

CONCURRENCE COPY

FORESTRY REVOCATION AND NATIONAL PARKS RESERVATION BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to revoke certain dedications of State forests and parts of State forests (including part of a national forest) and certain flora reserves within those State forests; and
- (b) to reserve as national parks or parts of national parks the lands the subject of those revocations.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2 revokes the dedications of the balance of Goonimbar State Forest (about 3 197 hectares) and part of Whian Whian State Forest (about 1 080 hectares), including part of Nightcap National Forest and being the lands described in Schedule 1.

Clause 3 revokes the dedications of the balance of Dandahra Creek State Forest (about 1 245 hectares), part of Moogem State Forest (about 6 000 hectares), part of Washpool State Forest (about 16 200 hectares), part of Mount Lindesay State Forest (about 250 hectares), the balance of Roseberry State Forest (about 15 422 hectares), the balance of Wiangaree State Forest (about 14 457 hectares) and part of Bellinger River State Forest (about 6 200 hectares), being the lands described in Schedule 2.

Clause 4 revokes the Mount Lindesay Flora Reserve (about 117 hectares), the Sheepstation Creek Flora Reserve (about 162 hectares), the Gradys Creek Flora Reserve (about 1 500 hectares), the Levers Plateau Flora Reserve (about 55 hectares) and the Nightcap Track Flora Reserve (about 375 hectares), being the flora reserves described in Schedule 3. The flora reserves are all within the State forests to be revoked by the proposed Act.

Clause 5—

- (a) reserves the lands described in Schedule 1 as the “Nightcap National Park” (about 4 277 hectares);
- (b) reserves the lands described in Part 1 of Schedule 2 as the “Washpool National Park” (about 23 445 hectares);

- (c) reserves the lands described in Part 2 of Schedule 2 as part of the Border Ranges National Park (about 30 129 hectares); and
- (d) reserves the land described in Part 3 of Schedule 2 as part of the New England National Park (about 6 200 hectares).

Clause 6 and Schedule 4 make provisions ancillary to the revocations and reservations to be effected by the proposed Act.

**FORESTRY REVOCATION AND NATIONAL PARKS
RESERVATION BILL, 1983**

No. , 1983.

A BILL FOR

An Act to revoke certain dedications of State forests and parts of State forests (including part of a national forest) and certain flora reserves and to reserve the lands the subject of those revocations as national parks or parts of national parks.

[MR WHELAN—30 *March*, 1983.]

Forestry Revocation and National Parks Reservation.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Forestry Revocation and National Parks Reservation Act, 1983".

Revocation of certain State forests, including part of the Nightcap National Forest.

10 **2.** The dedications as State forests or parts of State forests of the lands described in Schedule 1, including part of the Nightcap National Forest, are revoked.

Revocation of certain other State forests.

15 **3.** The dedications as State forests or parts of State forests of the lands described in Schedule 2 are revoked.

Revocation of flora reserves.

4. The notices described in Schedule 3 are revoked.

Reservation of lands as national parks or as parts of national parks.

20 **5. (1)** The lands described in Schedule 1 are reserved as a national park to be known as the "Nightcap National Park".

(2) The lands described in Part 1 of Schedule 2 are reserved as a national park to be known as the "Washpool National Park".

(3) The lands described in Part 2 of Schedule 2 are reserved as part of the Border Ranges National Park.

Forestry Revocation and National Parks Reservation.

(4) The land described in Part 3 of Schedule 2 is reserved as part of the New England National Park.

Ancillary provisions.

6. Schedule 4 has effect.

5

SCHEDULE 1.

(Secs. 2, 5 (1).)

NIGHTCAP NATIONAL PARK.

*Goonimbar State Forest
(including part of Nightcap National Forest).*

10 All that piece or parcel of land containing about 3 197 hectares situate in the Shire of Tweed and the City of Lismore, Parishes of Gooninbar, Terania and Whian Whian, County of Rous, being the balance of Goonimbar State Forest No. 344, dedicated by proclamation published in the Gazette of 23rd February, 1917 (being also part of Nightcap National Forest No. 2, notified in the Gazette of 23rd October, 1936) and
15 Extensions Nos. 1 and 2 thereto, dedicated by proclamations published in the Gazettes of 4th July, 1952, and 8th May, 1970, respectively.

*Part Whian Whian State Forest
(including part of Nightcap National Forest).*

20 All that piece or parcel of land containing about 1 080 hectares situate in the Shires of Byron and Tweed and the City of Lismore, Parishes of Gooninbar and Whian Whian, County of Rous, being part of Whian Whian State Forest No. 173, dedicated by proclamation in the Gazette of 28th October, 1914, part of Whian Whian State Forest No. 173, East Extension, dedicated by proclamation published in the Gazette of 16th February, 1917 (being also parts of Nightcap National Forest No. 2, notified in the
25 Gazette of 23rd October, 1936) and Whian Whian State Forest No. 173, No. 9 Extension, dedicated by proclamation published in the Gazette of 21st May, 1976, and being the land so dedicated delineated by hatched edging on the diagram catalogued Misc. F 308 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

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SCHEDULE 2.

(Secs. 3, 5 (2)-(4).)

PART 1.

WASHPool NATIONAL PARK.

5 *Dandahra Creek State Forest.*

All that piece or parcel of land containing about 1 245 hectares situate in the Shire of Severn, Parish of Richmond, County of Drake, being the balance of Dandahra Creek State Forest No. 353, No. 3 Extension, dedicated by proclamation published in the Gazette of 13th December, 1968.

10 *Part Moogem State Forest.*

All that piece or parcel of land containing about 6 000 hectares situate in the Shires of Severn and Tenterfield, Parishes of Bajimba and Moogem, County of Clive, being the part of Moogem State Forest No. 614, dedicated by proclamation published in the Gazette of 21st December, 1917, within the Parishes of Bajimba and Moogem and 15 Extensions Nos. 6, 7 and 8 thereto, dedicated by proclamations published in the Gazettes of 18th April, 1969, 21st May, 1976, and 13th August, 1976, respectively.

Part Washpool State Forest.

All that piece or parcel of land containing about 16 200 hectares situate in the Shires of Copmanhurst and Severn, Parishes of Albert, Plevna and Richmond, County of 20 Drake, being part of Washpool State Forest No. 355, dedicated by proclamation published in the Gazette of 2nd March, 1917, part of No. 1 Extension thereto, No. 2 Extension thereto and part of No. 3 Extension thereto, dedicated by proclamations published in the Gazettes of 19th October, 1923, and 6th September, 1968, respectively, and being the land so dedicated delineated by hatched edging on the diagram catalogued 25 Misc. F 309 in the Forestry Commission of New South Wales.

PART 2.

ADDITION TO BORDER RANGES NATIONAL PARK.

Part Mount Lindesay State Forest.

All that piece or parcel of land containing about 250 hectares situate in the Shire 30 of Kyogle, Parish of Unumgar, County of Rous, being the part of Mount Lindesay State Forest No. 542, dedicated by proclamation published in the Gazette of 10th August, 1917, shown by hatching on the diagram catalogued Misc. F 307 in the Forestry Commission of New South Wales.

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SCHEDULE 2—*continued.**Roseberry State Forest.*

All that piece or parcel of land containing about 15 422 hectares situate in the Shire of Kyogle, Parishes of Cougal, Findon, Loadstone and Unumgar, County of Rous, being the balance of Roseberry State Forest No. 608, dedicated by proclamation published in the Gazette of 16th November, 1917, and Extensions Nos. 1, 2 and 3 thereto, dedicated by proclamations published in the Gazettes of 23rd November, 1973, 30th April, 1982, and 21st January, 1983, respectively.

Wiangaree State Forest.

- 10 All that piece or parcel of land containing about 14 457 hectares situate in the Shire of Kyogle, Parishes of Cougal, Warrazambil and Worendo, County of Rous, being the balance of Wiangaree State Forest No. 358, dedicated by proclamation published in the Gazette of 2nd March, 1917.

PART 3.

- 15 ADDITION TO NEW ENGLAND NATIONAL PARK.

Part Bellinger River State Forest.

- 20 All that piece or parcel of land containing about 6 200 hectares situate in the Shire of Bellinger, Parishes of Dingle and Vautin, County of Raleigh, being part of Bellinger River State Forest No. 651, dedicated by proclamation published in the Gazette of 9th August, 1918, the balance of No. 1 Extension thereto, and Extensions Nos. 2 and 3 thereto, dedicated by proclamations published in the Gazettes of 14th August, 1931, 26th June, 1936, and 26th February, 1943, respectively, and being the land so dedicated delineated by hatched edging on the diagram catalogued Misc. F 310 in the Forestry Commission of New South Wales.

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SCHEDULE 3.

(Sec. 4.)

Mount Lindesay Flora Reserve.

- 30 Notice under section 25A of the Forestry Act, 1916, published in the Gazette of 16th March, 1951, setting apart as a flora reserve (now Flora Reserve No. 79950) an area of about 117 hectares in the Parish of Unumgar, County of Rous, being part of Mount Lindesay State Forest No. 542, dedicated 10th August, 1917.

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SCHEDULE 3—*continued.**Sheepstation Creek Flora Reserve.*

5 Notice under section 25A of the Forestry Act, 1916, published in the Gazette of 1st April, 1966, setting apart as Flora Reserve No. 79945 an area of about 162 hectares in the Parish of Worendo, County of Rous, being part of Wiangaree State Forest No. 358, dedicated 2nd March, 1917.

Gradys Creek Flora Reserve.

10 Notice under section 25A of the Forestry Act, 1916, published in the Gazette of 21st December, 1973, setting apart as Flora Reserve No. 79983 an area of about 1 500 hectares in the Parish of Worendo, County of Rous, being part of Wiangaree State Forest No. 358, dedicated 2nd March, 1917.

Levers Plateau Flora Reserve.

15 Notice under section 25A of the Forestry Act, 1916, published in the Gazette of 13th June, 1975, setting apart as Flora Reserve No. 79987 an area of about 55 hectares in the Parish of Findon, County of Rous, being part of Roseberry State Forest No. 608, dedicated 16th November, 1917.

Nightcap Track Flora Reserve.

20 Notice under section 25A of the Forestry Act, 1916, published in the Gazette of 19th December, 1975, setting apart as Flora Reserve No. 79990 an area of about 225 hectares in the Parish of Whian Whian, County of Rous, being the parts of Whian Whian State Forest No. 173, East Extension, dedicated 16th February, 1917, and Whian Whian State Forest No. 173, dedicated 28th October, 1914, being also part of Nightcap National Forest No. 2 notified in the Gazette of 23rd October, 1936.

25 Notice under section 25A of the Forestry Act, 1916, published in the Gazette of 4th March, 1977, setting apart as Flora Reserve No. 79990, No. 1 Extension, an area of about 150 hectares in the Parishes of Gooninbar and Whian Whian, County of Rous, being the whole of Whian Whian State Forest No. 173, No. 9 Extension, dedicated 21st May, 1976.

 SCHEDULE 4.

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ANCILLARY PROVISIONS.

(Sec. 6.)

Revocations of State forests.

1. Section 3 has effect notwithstanding the provisions of the Forestry Act, 1916.

Forestry Revocation and National Parks Reservation.

SCHEDULE 4—*continued.*ANCILLARY PROVISIONS—*continued.***Reservation of lands as national parks.**

5 2. (1) The lands reserved as national parks by section 5 (1) and (2) shall, for the purposes of the National Parks and Wildlife Act, 1974 (other than section 35 of that Act), be deemed to have been so reserved by proclamation made under section 33 (2) of that Act.

10 (2) The land reserved as parts of national parks by section 5 (3) and (4) shall, for the purposes of the National Parks and Wildlife Act, 1974 (other than section 35 of that Act), be deemed to have been so reserved by proclamation made under section 33 (3) of that Act.

15 (3) A reference in the National Parks and Wildlife Act, 1974 (other than in section 35 of that Act), to the publication of a proclamation under section 33 (2) or (3) of that Act shall, in relation to a reservation referred to in section 5, be deemed to be a reference to the enactment of this Act.

Names of national parks.

3. A name assigned to a national park by section 5 (1) or (2) shall be deemed to have been assigned to that park by a proclamation referred to in section 36 (a) of the National Parks and Wildlife Act, 1974.

20 Existing leases under the Forestry Act, 1916.

4. Section 42 (2) of the National Parks and Wildlife Act, 1974, applies to and in respect of a lease under the Forestry Act, 1916, being a lease—

(a) affecting any of the lands described in Schedule 1 or 2; and

(b) current and in force immediately before the commencement of this Act,

25 in the same way as it applies to a licence or permit under the Forestry Act, 1916, affecting lands within a national park.

Administration of existing leases, etc.

5. (1) In this clause, "existing interest" means a lease, licence, permit or occupancy current and in force immediately before the commencement of this Act.

Forestry Revocation and National Parks Reservation.

SCHEDULE 4—*continued.*

ANCILLARY PROVISIONS—*continued.*

5 (2) The administration of matters relating to existing interests, to the extent that those interests affect any of the lands described in Schedules 1 and 2, is vested in the Minister administering the National Parks and Wildlife Act, 1974.

(3) For the purposes of subclause (2), the Minister administering the National Parks and Wildlife Act, 1974, shall have—

- 10 (a) in respect of existing interests under the Forestry Act, 1916—the powers of the Minister administering that Act; and
- (b) in respect of existing interests under the Crown Lands Consolidation Act, 1913—the powers of the Minister administering that Act.

Saving.

6. A revocation effected by this Act does not affect anything done or omitted to be done before the commencement of this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

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