



New South Wales

National Parks and Wildlife (Further Adjustment of Areas) Bill 2005

Explanatory note

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 land within Illawarra Escarpment State Conservation Area, Jerrawangala National Park and Morton National Park, and
- (b) vest that land in:
 - (i) the Crown as land that is subject to the *Crown Lands Act 1989* (in the case of the land within Illawarra Escarpment State Conservation Area), or
 - (ii) the Minister administering Part 11 of the *National Parks and Wildlife Act 1974* (in the case of land within Jerrawangala National Park and Morton National Park).

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 state conservation area and national parks referred to in those Schedules.

Clause 4 vests land described in Schedule 1 (which is land within Illawarra Escarpment State Conservation Area) in the Crown and makes the land subject to the *Crown Lands Act 1989*.

Clause 5 vests land described in Schedule 2 (which is land within Jerrawangala National Park and Morton 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 land subject to the *Crown Lands Act 1989* 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.

Schedule 1 Land within Illawarra Escarpment State Conservation Area vested in Crown as land subject to Crown Lands Act 1989

This Schedule sets out the land within Illawarra Escarpment State Conservation Area whose reservation as state conservation area is revoked and that is vested in the Crown as land subject to the *Crown Lands Act 1989*. The land concerned comprises 3 parcels of land, having a total area of about 5,900 square metres.

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

This Schedule sets out the land within Jerrawangala National Park and Morton National Park (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. The land transferred from Jerrawangala National Park has a total area of about 1.4286 hectares. The land transferred from Morton National Park has a total area of about 21.797 hectares.



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No. , 2005

A Bill for

An Act to revoke the reservation under the *National Parks and Wildlife Act 1974* of certain areas of land as state conservation area or national park; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>National Parks and Wildlife (Further Adjustment of Areas) Act 2005</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6
3 Revocation of reservation of certain land as state conservation area or national park	7 8
The reservation under the <i>National Parks and Wildlife Act 1974</i> as state conservation area or national park of land described in Schedule 1 or 2 is revoked.	9 10 11
4 Land within Illawarra Escarpment State Conservation Area to vest in Crown as land subject to Crown Lands Act 1989	12 13
On the revocation under this Act of the reservation as state conservation area of land described in Schedule 1, that land:	14 15
(a) is vested in the Crown for an estate in fee simple, freed and discharged from all trusts, obligations, estates, interests and rights of way or other easements, and	16 17 18
(b) is subject to the <i>Crown Lands Act 1989</i> .	19
5 Land to vest in Minister	20
(1) On the revocation under this Act of the reservation as national park of land described in Schedule 2, that land vests in the Minister administering Part 11 of the <i>National Parks and Wildlife Act 1974</i> on behalf of the Crown for the purposes of that Part for an estate in fee simple, freed and discharged from:	21 22 23 24 25
(a) all trusts, obligations, estates, interests, rights of way or other easements, and	26 27
(b) any dedication, reservation, Crown grant or vesting to which the land was subject, and any such dedication, reservation, grant or vesting is revoked.	28 29 30
(2) The Minister is not to transfer under Part 11 of the <i>National Parks and Wildlife Act 1974</i> :	31 32
(a) the whole or any part of the land described Schedule 2, or	33
(b) any interest in that land,	34
unless other land is first transferred into the national park estate as compensation for the excision of that land (being other land the Minister	35 36

is satisfied is of equal or greater conservation value in terms of natural and cultural heritage).	1
	2
(3) For the purposes of subsection (2), the <i>national park estate</i> comprises land reserved under the <i>National Parks and Wildlife Act 1974</i> or land acquired by the Minister under Part 11 of that Act for the purposes of its reservation under that Act.	3
	4
	5
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6 Saving of native title rights and interests	7
(1) This Act does not operate to extinguish any native title rights and interests existing in relation to the land described in Schedule 1 or 2 immediately before its vesting by section 4 or 5.	8
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(2) This section does not affect any extinguishment of native title rights and interests by the operation of the <i>Native Title Act 1993</i> of the Commonwealth or the <i>Native Title (New South Wales) Act 1994</i> .	11
	12
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(3) Words and expressions used in this section have the same meanings as they have in the <i>Native Title Act 1993</i> of the Commonwealth.	14
	15
7 Act to bind Crown	16
This Act binds 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.	17
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	19
8 Regulations	20
(1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	21
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(2) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act.	25
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(3) Any such provision may, if the regulations so provide, take effect from the date of commencement of this Act or a later date.	27
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(4) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:	29
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(a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	32
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(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	35
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Schedule 1 Land within Illawarra Escarpment State Conservation Area vested in Crown as land subject to Crown Lands Act 1989

Schedule 1	Land within Illawarra Escarpment State Conservation Area vested in Crown as land subject to Crown Lands Act 1989	1
		2
		3
	(Sections 3 and 4)	4
The land within:		5
(a) lot 2 in DP 1083121, and		6
(b) those parts of lot 31 in DP 1083116 that were within Illawarra Escarpment State Conservation Area immediately before the commencement of section 3.		7
		8

Schedule 2	Land within national parks vested in Minister administering Part 11 of the National Parks and Wildlife Act 1974	1
		2
		3
	(Sections 3 and 5)	4
1	Jerrawangala National Park	5
	The land within lots 31–33 in DP 1075211.	6
2	Morton National Park	7
	The land within lots 64–68 in DP 1075869, lots 100–111 in DP 1078152 and lots 11–32 in DP 1080225.	8
		9