



New South Wales

# Great Koala Protected Area Bill 2021

## Explanatory note

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

## Overview of Bill

The objects of this Bill are to—

- (a) establish the Great Koala Protected Area and include certain land within it, and
- (b) require the Secretary of the Department of Planning, Industry and Environment (the *Department*) to include further land in the Great Koala Protected Area that is land within State forests or state conservation areas by reserving the land as, or as part of, a national park, regional park, nature reserve or Aboriginal area, and
- (c) require the Secretary to prepare a plan of management for the Great Koala Protected Area to ensure the Area is managed in a way that promotes the conservation and growth of the koala population and koala habitat, and
- (d) require the Secretary to prepare a transition plan for the inclusion of land as part of the Great Koala Protected Area to provide for—
  - (i) the transition of persons employed in connection with forestry operations on the land to alternative employment consistent with the principles of ecologically sustainable development, and
  - (ii) opportunities for developing public understanding and appreciation of heritage values associated with the koala population.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

**Clause 3** provides for the proposed Act to bind the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

**Clause 4** sets out the main object of the proposed Act.

**Clause 5** defines certain words used in the proposed Act.

### Part 2 Great Koala Protected Area

#### Division 1 Establishment and management of Great Koala Protected Area

**Clause 6** establishes the Great Koala Protected Area. The Great Koala Protected Area is to consist of land specified in proposed Schedule 1 and land reserved under proposed section 11.

**Clause 7** provides that the primary purpose of the Great Koala Protected Area is to reverse the current trend of koala population decline by requiring land in the Area to be managed in a way that promotes the conservation and growth of the koala population and habitat (the *primary purpose*). The primary purpose applies to land within the Great Koala Protected Area in addition to the management principles, within the meaning of the *National Parks and Wildlife Act 1974*, that apply to the land. To the extent of an inconsistency between the primary purpose and the management principles, the primary purpose prevails.

**Clause 8** requires the Secretary to prepare a plan of management for the Great Koala Protected Area within 12 months of the commencement of the proposed Act. The plan of management must—

- (a) be consistent with the primary purpose, and
- (b) provide for certain matters specified in the proposed section.

The plan of management must state how the Secretary proposes to achieve the objectives and performance measures outlined in the plan. The plan of management applies to land within the Great Koala Protected Area in addition to a plan of management within the meaning of the *National Parks and Wildlife Act 1974* (a *secondary plan of management*). The plan of management made under the proposed section prevails over a secondary plan of management to the extent of an inconsistency.

**Clause 9** sets out requirements that must be met by the Secretary of the Department (the *Secretary*) before approving the plan of management. The Secretary may approve the plan of management without changes or with changes in response to comments and submissions received. The approved plan of management must be published on a website maintained by the Department.

**Clause 10** requires the Minister administering the *National Parks and Wildlife Act 1974* and authorised officers appointed under that Act to exercise functions under the proposed Act in relation to land included in the Great Koala Protected Area consistently with the plan of management.

#### Division 2 Reservation of State forests and state conservation areas

**Clause 11** requires the Secretary to reserve land specified in proposed Schedule 2 as one of the following, or as part of one of the following, within 2 years of the commencement of the proposed Act—

- (a) a national park,
- (b) a regional park,
- (c) a nature reserve,
- (d) an Aboriginal area.

On the date the land is reserved under the proposed section, the dedication of the land as State forest or state conservation area is revoked and the land becomes part of the Great Koala Protected Area. The land is taken to have been reserved under the *National Parks and Wildlife Act 1974*, Part 4, Division 1.

The proposed section applies despite provisions of the *National Parks and Wildlife Act 1974* and the *Forestry Act 2012* relating to the reservation of land and the revocation of the dedication of land as State forest. A reservation under the proposed section does not apply to the part of a State forest specified in proposed Schedule 2 that is a plantation, within the meaning of the *Forestry Act 2012*, section 4.

**Clause 12** provides for licences or permits under the *Forestry Act 2012* affecting—

- (a) land within a national park or nature reserve specified in proposed Schedule 1 to be cancelled on the commencement of the proposed Act, and
- (b) land reserved under proposed section 11 as a national park or nature reserve to be cancelled on the date the land is reserved.

### **Division 3 Transition plan**

**Clause 13** requires the Secretary to prepare a transition plan for the inclusion of land specified in proposed Schedule 2 as part of the Great Koala Protected Area. The transition plan must be prepared within 12 months of the commencement of the proposed Act. The transition plan must be consistent with the primary purpose. The transition plan must also provide for—

- (a) the transition of persons employed in connection with forestry operations on relevant land (*relevant persons*) to alternative employment, consistent with the principles of ecologically sustainable development, and
- (b) opportunities for developing public understanding and appreciation of heritage values associated with the koala population.

The transition plan ceases to apply to the land on the date the land is reserved under proposed section 11.

**Clause 14** sets out requirements that must be met by the Secretary before approving the transition plan. The Secretary may approve the transition plan without changes or with changes made in response to comments and submissions received. The approved transition plan must be—

- (a) tabled in each House of Parliament within 1 month after the day on which the transition plan is approved, and
- (b) published on a website maintained by the Department.

The proposed section requires Ministers administering the *National Parks and Wildlife Act 1974* and the *Forestry Act 2012* to have regard to the transition plan in carrying out functions under the Acts.

**Clause 15** provides that Parliament recommend the appropriation of funds out of the Consolidated Fund to support the implementation of the transition plan and the compensation of relevant persons.

## **Schedule 1 NPW reserved land included in Great Koala Protected Area**

**Schedule 1** specifies NPW reserved land that is to be included in the Great Koala Protected Area.

## **Schedule 2      Land to be reserved and included in Great Koala Protected Area**

**Schedule 2** specifies State forests and state conservation areas that are to be reserved under proposed section 11 and included in the Great Koala Protected Area.