

Passed by both Houses



New South Wales

National Parks and Wildlife Amendment Bill 2021

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2021



New South Wales

National Parks and Wildlife Amendment Bill 2021

Act No _____, 2021

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

- (1) Subject to subsection (2), this Act commences on the date of assent to this Act.
- (2) Schedule 1.2 commences on the earlier of—
 - (a) a day or days to be appointed by proclamation, or
 - (b) 30 June 2022.

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

1.1 Amendments commencing on assent

[1] Whole Act

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.

Insert instead the expression specified opposite in Column 2—

Column 1	Column 2
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

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

[3] Section 5(1), definition of “authorised officer”

Omit “Chief Executive”. Insert instead “Secretary”.

[4] Section 5(1)

Insert in alphabetical order—

carbon sequestration right—see section 82A(2).

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

Department means the Department of Planning, Industry and Environment.

DPC Secretary means the Secretary of the Department of Premier and Cabinet.

Secretary means the Secretary of the Department.

[5] Section 6 The Service

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

Insert instead “that part of the Department that is”.

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

Omit “Office” wherever occurring. Insert instead “Department”.

[7] Section 21 Delegation

Omit “47 (1) (d) or” from section 21(3)(c)(vii).

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

Omit the subparagraph. Insert instead—

(viii) on the Secretary or the DPC Secretary by the *State Records Act 1998*, section 25(2), or

[9] Sections 45(3)(a), 56(3)(a) and 58Q(3)(a)

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.

Insert instead “an authorisation under section 171”.

[10] Sections 57(4)(a) and 58R(4)(a)

Omit “a licence issued under Division 3 of Part 9 or section 132C” wherever occurring.

Insert instead “an authorisation under section 171”.

[11] Section 70 Fauna in wildlife refuges and other areas

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).

Insert instead “an authorisation under section 171”.

[12] Section 72 Preparation of plans of management

Omit “, wildlife refuge or wildlife management area” from section 72(1)(d).

Insert instead “or wildlife refuge”.

[13] Section 75 Special areas under the Hunter Water Act 1991—joint preparation and approval of plans of management

Omit “The Chief Executive” from section 72(2). Insert instead “The Secretary”.

[14] Section 81 Operations under plan of management

Omit section 81(4). Insert instead—

(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 the operations are in accordance with the plan.

(4A) Subsection (4) does not prevail over section 153G(5) or 185A.

[15] Part 5A

Insert after Part 5—

Part 5A Minister may create and deal with carbon sequestration rights

82A Meanings of “carbon sequestration” and “carbon sequestration right”

(1) In this Act, *carbon sequestration* means—

- (a) the absorption from the atmosphere of carbon dioxide by land or anything on land, and
- (b) the storage of carbon in land or in anything on land.

(2) In this Act, a *carbon sequestration right*, in relation to land—

- (a) means the exclusive right to obtain the benefit, whether present or future, of carbon sequestration, and
 - (b) includes a carbon sequestration right within the meaning of the *Conveyancing Act 1919*, section 87A.
- (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.
- Note—** See also the definition of **land** in the *Interpretation Act 1987*, section 21(1).
- (4) The regulations may prescribe other types of carbon sequestration and carbon sequestration rights for the purposes of the definitions.

82B Minister may create and deal with carbon sequestration rights

- (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.
- (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.
- (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—
 - (a) revegetation,
 - (b) vegetation management,
 - (c) improvements in soil carbon,
 - (d) the management of feral animals,
 - (e) fire management,
 - (f) carbon sequestered through land use changes or rehabilitation,
 - (g) human-induced regeneration.
- (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.
- (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.
- (6) The regulations may prescribe other functions or activities that the Minister may exercise or take in relation to carbon sequestration rights.

82C Review of Part

- (1) The Minister must review this Part to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing the objectives.
- (2) The review must be undertaken as soon as possible after the period of 2 years from the commencement of this Part.
- (3) A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 2 years.

[16] Sections 85, 85A, 87, 88–90D, 90F–90I, 90K–90M, 90Q and 90R

Omit “Chief Executive’s” and “Chief Executive” wherever occurring.
Insert instead “DPC Secretary’s” and “DPC Secretary”, respectively.

[17] Part 7

Insert after Part 6A—

Part 7 National Parks and Wildlife Conservation Trust

Division 1 Preliminary

92 Definitions

In this Part—

Public Fund—see section 105(1).

Trust means the National Parks and Wildlife Conservation Trust established under section 93.

Division 2 Establishment, functions and operation of Trust

93 Establishment of Trust

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.

94 Status of Trust

- (1) The Trust is a statutory body representing the Crown.
- (2) The Trust is subject to the control and direction of the Minister, except in relation to payments from the Public Fund.
- (3) The Trust must publish directions given to the Trust by the Minister on the Trust’s website.

95 Trust Board

- (1) There is to be a Board of the Trust.
- (2) The Board of the Trust must consist of at least 5, and no more than 11, members appointed by the Minister.
- (3) The affairs of the Trust are to be managed by the Board.
- (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.
- (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 natural environment through the use of gifts of money and property received by the Public Fund by supporting the following actions, if the actions are in addition to actions that are or would ordinarily be taken—
 - (a) the acquisition of lands under this Act,
 - (b) scientific research and monitoring,
 - (c) threatened species conservation, including restoration,
 - (d) projects that support the involvement of Aboriginal people in park management, including joint management,
 - (e) activities or classes of activities prescribed by the regulations, other than activities that are part of routine land management or routine visitor management.
- (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,
- (c) to establish and maintain a website for the purposes of facilitating the functions of the Trust,
- (d) to use gifts, devises, bequests or contributions received by the Public Fund to support and promote actions specified in section 96(1)(a)–(e) to

the extent that the actions promote the protection and enhancement of the natural environment,

- (e) to assess and analyse lands for potential acquisition by payments from the Public Fund,
- (f) to invest money held in the Public Fund,
- (g) to exercise functions delegated to the Trust under this Act,
- (h) another function conferred or imposed on the Trust by this Act or another law.

98 Powers of Trust

- (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.
- (2) Without limiting subsection (1), the Trust has power to do the following—
 - (a) to buy, sell, hold, mortgage, lease or otherwise deal with land or other property,
 - (b) to borrow money, either with or without security,
 - (c) to act as trustee of money or other property vested in the Trust,
 - (d) to invest money held in the Public Fund—
 - (i) if the Trust is a GSF agency for the purposes of the *Government Sector Finance Act 2018*, Part 6—in a way that the Trust is permitted to invest money under that Part, or
 - (ii) if the Trust is not a GSF agency for the purposes of the *Government Sector Finance Act 2018*, Part 6—in the same way as trustees may invest trust funds or in another way approved by the Treasurer,
 - (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,
 - (f) to appoint agents,
 - (g) to set fees in relation to administrative matters.

99 Staff of Trust

- (1) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the Trust to exercise its functions.
Note— The *Government Sector Employment Act 2013*, 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 *Constitution Act 1902*, section 47A precludes the Trust from employing staff.
- (2) The Trust may engage consultants for the purpose of getting expert advice.

100 Delegation by Trust

The Trust may delegate a function of the Trust, other than this power of delegation, to—

- (a) a member of the Board of the Trust, or
- (b) an employee of the Trust, or
- (c) a person, or a person of a class, prescribed by the regulations.

101 Annual reports of Trust

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 *Annual Reports (Statutory Bodies) Act 1984*.

102 Exemption from certain State taxes

The *Duties Act 1997* does not apply to or in relation to—

- (a) the acquisition of land by the Trust for the purposes of this Act, or
- (b) the leasing of land, whether as lessor or lessee, by the Trust for the purposes of this Act, or
- (c) the disposal of land by the Trust under this Act.

Division 3 National Parks and Wildlife Conservation Public Fund

103 Definitions

In this Division—

Environment Secretary has the same meaning as in the ITAA 1997.

ITAA 1997 means the *Income Tax Assessment Act 1997* of the Commonwealth.

104 Registration of Trust as environmental organisation

- (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.
- (2) In particular, the Trust must—
 - (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
 - (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
 - (c) not pay any of the Trust's profits or financial surplus, or give any of the Trust's property, to its members, and
 - (d) not act as a mere conduit for the donation of money or property to other organisations, bodies or persons, and
 - (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.
- (3) In this section—

Commonwealth Minister means a Commonwealth Minister responsible for administering the relevant provisions of the ITAA 1997.

Environment Minister has the same meaning as in the ITAA 1997.

105 National Parks and Wildlife Conservation Public Fund

- (1) The public fund referred to in section 104(2)(a) must be called the National Parks and Wildlife Conservation Public Fund (the **Public Fund**).
- (2) The Trust must—

- (a) maintain and only use the Public Fund for the principal purpose of the Trust, and
- (b) hold all accountable gifts in the Public Fund, and
- (c) not hold other money or property in the Public Fund, and
- (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
- (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
Note— The *Taxation Administration Act 1953* of the Commonwealth, Schedule 1, section 382-15 requires deductible gift recipients to keep certain records.
- (f) issue receipts in the name of the Public Fund for accountable gifts worth \$2 or more, and
- (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.

(3) In this section—

accountable gifts means gifts, property, contributions or money referred to in the ITAA 1997, section 30-130.

authorised deposit-taking institution has the same meaning as **ADI** has in the ITAA 1997.

106 Transfer of assets on winding up

- (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.
- (2) The Minister must give preference to tax exempt funds that operate principally in New South Wales.
- (3) In this section—
tax exempt fund means a public fund that is—
 - (a) on the register of environmental organisations kept under the ITAA 1997, Subdivision 30-E, and
 - (b) maintained for a similar purpose to the principal purpose of the Trust.**winding up event** means—
 - (a) the winding up of the Trust, or
 - (b) the winding up of the Public Fund, or
 - (c) the revocation of the Trust's endorsement as a deductible gift recipient under the ITAA 1997, Division 30.

107 Regulations

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—

- (a) additional administrative arrangements to address a requirement, or
- (b) additional governance arrangements to address a requirement.

[18] Section 138 Payments into Fund

Insert after section 138(1)(b)(i)—

- (ia) the creation of and dealing with carbon sequestration rights in land acquired, reserved or dedicated under this Act,

[19] Section 139 Payments out of Fund

Insert after section 139(2)(g)—

- (g1) the cost of the Minister creating and dealing with carbon sequestration rights in land acquired, reserved or dedicated under this Act,

[20] Section 139(2)(m)

Omit “, and”.

[21] Section 139(2)(o)

Insert at the end of section 139(2)(n)—

, and

- (o) any other costs, charges, expenses, money or fees prescribed by the regulations.

[22] Part 12A

Insert after Part 12—

Part 12A Assets of intergenerational significance

153F Definitions

In this Part—

conservation action plan means a plan prepared under the regulations for declared land in relation to assets of intergenerational significance.

declared land—see section 153G(1).

153G Assets of intergenerational significance

- (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 (*declared land*).
- (2) The declaration must—
 - (a) set out the environmental and cultural values of the land that determined the land to be declared land, and
 - (b) include a map of the land.
- (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—
 - (a) the map required under subsection (2)(b),
 - (b) information in the declaration that may reveal the location of the declared land,
 - (c) the actions that may be taken for the management of the declared land.

- (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.
- (5) Action authorised by regulations under this section—
 - (a) may be taken despite a plan of management that applies to the declared land, and
 - (b) if the declared land is land reserved or dedicated under Part 4A—may only be taken if the action has been approved by the board of management for the land.
- (6) Regulations under this section do not affect the *Rural Fires Act 1997* or the regulations under that Act.

153H Application of Planning Act

- (1) The following actions are taken to be exempt development for the purposes of the *Environmental Planning and Assessment Act 1979*—
 - (a) an action in relation to declared land, carried out under a conservation action plan,
 - (b) an action that may be taken for the management of declared land, prescribed by the regulations under section 153G(4).
- (2) The regulations may exclude an action referred to in subsection (1) from the operation of this section.
- (3) For the purposes of the *Environmental Planning and Assessment Act 1979*, section 1.6(2), a reference to an environmental planning instrument includes a conservation action plan.
- (4) A conservation action plan is not a regulatory instrument for the purposes of the *Environmental Planning and Assessment Act 1979*, section 3.16.

153I Offence for harm to environmental or cultural value of declared land

- (1) A person must not interfere with, damage, harm or disturb an environmental or cultural value of land that is declared land.
Maximum penalty—
 - (a) for a corporation—10,000 penalty units, or
 - (b) for an individual—5,000 penalty units or imprisonment for 2 years, or both.

Note— 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.
- (2) It is a defence to a prosecution for an offence under subsection (1) if—
 - (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
 - (b) action taken by the person was—
 - (i) carried out under a conservation action plan, or
 - (ii) an action that may be taken for the management of the declared land prescribed by the regulations under section 153G(4), or

- (c) action taken by the person was carried out for, or as part of, an Aboriginal cultural practice, or
- (d) action taken by the person was necessary for the carrying out of development in accordance with a development consent within the meaning of the *Environmental Planning and Assessment Act 1979*, or
- (e) 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 *Environmental Planning and Assessment Act 1979*, Part 5 after compliance with that Part, or
- (f) action taken by the person is authorised or required to be carried out under the *Rural Fires Act 1997*.

[23] Section 154 Regulations

Insert after section 154(b)—

- (c) the creation of and dealing with carbon sequestration rights, and activities incidental to or connected with the exercise of this function,

[24] Section 155 Regulations relating to parks

Insert “the following” after “particular, for or with respect to” in section 155(2).

[25] Section 155(2)(dd)

Omit “park, and”. Insert instead “park,”.

[26] Section 155(2)(ee)

Insert after section 155(2)(dd)—

- (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.

[27] Section 155(2AA)

Insert after section 155(2A)—

- (2AA) Without limiting the generality of subsection (2), a regulation made under subsection (2)(ee) may include provisions about the following—
 - (a) requirements relating to the design of the program for monitoring and reporting, including—
 - (i) the park or other lands to which the program applies, and
 - (ii) the type of ecological health attributes to be measured, and
 - (iii) the frequency with which the attributes will be measured,
 - (b) requirements relating to the implementation of the program, including a requirement that the program be implemented to the greatest extent practicable,
 - (c) requirements relating to reporting on the outcomes of the program, including—
 - (i) the way the outcomes are published, and
 - (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.

[28] Section 175B Liability of directors etc for offences by corporation—offences attracting executive liability

Insert after section 175B(1)(l)—
(1) section 153I(1),

[29] Section 185 Catchment areas and special areas

Omit “nor the Secretary of the Department of Industry, Skills and Regional Development” from section 185(5).

[30] Section 185A Special areas under the Hunter Water Act 1991

Omit “by the Chief Executive” from section 185A(5). Insert instead “by the Secretary”.

[31] Section 188D Provisions relating to certain existing access roads on National Park Estate lands

Insert after section 188D(9), definition of *access road*, paragraph (b)—
(b1) the *Forestry Revocation and National Park Reservation Act 1996*, section 9,

[32] Section 188D(9), definition of “exclusion order”

Insert after paragraph (b)—
(b1) the *Forestry Revocation and National Park Reservation Act 1996*, section 9(5),

[33] Section 188G Public availability of register

Omit “Office” from section 188G(1). Insert instead “Department”.

[34] Section 188H Assets of intergenerational significance

Omit the section.

[35] Sections 197A and 197B

Insert after section 197—

197A Approved cameras—offences relating to vehicles entering or using park

- (1) In proceedings for a vehicle entry offence—
 - (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—
 - (i) was taken at the place and on the day specified on the image, and
 - (ii) bears the security indicator, and
 - (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
 - (c) the image is prima facie evidence of the matters shown or recorded on the image.
- (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—
 - (a) the person is the Secretary,

- (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,
 - (c) on the inspection, the approved camera was found to be operating correctly.
- (3) In this section—
- approved camera** means a digital camera of a type approved by the Minister by order published in the Gazette as being designed—
- (a) to take a photograph of a motor vehicle as the motor vehicle is being driven in or around a park, and
 - (b) to record on the photograph—
 - (i) the date on which the photograph is taken, and
 - (ii) the time and location at which the photograph is taken, and
 - (iii) the direction in which the vehicle activating the camera is travelling, and
 - (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.

authorised person means a person authorised by the Secretary to install and inspect approved cameras.

digital camera means a camera recording device that is capable of recording images in a digitised format.

digital image includes a digitised, electronic or computer generated image in a form approved by the Secretary.

park—

- (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
- (b) includes roads and waters in the boundaries of a park, site, area, reserve or land specified in paragraph (a).

security indicator means a security indicator of a kind approved by the Minister by order published in the Gazette.

vehicle entry offence means the following offences—

- (a) an offence against this Act or the regulations for entering a park by motor vehicle without payment of a fee or charge,
- (b) an offence prescribed by the regulations for the purposes of this section.

197B Information obtained by approved cameras

- (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—
 - (a) in the exercise of a function relating to the payment and collection of a fee or charge under this Act, or
 - (b) for the enforcement of a vehicle entry offence, or
 - (c) in the exercise of another function prescribed by the regulations.

- Maximum penalty—50 penalty units.
- (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—
- (a) the Independent Commission Against Corruption,
 - (b) the Australian Crime Commission,
 - (c) the New South Wales Crime Commission,
 - (d) the Ombudsman,
 - (e) the NSW Police Force, or the police force of another State or a Territory,
 - (f) the Australian Federal Police,
 - (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,
 - (h) the Department of Communities and Justice,
 - (i) Service NSW,
 - (j) the Office of the Sheriff of NSW,
 - (k) a person prescribed by the regulations for the purpose of this subsection.
- (3) Subsection (2) applies only in relation to information acquired about a motor vehicle driven in connection with a vehicle entry offence.
- (4) In this section—
vehicle entry offence has the same meaning as in section 197A.

[36] Schedule 3 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering—

Part Provisions consequent on enactment of National Parks and Wildlife Amendment Act 2021

Definition

In this Part—

amending Act means the *National Parks and Wildlife Amendment Act 2021*.

Plans of management

- (1) This clause applies if notice of the preparation of a plan of management has been given under section 73A before the commencement.
- (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.
- (3) On the commencement, if the responsible authority for the plan of management—
 - (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(6)–(9), as substituted by the amending Act, or

- (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.
- (4) Subclause (3) extends to an amendment, alteration or substitution of a plan of management under section 73B(7).
- (5) In this clause—
commencement means the commencement of the amending Act, Schedule 1.2[6].

Plans of management—alterations and amendments

- (1) This clause applies in relation to an amendment, alteration or substitution of a plan of management under section 73B(7).
- (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.
- (3) In this clause—
commencement means the commencement of the amending Act, Schedule 1.2[6].

Relocation and amendment of section 188H

- (1) The relocation of section 188H (the *former section*) to section 153G, as amended by the amending Act—
 - (a) does not affect a declaration of land under the former section before the commencement of section 153G, and
 - (b) does not affect regulations made under the former section or actions authorised by the regulations.
- (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.

[37] Schedule 9 The Aboriginal Cultural Heritage Advisory Committee

Insert “native title holders within the meaning of the *Native Title Act 1993* of the Commonwealth and” before “registered” in clause 1(2)(d)(ii).

1.2 Amendments commencing after assent

[1] Section 23 Functions and duties of Council

Omit “and the development, implementation, review, amendment and alteration of plans of management for those areas” from section 23(1)(a)(iv).

Insert instead “, including, if requested by the Minister, the content of specific plans of management”.

[2] Section 25 Functions of advisory committees

Omit section 25(1)(c). Insert instead—

- (c) to provide advice to the Minister on draft plans of management relating to the administrative region for which the committee was constituted,

[3] Section 30 Function of Karst Management Advisory Committee

Omit section 30(b).

[4] Section 30(2)

Insert at the end of the section—

- (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.

[5] Section 71BFA

Insert after section 71BF—

71BFA Aboriginal Land Council may create and deal with carbon sequestration rights

- (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.
- (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.
- (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—
 - (a) revegetation,
 - (b) vegetation management,
 - (c) improvements in soil carbon,
 - (d) the management of feral animals,
 - (e) fire management,
 - (f) carbon sequestered through land use changes or rehabilitation,
 - (g) human-induced regeneration.
- (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.
- (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.
- (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.
- (7) The regulations may prescribe other functions or activities that the Aboriginal Land Council may take in relation to carbon sequestration rights.

[6] Section 73A

Omit the section. Insert instead—

73A Public exhibition and consultation for plans of management

- (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.

- (2) The notice must include—
 - (a) the address of the place at which copies of the plan of management may be inspected, and
 - (b) the address to which representations may be forwarded, and
 - (c) the period within which representations may be made, being a period of not less than 60 days from the date on which the notice is made public (the *representation period*).
- (3) The period between 20 December and 10 January, inclusive, is excluded from the calculation of days in a representation period.

Note— See also the *Interpretation Act 1987*, section 36(2) if the last day of a representation period is a Saturday or Sunday or public holiday.
- (4) The Council may, by written notice given to the Secretary before the end of the representation period, request that a draft plan of management be referred to the Council if the Council considers the draft plan raises issues of State-wide significance about the management of land under this Act.
- (5) If the Council makes a request under subsection (4)—
 - (a) the Secretary must refer the plan of management and all representations received during the representation period to the Council, and
 - (b) the Council must consider the draft plan and the representations and provide advice within 28 days after the end of the representation period to—
 - (i) for land reserved or dedicated under Part 4A—the responsible authority, or
 - (ii) otherwise—to the Minister.
- (6) 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—
 - (a) the plan of management on the day the responsible authority gives notice of the preparation of the plan under subsection (1), and
 - (b) all representations received during the representation period.
- (7) The responsible authority for a plan of management must also provide the plan of management to the Karst Management Advisory Committee constituted by this Act if the plan of management relates to land that contains significant karst environments.
- (8) The Karst Management Advisory Committee must provide advice to the appropriate regional advisory committee within 14 days after the end of the representation period.
- (9) The appropriate regional advisory committee must—
 - (a) consider the plan of management and representations, and
 - (b) provide advice that the committee considers appropriate, including advice provided by the Karst Management Advisory Committee—
 - (i) for land reserved or dedicated under Part 4A—to the responsible authority within 28 days after the end of the representation period, or
 - (ii) otherwise—to the Minister within 28 days after the end of the representation period, or a longer period that the Minister determines.

- (10) 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 *Brigalow and Nandewar Community Conservation Area Act 2005*.

[7] Section 73B Adoption, amendment and cancellation of plans of management

Omit section 73B(1). Insert instead—

- (1) The Minister may do the following after considering representations made under section 73A and advice from the appropriate regional advisory committee and, if provided, advice from the Council—
- (a) adopt a plan of management without alteration,
 - (b) adopt a plan of management with the alterations the Minister thinks fit,
 - (c) refer the plan of management back to the responsible authority for further consideration.
- (1A) For subsection (1), advice received from the appropriate regional advisory committee and the Council in relation to land reserved or dedicated under Part 4A must be provided to the Minister by the responsible authority.
- (1B) Despite subsections (1) and (1A) the Minister may—
- (a) if the appropriate regional advisory committee or responsible authority do not provide advice—
 - (i) adopt a plan of management, without alteration or with the alterations the Minister thinks fit, or
 - (ii) refer the plan of management back to the responsible authority and the regional advisory committee for further consideration, or
 - (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
 - (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(9).

[8] Section 73B(6)

Insert “, (1B)” after “(1)”.

[9] Section 73B(7)

Omit “to “90 days” is taken to be a reference to “45 days””. Insert instead “to “60 days” is taken to be a reference to “42 days””.

[10] Schedule 1A Reservation of land

Insert after Part 2—

Part 3 Land transfers and reservation

3 Relationship to Forestry Act 2012 and Crown Land Management Act 2016

- (1) This Part has effect despite—
- (a) the provisions of the *Forestry Act 2012*, 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

- (b) the provisions of the *Crown Land Management Act 2016*, in particular provisions that provide for a different procedure for revoking the dedication or reservation of Crown land.
- (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.

4 Revocation of State forest dedications and reservation as part of Wollemi National Park

- (1) The dedication of the land described in subclause (2) as State forest is revoked.
- (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.
- (3) The land described in subclause (2) is reserved as part of the Wollemi National Park.
- (4) A notice under the *Forestry Act 2012*, 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).

5 Revocation of State forest dedications and reservation as Gardens of Stone State Conservation Area

- (1) The dedication of the following land as State forest is revoked—
 - (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,
 - (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,
 - (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.

- (2) The land described in subclause (1) is reserved as the Gardens of Stone State Conservation Area.
- (3) The reservations in this clause are restricted to a depth of 50 metres below the surface of the land.
- (4) A notice under the *Forestry Act 2012*, 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).

6 Revocation of reserved or dedicated Crown lands as national park or state conservation area

- (1) The following Crown land dedicated or reserved under the *Crown Land Management Act 2016*, sections 2.3 and 2.8 is revoked—
 - (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,
 - (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 catalogued Misc R 00355 Edition 1 held by the Service, subject to any variation or exceptions noted on the diagram.
- (2) The land described in subclause (1)(a) is reserved as part of the Gardens of Stone National Park.
- (3) The land described in subclause (1)(b) is reserved as the Gardens of Stone State Conservation Area.
- (4) The reservation in subclause (1)(b) is restricted to a depth of 50 metres below the surface of the land.
- (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).
- (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).
- (7) In this clause—

Crown-timber land has the same meaning as in the *Forestry Act 2012*.
timber reserve has the same meaning as in the *Forestry Act 2012*.

7 Adjustment of description of transferred land

- (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—
 - (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

- (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
 - (c) to include, remove or change the description of an easement or restriction to which the land is subject, or
 - (d) to provide a more detailed description of the boundaries of the land.
- (2) The land description adjustment must be made by notice published in the Gazette.
- (3) A notice made under this clause may be published in the Gazette only with the approval of—
 - (a) the Minister, and
 - (b) to the extent the notice relates to a State forest—the Minister administering the *Forestry Act 2012*, and
 - (c) to the extent the notice applies to Crown land or a Crown road—the Minister administering the *Crown Land Management Act 2016*, and
 - (d) to the extent the notice applies to a classified road—the Minister administering the provisions of the *Roads Act 1993* relating to classified roads.
- (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.
- (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.
- (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.
- (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—
 - (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
 - (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.
- (8) A declaration under subclause (7) has effect despite anything to the contrary in the *Roads Act 1993*.
- (9) A land description adjustment may be made at any time until the day that is 5 years after this Part commences.
- (10) In this clause—

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.

classified road has the same meaning as in the *Roads Act 1993*.

land adjoining a public road includes land in the vicinity of a public road.

national park estate land means the following—

- (a) land reserved under this Act,
- (b) land vested in the Minister for the purposes of this Act, Part 11.

public road has the same meaning as in the *Roads Act 1993*.

8 Savings in relation to revocations

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.

Schedule 2 Amendment of National Parks and Wildlife Regulation 2019

[1] **Clause 3 Definitions**

Omit clause 3(1), definitions of DPC Secretary and *Secretary*.

[2] **Part 6A**

Insert before Part 7—

Part 6A Board of National Parks and Wildlife Conservation Trust—the Act, s 95(5)

Division 1 Preliminary

69A Definitions

In this Part—

Board means the Board of the National Parks and Wildlife Conservation Trust.

Chairperson means the Chairperson of the Board.

Deputy Chairperson means the Deputy Chairperson of the Board.

member means a member of the Board.

Division 2 Membership

69B Composition

- (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—
 - (a) philanthropy,
 - (b) conservation,
 - (c) financial management,
 - (d) communications,
 - (e) others areas the Minister considers relevant.
- (2) Government sector employees are eligible to be appointed as members of the Board, but must not make up a majority of members.
- (3) The Minister may publicly advertise for nominations for appointment of persons as members of the Board.

69C Chairperson and Deputy Chairperson

- (1) The Minister must appoint a member as—
 - (a) a Chairperson, and
 - (b) a Deputy Chairperson.
- (2) The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if the person—
 - (a) ceases to be a member of the Board, or
 - (b) resigns from the office of Chairperson or Deputy Chairperson by instrument in writing, including electronic communication, addressed to the Minister, or

- (c) is removed from the office of Chairperson or Deputy Chairperson by the Minister.
- (3) If the office of Chairperson or Deputy Chairperson becomes vacant, a person must be appointed to fill the vacancy.

69D Terms of office

- (1) Subject to this Part, a member holds office for the period specified in the member's instrument of appointment.
- (2) The period referred to in subclause (1) must not exceed 5 years.
- (3) A member may be re-appointed.

69E Removal from office

The Minister may remove a member from office.

69F Vacancy in office of member

The office of a member becomes vacant if the member—

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by instrument in writing, including electronic communication, addressed to the Minister, or
- (d) is removed from office by the Minister, or
- (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
- (f) is a mentally incapacitated person, or
- (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.

69G Remuneration

A member is entitled to be paid the remuneration, including travelling and subsistence allowances, determined by the Minister for the member.

Division 3 Procedure

69H Quorum

The quorum for a meeting of the Board is a majority of the Board's members for the time being.

69I Presiding member

- (1) The Chairperson must preside at a meeting of the Board, unless the Chairperson is absent.
- (2) If the Chairperson is absent—
 - (a) the Deputy Chairperson must preside, or

- (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.
- (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.

69J General procedure

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.

69K Voting

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.

69L Disclosure of pecuniary interests

- (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.
- (2) A member has a pecuniary interest if—
 - (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
 - (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.
- (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—
 - (a) is a member, or is in the employment, of a specified company or other body, or
 - (b) is a partner, or is in the employment of, a specified person, or
 - (c) has some other specified interest relating to a specified company or other body, or to a specified person.
- (4) Particulars of a disclosure made under this clause must be recorded by the Board in a book that is—
 - (a) kept for the purpose of recording disclosures, and
 - (b) open to inspection at all reasonable hours by a person on payment of the fee determined by the Board.
- (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—
 - (a) be present during a deliberation of the Board about the matter, or
 - (b) take part in a decision of the Board about the matter.
- (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—
 - (a) be present during a deliberation of the Board for the purpose of making the determination, or
 - (b) take part in the making of the determination by the Board.

- (7) A contravention of this clause does not invalidate a decision of the Board.

69M Effect of certain other Acts

- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to a member.
- (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—
- (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
 - (b) prohibits the person from engaging in employment outside the duties of the office.

69N Transaction of business outside meetings or by telephone or other means

- (1) The Board may transact its business by the circulation of papers among all the members of the Board for the time being.
- (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.
- (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.
- (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—
- (a) the approval of a resolution under subclause (1), or
 - (b) a meeting held in accordance with subclause (3).
- (5) A resolution approved under subclause (2) must, subject to this Part, be recorded in the minutes of the meetings of the Board.
- (6) Papers may be circulated among the members for the purposes of subclause (1) by electronic means.

69O Seal of Trust

- (1) The seal of the Trust must be kept by—
- (a) a member of the Board, or
 - (b) a member of staff of the Trust, authorised by the Board to keep the seal.
- (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 *authorised witness*).
- (3) The seal of the Trust must be affixed to a document only—
- (a) in the presence of an authorised witness, and
 - (b) with an attestation by the signature of an authorised witness of the fact of the affixing of the seal.

[3] Clause 78A Definitions

Omit the definition of *Department*.

[4] Clause 78A, definition of “environmental and cultural values” and 78E(1)

Omit “section 188H” wherever occurring.

Insert instead “section 153G”.

[5] Clause 78B Management of declared land

Omit “section 188H(2)”. Insert instead “section 153G(4)”.

[6] Clause 78C Preparation of conservation action plans

Omit “of the land” from section 78C(3)(d). Insert instead “of the environmental or cultural values of the land”.

[7] Clause 78D(2), 78F(2), 78I(2) and 78J(5)

Omit “diminish” wherever occurring. Insert instead “place at risk”.

[8] Clause 87A

Insert after clause 87—

87A Vehicle entry offences

For the purposes of section 197A(3), definition of *vehicle entry offence*, paragraph (b), an offence under clause 10G is prescribed.

Schedule 3 Amendment of other Acts and instruments

3.1 Biodiversity Conservation Regulation 2017

Clause 5.1 Criteria for determining if land eligible to be designated as biodiversity stewardship site (section 5.7(3))

Insert “or” after “offset obligation” in clause 5.1(1)(c)(ii).

3.2 Government Sector Finance Legislation (Repeal and Amendment) Act 2018 No 70

Schedule 4 Other amendments to legislation

Insert at the beginning of Schedule 4.72—

[1] Section 101 Annual reports of Trust

Omit the section. Insert instead—

101 Annual reporting information for Trust

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 *Government Sector Finance Act 2018*.