (7) The Secretary may, in a notice published under this clause to adjust the boundary of land adjoining a public road, declare that the land described in the notice— 8  
9  
10
- (a) is part of the public road and, accordingly, is vested in the roads authority for the public road under the *Roads Act 1993*, or is Crown land, or 11  
12  
13
- (b) ceases to be part of the public road and is divested from the relevant roads authority or the Crown and becomes part of the land subject to the provisions of this Act applying to land described in the relevant Schedule in which the land is included. 14  
15  
16  
17
- (8) A declaration under subclause (7) has effect despite anything to the contrary in the *Roads Act 1993*. 18  
19
- (9) A land description adjustment may be made at any time until the day that is 5 years after this Part commences. 20  
21
- (10) In this clause— 22
- appropriate setback***, in relation to the carriageway of a road, includes a setback that allows for drainage, signposts, traffic control devices, lighting and other supporting infrastructure for the road. 23  
24  
25
- classified road*** has the same meaning as in the *Roads Act 1993*. 26
- land adjoining a public road*** includes land in the vicinity of a public road. 27
- national park estate land*** means the following— 28
- (a) land reserved under this Act, 29
- (b) land vested in the Minister for the purposes of this Act, Part 11. 30
- public road*** has the same meaning as in the *Roads Act 1993*. 31
- 8 Savings in relation to revocations** 32
- A revocation effected by the *National Parks and Wildlife Amendment Act 2021* does not affect anything done or omitted to be done before the revocation takes effect. 33  
34  
35

<b>Schedule 2</b>	<b>Amendment of National Parks and Wildlife Regulation 2019</b>	1
		2
[1]	<b>Clause 3 Definitions</b>	3
	Omit clause 3(1), definitions of DPC Secretary and <i>Secretary</i> .	4
[2]	<b>Parts 6A and 6B</b>	5
	Insert before Part 7—	6
	<b>Part 6A Board of National Parks and Wildlife Conservation Trust—the Act, s 95(5)</b>	7
		8
	<b>Division 1 Preliminary</b>	9
69A	<b>Definitions</b>	10
	In this Part—	11
	<i>Board</i> means the Board of the National Parks and Wildlife Conservation Trust.	12
		13
	<i>Chairperson</i> means the Chairperson of the Board.	14
	<i>Deputy Chairperson</i> means the Deputy Chairperson of the Board.	15
	<i>member</i> means a member of the Board.	16
	<b>Division 2 Membership</b>	17
69B	<b>Composition</b>	18
(1)	The persons appointed as members must be persons who, in the Minister’s opinion, have skills and experience in one or more of the following areas—	19
	(a) philanthropy,	20
	(b) conservation,	21
	(c) financial management,	22
	(d) communications,	23
	(e) others areas the Minister considers relevant.	24
(2)	Government sector employees are eligible to be appointed as members of the Board, but must not make up a majority of members.	25
(3)	The Minister may publicly advertise for nominations for appointment of persons as members of the Board.	26
		27
		28
		29
69C	<b>Chairperson and Deputy Chairperson</b>	30
(1)	The Minister must appoint a member as—	31
	(a) a Chairperson, and	32
	(b) a Deputy Chairperson.	33
(2)	The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if the person—	34
	(a) ceases to be a member of the Board, or	35
	(b) resigns from the office of Chairperson or Deputy Chairperson by instrument in writing, including electronic communication, addressed to the Minister, or	36
		37
		38
		39

	(c) is removed from the office of Chairperson or Deputy Chairperson by the Minister.	1 2
	(3) If the office of Chairperson or Deputy Chairperson becomes vacant, a person must be appointed to fill the vacancy.	3 4
<b>69D</b>	<b>Terms of office</b>	5
	(1) Subject to this Part, a member holds office for the period specified in the member's instrument of appointment.	6 7
	(2) The period referred to in subclause (1) must not exceed 5 years.	8
	(3) A member may be re-appointed.	9
<b>69E</b>	<b>Removal from office</b>	10
	The Minister may remove a member from office.	11
<b>69F</b>	<b>Vacancy in office of member</b>	12
	The office of a member becomes vacant if the member—	13
	(a) dies, or	14
	(b) completes a term of office and is not re-appointed, or	15
	(c) resigns the office by instrument in writing, including electronic communication, addressed to the Minister, or	16 17
	(d) is removed from office by the Minister, or	18
	(e) becomes bankrupt, applies to take the benefit of a law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration for the member's benefit, or	19 20 21 22
	(f) is a mentally incapacitated person, or	23
	(g) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more.	24 25 26 27
<b>69G</b>	<b>Remuneration</b>	28
	A member is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Minister for the member.	29 30
	<b>Division 3 Procedure</b>	31
<b>69H</b>	<b>Quorum</b>	32
	The quorum for a meeting of the Board is a majority of the Board's members for the time being.	33 34
<b>69I</b>	<b>Presiding member</b>	35
	(1) The Chairperson must preside at a meeting of the Board, unless the Chairperson is absent.	36 37
	(2) If the Chairperson is absent—	38
	(a) the Deputy Chairperson must preside, or	39

(b)	if the Deputy Chairperson is absent—a person from among the members present, elected by the members who are present at the meeting, must preside.	1 2 3
(3)	The person presiding at a meeting has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	4 5
<b>69J</b>	<b>General procedure</b>	6
	The procedure for calling meetings of the Board and for conducting business at the meetings is, subject to the Act and the regulations, to be determined by the Board.	7 8 9
<b>69K</b>	<b>Voting</b>	10
	A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.	11 12
<b>69L</b>	<b>Disclosure of pecuniary interests</b>	13
(1)	A member must disclose the nature of a pecuniary interest at a meeting of the Board as soon as possible after the relevant facts have come to the member's knowledge.	14 15 16
(2)	A member has a pecuniary interest if—	17
(a)	the member has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, at a meeting of the Board, and	18 19
(b)	the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter.	20 21
(3)	A disclosure is a sufficient disclosure of the nature of an interest in a matter relating to a company or other body, or to a person, that may arise after the date of the disclosure under subclause (1) if the disclosure is that the member—	22 23 24
(a)	is a member, or is in the employment, of a specified company or other body, or	25 26
(b)	is a partner, or is in the employment of, a specified person, or	27
(c)	has some other specified interest relating to a specified company or other body, or to a specified person.	28 29
(4)	Particulars of a disclosure made under this clause must be recorded by the Board in a book that is—	30 31
(a)	kept for the purpose of recording disclosures, and	32
(b)	open to inspection at all reasonable hours by a person on payment of the fee determined by the Board.	33 34
(5)	After a member has disclosed the nature of an interest in a matter, the member must not, unless the Minister or the Board otherwise determines—	35 36
(a)	be present during a deliberation of the Board about the matter, or	37
(b)	take part in a decision of the Board about the matter.	38
(6)	For the purposes of making a determination by the Board under subclause (5), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not—	39 40 41
(a)	be present during a deliberation of the Board for the purpose of making the determination, or	42 43
(b)	take part in the making of the determination by the Board.	44

(7)	A contravention of this clause does not invalidate a decision of the Board.	1
<b>69M</b>	<b>Effect of certain other Acts</b>	2
(1)	The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to a member.	3 4
(2)	A provision of another Act does not disqualify a person from holding a specified office and also the office of member, or from accepting and retaining remuneration payable to the person as a member, merely because the provision—	5 6 7 8
(a)	requires a person who is the holder of the specified office to devote the whole of the person’s time to the duties of the office, or	9 10
(b)	prohibits the person from engaging in employment outside the duties of the office.	11 12
<b>69N</b>	<b>Transaction of business outside meetings or by telephone or other means</b>	13
(1)	The Board may transact its business by the circulation of papers among all the members of the Board for the time being.	14 15
(2)	If the Board transacts business by the circulation of papers, a resolution in writing, approved in writing by a majority of the members, is taken to be a decision of the Board made at a meeting of the Board.	16 17 18
(3)	The Board may transact its business at a meeting at which members, or some members, participate by telephone or other electronic means, but only if a member who speaks on a matter before the meeting can be heard by the other members.	19 20 21 22
(4)	The Chairperson and each other member have the same voting rights as the Chairperson and the other member would have at an ordinary meeting of the Board for the purposes of—	23 24 25
(a)	the approval of a resolution under subclause (1), or	26
(b)	a meeting held in accordance with subclause (3).	27
(5)	A resolution approved under subclause (2) must, subject to this Part, be recorded in the minutes of the meetings of the Board.	28 29
(6)	Papers may be circulated among the members for the purposes of subclause (1) by electronic means.	30 31
<b>69O</b>	<b>Seal of Trust</b>	32
(1)	The seal of the Trust must be kept by—	33
(a)	a member of the Board, or	34
(b)	a member of staff of the Trust, authorised by the Board to keep the seal.	35
(2)	The Board may authorise a member of the Board or of the staff of the Trust to witness an affixing of the seal generally or in a particular case or class of cases (an <i>authorised witness</i> ).	36 37 38
(3)	The seal of the Trust must be affixed to a document only—	39
(a)	in the presence of an authorised witness, and	40
(b)	with an attestation by the signature of an authorised witness of the fact of the affixing of the seal.	41 42



<b>Part 6B Biodiversity credits—relationship to Biodiversity Conservation Regulation 2017</b>	1
	2
<b>69P Application of Part</b>	3
For the purposes of the Act, section 82S, this Part extends or modifies provisions of the <i>Biodiversity Conservation Regulation 2017</i> .	4 5
<b>69Q Adopted provisions</b>	6
(1) The following provisions of the <i>Biodiversity Conservation Regulation 2017</i> extend to a biodiversity credit created under the Act—	7 8
(a) clauses 6.10 and 6.11,	9
(b) clause 6.30,	10
(c) clause 6.31, other than clause 6.31(2)(b)–(d),	11
(d) clause 9.4.	12
(2) A reference in a clause extended under subclause (1) to a biodiversity stewardship site assessment report or a biodiversity assessment report is taken to be a reference to a national parks biodiversity assessment report within the meaning of the Act, Part 5A.	13 14 15 16
<b>[3] Clause 78A Definitions</b>	17
Omit the definition of <i>Department</i> .	18
<b>[4] Clause 78A, definition of “environmental and cultural values” and 78E(1)</b>	19
Omit “section 188H” wherever occurring.	20
Insert instead “section 153G”.	21
<b>[5] Clause 78B Management of declared land</b>	22
Omit “section 188H(2)”. Insert instead “section 153G(4)”.	23
<b>[6] Clause 78C Preparation of conservation action plans</b>	24
Omit “of the land” from section 78C(3)(d). Insert instead “of the environmental or cultural values of the land”.	25 26
<b>[7] Clause 78D(2), 78F(2), 78I(2) and 78J(5)</b>	27
Omit “diminish” wherever occurring. Insert instead “place at risk”.	28
<b>[8] Clause 87A</b>	29
Insert after clause 87—	30
<b>87A Vehicle entry offences</b>	31
For the purposes of section 197A(3), definition of <i>vehicle entry offence</i> , paragraph (b), an offence under clause 10G is prescribed.	32 33

<b>Schedule 3</b>	<b>Amendment of other Acts and instruments</b>	1
<b>3.1</b>	<b>Biodiversity Conservation Act 2016 No 63</b>	2
<b>[1]</b>	<b>Part 6 Biodiversity offsets scheme</b>	3
	Insert after the heading to Part 6—	4
	<b>Note—</b> See the <i>National Parks and Wildlife Act 1974</i> , Part 5A in relation to biodiversity credits created under that Act, which are taken to be biodiversity credits under this Act, subject to certain modifications.	5 6 7
<b>[2]</b>	<b>Section 9.7 Registers to which Division applies</b>	8
	Omit section 9.7(1)(d). Insert instead—	9
	(d) biodiversity credits under Part 6, or biodiversity credits taken to be biodiversity credits under Part 6 by operation of the <i>National Parks and Wildlife Act 1974</i> , section 82M, including the following—	10 11 12
	(i) documents creating the credits,	13
	(ii) the number and class, if any, of the credits,	14
	(iii) the Act under which the credits were created,	15
	(iv) the name of the current and former holders of the credits,	16
	(v) details relating to all transfers, suspensions, cancellations and retirement of the credits,	17 18
<b>3.2</b>	<b>Biodiversity Conservation Regulation 2017</b>	19
<b>[1]</b>	<b>Clause 5.1 Criteria for determining if land eligible to be designated as biodiversity stewardship site (section 5.7(3))</b>	20 21
	Insert “or” after “offset obligation” in clause 5.1(1)(c)(ii).	22
<b>[2]</b>	<b>Clause 9.4 Public registered of biodiversity credits (sections 9.7(1)(d) and 9.11)</b>	23
	Omit clause 9.4(b). Insert instead—	24
	(b) the contact details of—	25
	(i) for credits created under the Act—the current holder of the credits, or of the agent of the holder, or	26 27
	(ii) for biodiversity credits created under the <i>National Parks and Wildlife Act 1974</i> —the National Parks and Wildlife Service as referred to in that Act, section 6,	28 29 30
<b>[3]</b>	<b>Clause 9.4(b)(ii)</b>	31
	Insert “, other than Part 4A” after “the <i>National Parks and Wildlife Act 1974</i> ”.	32
<b>[4]</b>	<b>Clause 9.4(b)(iii)</b>	33
	Insert at the end of clause 9.4(b)(ii)—	34
	, or	35
	(iii) for biodiversity credits created under the <i>National Parks and Wildlife Act 1974</i> , Part 4A—the appropriate Aboriginal Land Council within the meaning of that Act, Part 5A,	36 37 38

<b>3.3 Government Sector Finance Legislation (Repeal and Amendment) Act 2018 No 70</b>	1
	2
<b>Schedule 4 Other amendments to legislation</b>	3
Insert at the beginning of Schedule 4.72—	4
<b>[1] Section 101 Annual reports of Trust</b>	5
Omit the section. Insert instead—	6
<b>101 Annual reporting information for Trust</b>	7
The regulations may prescribe additional matters relating to the exercise of the Trust’s functions that the Trust is required to include in the annual reporting information prepared for the Trust under the <i>Government Sector Finance Act 2018</i> .	8
	9
	10
	11