

National Parks and Wildlife (Adjustment of Areas) Bill 2005

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

Overview of Bill

The objects of this Bill are to:

(a) revoke the reservation under the *National Parks and Wildlife Act 1974* of areas of land within Botany Bay National Park, Kosciuszko National Park, Lake Innes Nature Reserve and South East Forest National Park, and

(b) vest those areas in the Crown as Crown land (in the case of the areas within Botany Bay National Park) or in the Minister administering Part 11 of the *National Parks and Wildlife Act 1974* (in all other cases), and

(c) amend the *National Park Estate (Southern Region Reservations) Act 2000* to extend deadlines in certain provisions relating to roads within or in the vicinity of land transferred to the national park estate by that Act.

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 on a day or days to be appointed by proclamation.

Clause 3 revokes the reservation under the *National Parks and Wildlife Act 1974* of land described in Schedule 1 or 2 as part of the national parks and nature reserve referred to in those Schedules.

Clause 4 vests land described in Schedule 1 (which is land within Botany Bay National Park) in the Crown as Crown land.

Clause 5 vests land described in Schedule 2 (which is land within Kosciuszko National Park, Lake Innes Nature Reserve and South East Forest National Park) in the Minister administering Part 11 of the *National Parks and Wildlife Act 1974*.

Clause 6 ensures that the proposed Act does not operate to extinguish native title rights and interests existing in relation to the excised land immediately before its vesting under the proposed Act in the Crown as Crown land or in the Minister administering Part 11 of the *National Parks and Wildlife Act 1974*.

Clause 7 provides that the proposed Act binds the Crown.

Clause 8 enables the making of regulations for the purposes of the proposed Act, including regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Clause 9 is a formal provision that gives effect to the amendments to the *National Park Estate (Southern Region Reservations) Act 2000* set out in Schedule 3.

Schedule 1 Land within Botany Bay National Park vested in the Crown as Crown land

This Schedule sets out the land within Botany Bay National Park whose reservation as national park is revoked and that is vested in the Crown as Crown land.

Schedule 2 Land within national parks or nature reserve vested in Minister administering Part 11 of the National Parks and Wildlife Act 1974

This Schedule sets out the land within national parks and a nature reserve (being land whose reservation is revoked) that is vested in the Minister administering Part 11 of the *National Parks and Wildlife Act 1974* for the purposes of that Part.

Schedule 3 Amendment of National Park Estate (Southern Region Reservations) Act 2000

Section 10 of the *National Park Estate (Southern Region Reservations) Act 2000* enables the description of land transferred to the national park estate by that Act to be adjusted, by notice published in the Gazette, for various purposes. **Schedule 3 [2]**

extends the deadline for adjusting the boundary of land adjoining a public road from 31 December 2005 to 31 December 2007. **Schedule 3 [1]** makes a consequential amendment.

Clause 8 of Schedule 7 vests in the Minister administering the *National Parks and Wildlife Act 1974*, for the purposes of Part 11 of that Act, certain access roads that are within former State forests and Crown land transferred to the national park estate by the *National Park Estate (Southern Region Reservations) Act 2000*. Under the clause, that Minister is required to declare which of the access roads are reserved as part of the national park estate, and which are not, by 31 December 2005. **Schedule 3 [3]** extends this deadline to 31 December 2007.