

CONCURRENCE COPY

FORESTRY REVOCATION AND NATIONAL PARKS RESERVATION BILL, 1984

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 parts of State forests and part of a timber reserve; and
- (b) to reserve as parts of national parks certain of the lands the subject of those revocations (together with certain Crown lands) and to dedicate certain other such lands as a nature reserve and part of a nature reserve.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2 revokes the dedications as parts of State forests of the lands described in Schedule 1.

Clause 3 revokes the reservation as part of a timber reserve of the land described in Schedule 2.

Clause 4—

- (a) reserves the lands described in Part 1 of Schedule 1 as part of the Washpool National Park;
- (b) reserves the lands described in Part 2 of Schedule 1 as part of the Dorrigo National Park;
- (c) reserves the lands described in Part 3 of Schedule 1 and in Schedule 2 as parts of the Werrikimbe National Park; and
- (d) reserves the lands described in Part 4 of Schedule 1 and in Schedule 3 as parts of the Barrington Tops National Park.

Clause 5—

- (a) dedicates the lands described in Part 5 of Schedule 1 as the "Mount Hyland Nature Reserve"; and

(b) dedicates the lands described in Part 6 of Schedule 1 and in Schedule 4 as parts of the Mount Seaview Nature Reserve.

Clause 6 and Schedule 5 make provisions ancillary to the revocations, reservations and dedications to be effected by the proposed Act.

**FORESTRY REVOCATION AND NATIONAL PARKS
RESERVATION BILL, 1984**

No. , 1984.

A BILL FOR

An Act to revoke certain dedications of parts of State forests and part of a timber reserve and to reserve or dedicate the lands the subject of those revocations, and certain other Crown lands, as parts of national parks, a nature reserve and part of a nature reserve.

[MR WHELAN—23 *February*, 1984.]

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, 1984".

Revocation of parts of certain State forests.

2. The dedications as parts of State forests of the lands described in
10 Schedule 1 are revoked.

Revocation of part of a timber reserve.

3. The reservation as part of a timber reserve of the land described in Schedule 2 is revoked.

Reservation of lands as parts of national parks.

15 **4. (1)** The lands described in Part 1 of Schedule 1 are reserved as part of the Washpool National Park.

(2) The lands described in Part 2 of Schedule 1 are reserved as part of the Dorrigo National Park.

(3) The lands described in Part 3 of Schedule 1 and in Schedule 2 are
20 reserved as parts of the Werrikimbe National Park.

(4) The lands described in Part 4 of Schedule 1 and in Schedule 3 are reserved as parts of the Barrington Tops National Park.

Forestry Revocation and National Parks Reservation.

Dedication of lands as a nature reserve or as part of a nature reserve.

5. (1) The lands described in Part 5 of Schedule 1 are dedicated as a nature reserve to be known as "Mount Hyland Nature Reserve".

(2) The lands described in Part 6 of Schedule 1 and in Schedule 4 are 5 dedicated as parts of the Mount Seaview Nature Reserve.

Ancillary provisions.

6. Schedule 5 has effect.

SCHEDULE 1.

(Secs. 2, 4, 5.)

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PART 1.**ADDITION TO WASHPOOL NATIONAL PARK.***Part Washpool State Forest.*

All that piece or parcel of land containing about 3 860 hectares situate in the Shires of Copmanhurst and Severn, Parishes of Albert and Plevna, County of Drake, being 15 part of Washpool State Forest No. 355, dedicated by proclamation published in the Gazette of 2nd March, 1917, part of No. 1 Extension thereto and part of No. 3 Extension thereto, dedicated by proclamations in the Gazettes of 19th October, 1923, and 6th September, 1968, respectively, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F196 in the 20 Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Billilimbra State Forest.

All that piece or parcel of land containing about 410 hectares situate in the Shire of Tenterfield, Parish of Sistova, County of Drake, being part of Billilimbra State 25 Forest No. 815, dedicated by proclamation published in the Gazette of 9th September, 1927, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F196 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

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SCHEDULE 1—*continued.*

PART 2.

ADDITION TO DORRIGO NATIONAL PARK.

Part Killungoondie State Forest.

- 5 All that piece or parcel of land containing about 1 150 hectares situate in the Shire of Bellingen, Parish of Stewart, County of Fitzroy, being part of Killungoondie State Forest No. 849, dedicated by proclamation published in the Gazette of 21st December, 1934, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F197 in the Forestry Commission
10 of New South Wales subject to any variations or exceptions noted on that diagram.

Part Never Never State Forest.

- 15 All that piece or parcel of land containing about 2 750 hectares situate in the Shire of Bellingen, Parishes of Never Never and Timboon, County of Raleigh, being part of Never Never State Forest No. 613, dedicated by proclamation published in the Gazette of 7th December, 1917, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F197 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Brooklana State Forest.

- 20 All that piece or parcel of land containing about 10 hectares situate in the Shire of Coffs Harbour, Parish of Stewart, County of Fitzroy, being part of Brooklana State Forest No. 850, dedicated by proclamation published in the Gazette of 21st December, 1934, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F197 in the Forestry Commission of New South
25 Wales subject to any variations or exceptions noted on that diagram.

PART 3.

ADDITION TO WERRIKIMBE NATIONAL PARK.

Part Mount Boss State Forest.

- 30 All that piece or parcel of land containing about 12 700 hectares situate in the Municipality of Hastings and Shire of Walcha, Parishes of Morton, Forbes, Vernon and Moorabark, County of Macquarie, being part of Mount Boss State Forest No. 910, dedicated by proclamation published in the Gazette of 11th November, 1949, and No. 9 Extension thereto, dedicated by proclamation published in the Gazette of 13th September, 1968, and being the land so dedicated within the area delineated by
35 hatched edging on the diagram catalogued Misc. F198 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.
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*Forestry Revocation and National Parks Reservation.*SCHEDULE 1—*continued.*

PART 4.

ADDITION TO BARRINGTON TOPS NATIONAL PARK.

Part Chichester State Forest.

- 5 All that piece or parcel of land containing about 7 050 hectares situate in the Shire of Dungog, Parishes of Allyn and Boonabilla, County of Durham, being part of Chichester State Forest No. 292, No. 4 Extension, dedicated by proclamation published in the Gazette of 21st October, 1960, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F199 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Mount Royal State Forest.

- 15 All that piece or parcel of land containing about 1 250 hectares situate in the Shires of Singleton and Scone, Parishes of Rosamond, Oldcastle and Mount Royal, County of Durham, being part of Mount Royal State Forest No. 297, dedicated by proclamation published in the Gazette of 19th January, 1917, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F199 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

PART 5.

MOUNT HYLAND NATURE RESERVE.

Part Marengo State Forest.

- 20 All that piece or parcel of land containing about 1 580 hectares situate in the Shire of Nymboida, Parishes of Stanley and Grafton, County of Gresham, Parish of Blinks, County of Fitzroy, and Parish of Never Never, County of Clarke, being part of Extensions Nos. 1, 2 and 3 of Marengo State Forest No. 318, dedicated by proclamations published in the Gazettes of 5th December, 1930, 17th June, 1938, and 24th December, 1971, respectively, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F200 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Hyland State Forest.

- 35 All that piece or parcel of land containing about 45 hectares situate in the Shire of Nymboida, Parish of Blinks, County of Fitzroy, being part of Hyland State Forest No. 659, No. 1 Extension, dedicated by proclamation published in the Gazette of 9th January, 1942, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F200 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

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SCHEDULE 1—*continued.**Part Ellis State Forest.*

5 All that piece or parcel of land containing about 9 hectares situate in the Shire of Nymboida, Parish of Stanley, County of Gresham, being part of Ellis State Forest No. 831, dedicated by proclamation published in the Gazette of 5th December, 1930, and being the land so dedicated within the area delineated by hatched edging on the diagram catalogued Misc. F200 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

PART 6.

10 ADDITION TO MOUNT SEAVIEW NATURE RESERVE.

Part Doyles River State Forest.

15 All that piece or parcel of land containing about 1 050 hectares situate in the Municipality of Hastings, Parish of Naylor, County of Hawes, being part of Doyles River State Forest No. 911, dedicated by proclamation published in the Gazette of 11th November, 1949, and being the land so dedicated delineated by hatched edging on the diagram catalogued Misc. F201 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

Part Mount Seaview State Forest.

20 All that piece or parcel of land containing about 330 hectares situate in the Municipality of Hastings, Parish of Hastings, County of Hawes, being part of Mount Seaview State Forest No. 877, dedicated by proclamation published in the Gazette of 20th November, 1942, and being the land so dedicated within the area delineated by hatching on the diagram catalogued Misc. F201 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

25 SCHEDULE 2.

(Secs. 3, 4.)

ADDITION TO WERRIKIMBE NATIONAL PARK.

Part Timber Reserve No. 55340.

30 All that piece or parcel of land containing about 7 800 hectares situate in the Shire of Walcha, Parish of Loch, County of Vernon, being part of Timber Reserve No. 55340, notified in the Gazette of 22nd June, 1923, and being the land so notified within the area delineated by hatched edging on the diagram catalogued Misc. F202 in the Forestry Commission of New South Wales subject to any variations or exceptions noted on that diagram.

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SCHEDULE 3.

(Sec. 4.)

ADDITION TO BARRINGTON TOPS NATIONAL PARK.

Part Catchment Area (Hunter District).

- 5 All that piece or parcel of land containing about 14 082 hectares situate in the Shire of Dungog, Parishes of Irralong, Alfred, Underbank and Wangat, County of Gloucester, being part of the catchment area proclaimed by publication in the Gazette of 5th December, 1924, and being the land so proclaimed delineated by hatched edging on the diagram catalogued Ms. 284 Te., in the Crown Lands Office, Sydney.

SCHEDULE 4.

(Sec. 5.)

ADDITION TO MOUNT SEAVIEW NATURE RESERVE.

Part Crown Lease 1929-5, Port Macquarie.

- 15 All that piece or parcel of land containing about 29 hectares situate in the Municipality of Hastings, Parish of Hastings, County of Hawes, being that part of portion 40 lying northerly of the middle thread of a tributary of the Tobin's River which extends from a point near the north-western corner of portion 40 to a point on the eastern boundary of that portion about 450 metres south from its north-eastern corner.

20 *Vacant Crown Land.*

- All that piece or parcel of land containing about 20.5 hectares situate in the Municipality of Hastings, Parish of Hastings, County of Hawes, being portion 49 and Reserve 20709 for trigonometrical purposes notified on 5th May, 1894.

SCHEDULE 5.

25 (Sec. 6.)

ANCILLARY PROVISIONS.

Revocations of State forests.

1. Sections 2 and 3 have effect notwithstanding the provisions of the Forestry Act, 1916.

30 Reservation of lands as parts of national parks.

2. (1) The lands reserved as parts of national parks by section 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.

Forestry Revocation and National Parks Reservation.

SCHEDULE 5—*continued.*ANCILLARY PROVISIONS—*continued.*

(2) 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 (3) of that Act shall, in relation to a reservation referred to in section 4, be deemed to be a reference to the enactment of this Act.

Dedication of lands as nature reserve.

3. (1) The lands dedicated as a nature reserve by section 5 (1) shall, for the purposes of the National Parks and Wildlife Act, 1974 (other than section 35 of that Act as applied to nature reserves by section 58 (b) of that Act), be deemed to have been so dedicated by proclamation made under section 49 (1) of that Act.

(2) The lands dedicated as parts of a nature reserve by section 5 (2) shall, for the purposes of the National Parks and Wildlife Act, 1974 (other than section 35 of that Act as applied to nature reserves by section 58 (b) of that Act), be deemed to have been so dedicated by proclamation made under section 49 (2) of that Act.

(3) A reference in the National Parks and Wildlife Act, 1974 (other than in section 35 of that Act), being a reference to, or a reference to be construed as a reference to, the publication of a proclamation under section 49 (1) or (2) of that Act shall, in relation to a dedication referred to in section 5, be deemed to be a reference to the enactment of this Act.

Name of nature reserve.

4. The name assigned to a nature reserve by section 5 (1) shall be deemed to have been assigned to that reserve by a proclamation referred to in section 51 (a) of the National Parks and Wildlife Act, 1974.

25 Existing leases under the Forestry Act, 1916.

5. (1) 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 Parts 1–4 of Schedule 1; and

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

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

(2) Section 55 (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 Parts 5 and 6 of Schedule 1; and

Forestry Revocation and National Parks Reservation.

SCHEDULE 5—*continued.*ANCILLARY PROVISIONS—*continued.*

(b) current and in force immediately before the commencement of this Act,
in the same way as it applies to a licence or permit under the Forestry Act, 1916,
5 affecting lands within a nature reserve.

Administration of existing leases, etc.

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

(2) The administration of matters relating to existing interests, to the extent
10 that those interests affect any of the lands described in Schedules 1-4, 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—

(a) in respect of existing interests under the Forestry Act, 1916—the powers
15 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.

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

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

