

FIRST PRINT

**NATIONAL PARKS AND WILDLIFE (ABORIGINAL OWNERSHIP) AMENDMENT BILL 1992**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The object of this Bill is to amend the National Parks and Wildlife Act 1974 (the 1974 Act) to make provision for:

- (a) the recognition by Parliament that certain specified lands reserved or dedicated under the 1974 Act are of special cultural significance to Aboriginal persons; and
- (b) following negotiations to be conducted between the Minister for the Environment and one or more Local Aboriginal Land Councils or the New South Wales Aboriginal Land Council, the revocation of the reservation as a national park or historic site or of the dedication as a nature reserve under the 1974 Act of those lands to enable them to be vested in an Aboriginal Land Council or Councils; and
- (c) the leasing of those lands to the Minister by the Aboriginal Land Council or Councils; and
- (d) the reservation or dedication of those lands as a national park, historic site or nature reserve; and
- (e) the care, control and management of the park, site or reserve to be vested in a board of management.

Consequential amendments to the 1974 Act and savings and transitional provisions are proposed.

Consequential amendments are also proposed to the Aboriginal Land Rights Act 1983. These proposed amendments enable Aboriginal Land Councils to enter into the proposed arrangements, make it clear that land may vest in more than one Local Aboriginal Land Council and make provision for the vesting of land, in the event of the dissolution of a Local Aboriginal Land Council, in accordance with the proposed amendments to the 1974 Act.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to Schedules 1 and 2 which amend the 1974 Act.

Clause 4 is a formal provision that gives effect to Schedule 3 which amends the Aboriginal Land Rights Act 1983.

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**SCHEDULE 1—PRINCIPAL AMENDMENTS**

Schedule 1 (1) proposes the insertion of a new Part, Part 4A—Aboriginal Land, containing sections 71A–71X.

The proposed Part provides that the terms “Aboriginal”, “Aboriginal Land Council”, “Local Aboriginal Land Council” and “New South Wales Aboriginal Land Council” have the same meanings as in the Aboriginal Land Rights Act 1983. The term “traditional Aboriginal owners” is defined to mean those Aboriginal persons named or otherwise identified in a lease of land executed in accordance with the proposed Part as the traditional owners of the land.

The proposed Part contains a statement recognising the special cultural significance to Aboriginal persons of certain lands reserved or dedicated under the Act and for the revocation of the reservation or dedication of those lands to enable them:

- (a) to be vested in a Local Aboriginal Land Council or Councils whose members have a close association with the lands or in the New South Wales Aboriginal Land Council; and
- (b) to be leased by that Aboriginal Land Council or Councils to the Minister; and
- (c) to be then reserved or dedicated in accordance with the proposed Part.

Provision is made for the recognition by Parliament that certain reserved or dedicated lands are of special cultural significance to Aboriginal persons. Land is stated to be of cultural significance to Aboriginal persons if the land is significant in terms of the traditions, observances, customs, beliefs or history of Aboriginal persons. This is the same concept as is employed in the Aboriginal Land Rights Act 1983. The reserved or dedicated lands identified as being of special cultural significance to Aboriginal persons are listed in proposed Schedule 4. These lands are:

Mungo National Park  
 Mootwingee Historic Site, Mootwingee National Park and Coturaundee Nature Reserve  
 Mount Grenfell Historic Site  
 Mount Yarrowyck Nature Reserve

The proposed Part enables the Minister to enter into negotiations with a Local Aboriginal Land Council or Councils or with the New South Wales Aboriginal Land Council on its own behalf or that of a group of Aboriginal persons that the Minister considers have a close association with the particular lands. The aim of the negotiations is to ascertain whether an Aboriginal Land Council or Councils wish to have a park, site or reserve listed in proposed Schedule 4, freed from its existing reservation or



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dedication under the Act, vested in the Aboriginal Land Council or Councils in return for a lease of the lands by the Aboriginal Land Council or Councils to the Minister and subsequent reservation or dedication of the lands under the Act as a park, site or reserve.

If the Minister receives an indication that an Aboriginal Land Council or Councils do wish to proceed on this basis, the Minister is authorised to negotiate the terms of a proposed lease with the Aboriginal Land Council or Councils.

A lease under the proposed Part must contain certain terms that are specified in the proposed Part. These terms include requirements that the lease must cover the whole of the lands vested in the Aboriginal Land Council or Councils and must be for a term of 30 years with successive renewal options of 30 years. Provision is made to enable the re-negotiation of the lease at the end of each 30 years. A nominal rental of \$1.00 a year, if demanded, is payable by the Minister to the Aboriginal Land Council or Councils.

Provision is made for the naming or other identification in the lease of the traditional owners, being Aboriginal persons with a close association with the land, and for insertion of a term acknowledging that the Aboriginal Land Council or Councils hold the land on behalf of the traditional Aboriginal owners.

Provision is made that care, control and management of the lands is to be vested in a board of management.

The lease must also make provision for the Director of National Parks and Wildlife to exercise his or her functions on and with respect to the lands (for example, regarding staffing, administration and enforcement of regulations). These functions are to be exercised subject to any plan of management for the lands and to directions given by the board of management.

Traditional Aboriginal owners and any other Aboriginal person is entitled (subject to the 1974 Act and any plan of management in force for the land) to enter and use the land for hunting or fishing for, or the gathering of, traditional foods for domestic purposes and ceremonial and religious purposes within the bounds of Aboriginal tradition.

Interests granted under the 1974 Act or other Acts and existing at the date of the lease are to be protected.

The lease must contain a term guaranteeing the public access to the lands subject to the plan of management, Act and regulations.

The Aboriginal Land Council or Councils are precluded from dealing with the lands in specified ways and other dealings that are permitted require the Minister's consent.

Other lease terms to be covered include provision for the Minister to consult with the Aboriginal Land Council or Councils in which the land is vested concerning regulations. Procedures for arbitration of disputes by a panel of 3 arbitrators and compliance with any special requirements that may apply if the lands are listed as, or as part of, a World Heritage property are also covered.

The Minister and the Aboriginal Land Council or Councils may agree on insertion of such other lease terms, not inconsistent with the Act or regulations, as they consider appropriate.

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The proposed Part provides that, on completion of the lease negotiations, the Minister must cause specified documents to be laid before each House of Parliament within a specified time. The documents to be laid before each House are the lease prepared as the result of the negotiations and a notification that:

- revokes the existing reservation or dedication under the Act of the lands that are the subject of the lease; and
- vests the lands in the Aboriginal Land Council or Councils that are leasing the land to the Minister; and
- reserves or dedicates the lands.

The proposed Part provides that if either House of Parliament passes a resolution disallowing the notification, no further action is to be taken at that time with respect to the matter. An option to enable the matter, with or without amendments, to be re-submitted at a later date is provided.

If no resolution disallowing the proposal embodied in the documents is passed, provision is made that the proposal may lawfully be carried into effect. The Minister is required, within a specified time, to cause the notification to be published in the Gazette. On publication of the notification, the current reservation or dedication of the lands is revoked, the lands vest in the Aboriginal Land Council or Councils named as lessor or lessors in the lease laid before the Houses of Parliament, but subject to any existing registered interest in the lands, the lease takes effect and its term commences to run, and the lands are reserved as a national park or historic site or dedicated as a nature reserve.

Proposed Part 4A also contains provisions dealing with the various matters that are of general application. These matters include the management of the lands by the Director of National Parks and Wildlife pending establishment of a board of management, the role of the staff of the National Parks and Wildlife Service, the protection of existing interests relating to the lands and the application of existing regulations to the lands.

Provision is made for the establishment of a board of management for land reserved or dedicated under the proposed Part. The board is to have at least 9, but no more than 13, members. The majority of the members are to be nominated by the lessor or lessors of the land. At least 2 members are to be appointed by the Minister to represent owners, lessees or occupiers of land in the vicinity of the reserved or dedicated land. One member is to be an officer of the National Parks and Wildlife Service and one member is to be appointed by the Minister to represent local conservation concerns. The functions of a board are to prepare a plan of management for reserved or dedicated land, to exercise care, control and management of it and to supervise payments from the National Parks and Wildlife Fund with respect to the land. In exercise of its functions, a board is subject to the Minister's control and direction.

The proposed Part also provides that certain provisions of the 1974 Act that are inapplicable to lands reserved or dedicated under proposed Part 4A do not apply. These provisions cover such matters as advisory committees, reservation and dedication procedures, the naming of parks, sites and reserves and the transfer of property and staff where trustees are involved.

Provision is made in proposed Part 4A for the naming of parks, sites or reserves reserved or dedicated under the Part and for the amendment of the names of parks, sites or reserves listed in proposed Schedule 4 in appropriate circumstances.



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No form of assurance, other than publication of the notification, is necessary to vest title to the lands in the Aboriginal Land Council or Councils. No consideration or stamp duty is payable by the Aboriginal Land Council or Councils to the Crown in relation to the vesting. Provision is made for the entry by the Registrar-General of particulars of the vesting and the lease.

The opportunity exists to re-negotiate certain lease provisions towards the end of each 30 years.

The terms of a lease may be varied only by agreement of the parties or an Act of Parliament. However, any proposed variation relating to the omission from or addition to a lease of names of persons identified, or to be identified, as traditional Aboriginal owners must be laid before each House of Parliament and may be disallowed. Leases made under the Part cannot be terminated by the parties or a court but only by an Act of Parliament. A lease does not expire at the end of its term. The Minister holds over under the lease until such time as the lease is renewed or replaced or is brought to an end by an Act of Parliament.

If the only Local Aboriginal Land Council in which reserved or dedicated lands are vested is dissolved or if all the Local Aboriginal Land Councils in which one parcel of lands are vested are dissolved, the lands are vested in the Crown, on and from the dissolution date, as a national park, historic site or nature reserve, as appropriate. The Minister may subsequently enter into negotiations with the New South Wales Aboriginal Land Council with a view to a fresh vesting and lease of the lands under proposed Part 4A. Alternatively, if the Minister and the New South Wales Aboriginal Land Council agree, and the proposal is not disallowed by Parliament, the lands may be vested in the New South Wales Aboriginal Land Council with the previous lease of the lands being taken to be in effect for the balance of its term and with the New South Wales Aboriginal Land Council being substituted as lessor for the dissolved Local Aboriginal Land Council or Councils.

Proposed Schedule 4, in which the lands of special cultural significance to Aboriginal persons are listed, may be amended only by an Act of Parliament.

Schedule 1 (2) inserts proposed Schedule 4 (Lands of special cultural significance to Aboriginal persons). The content of the proposed Schedule has been described above.

**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF NATIONAL PARKS  
AND WILDLIFE ACT 1974**

Consequential amendments are made to the Act to reflect and complement the changes envisaged by proposed Part 4A. Provision is made for the National Parks and Wildlife Advisory Council to advise the Minister as to the terms of a draft lease negotiated with an Aboriginal Land Council and for the Minister to enter into leases under Part 4A as corporation sole.

Appropriate savings and transitional provisions are also included.

**SCHEDULE 3—CONSEQUENTIAL AMENDMENT OF ABORIGINAL LAND  
RIGHTS ACT 1983**

Schedule 3 (1) proposes amendment of section 12 of the Aboriginal Land Rights Act 1983, relating to the functions of Local Aboriginal Land Councils, to enable such Councils to negotiate the acquisition and lease of specified land reserved or dedicated under the 1974 Act.

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Schedule 3 (2) proposes amendment of section 23 of the Act, relating to the functions of the New South Wales Aboriginal Land Council, to enable that Council to negotiate the acquisition and lease of specified land reserved or dedicated under the 1974 Act.

Schedule 3 (3) proposes that section 38 of the Act be amended to make it clear that land dealt with under Part 4A of the National Parks and Wildlife Act 1974 may vest in more than one Local Aboriginal Land Council as a joint tenancy.

Schedule 3 (4) proposes that section 40B of the Act be amended to formally grant power to enable leases to be executed and land to be reserved or dedicated as required by the 1974 Act.

Schedule 3 (5) proposes that section 58A of the Act be amended to make it clear that, on dissolution of a Local Aboriginal Land Council, land vested in it under Part 4A of the National Parks and Wildlife Act 1974 does not vest in the New South Wales Aboriginal Land Council but vests in accordance with Part 4A.

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OWNERSHIP) AMENDMENT BILL 1992**

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**TABLE OF PROVISIONS**

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SCHEDULE 1—PRINCIPAL AMENDMENTS

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF NATIONAL PARKS  
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SCHEDULE 3—CONSEQUENTIAL AMENDMENT OF ABORIGINAL LAND  
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**NATIONAL PARKS AND WILDLIFE (ABORIGINAL  
OWNERSHIP) AMENDMENT BILL 1992**

NEW SOUTH WALES



No.           , 1992

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**A BILL FOR**

An Act to amend the National Parks and Wildlife Act 1974 to enable the revocation of the reservation or dedication under that Act of certain land of Aboriginal cultural significance and the vesting of that land in an Aboriginal Land Council or Councils subject to a lease in favour of the Minister and subsequent reservation or dedication of the leased land; to make consequential amendments to the Aboriginal Land Rights Act 1983 and for other purposes.

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the National Parks and Wildlife (Aboriginal Ownership) Amendment Act 1992.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of National Parks and Wildlife Act 1974 No. 80**

3. The National Parks and Wildlife Act 1974 is amended as set out in Schedules 1 and 2.

**Consequential amendment of Aboriginal Land Rights Act 1983 No. 42**

4. The Aboriginal Land Rights Act 1983 is amended as set out in Schedule 3.

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**SCHEDULE 1—PRINCIPAL AMENDMENTS**

(Sec. 3)

(1) Part 4A:

After Part 4, insert:

**PART 4A—ABORIGINAL LAND**

**Definitions**

71A. In this Part:

“Aboriginal”, “Aboriginal Land Council”, “Local Aboriginal Land Council” and “New South Wales Aboriginal Land Council” have the same meanings as they have in the Aboriginal Land Rights Act 1983;

“traditional Aboriginal owners”, in relation to land, means those Aboriginal persons named or otherwise identified in a lease of the land executed in accordance with this Part as the traditional owners of the land.



SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

**Purpose of Part**

71B. The purpose of this Part is to provide for the recognition of the special cultural significance to Aboriginal persons of certain lands reserved or dedicated under this Act and for the revocation of the reservation or dedication of those lands to enable those lands:

- (a) to be vested in one or more Local Aboriginal Land Councils whose members have a close association with the lands or in the New South Wales Aboriginal Land Council; and
- (b) to be leased by the Aboriginal Land Council or Councils to the Minister; and
- (c) to be then reserved or dedicated in accordance with this Part.

**Recognition of cultural significance of certain lands to Aboriginal persons**

71C. (1) Parliament recognises that certain lands reserved or dedicated under this Act are of special cultural significance to Aboriginal persons. Land is of cultural significance to Aboriginal persons if the land is significant in terms of the traditions, observances, customs, beliefs or history of Aboriginal persons.

(2) The lands comprising the national parks, historic sites and nature reserves listed in Schedule 4 are identified as of special cultural significance to Aboriginal persons.

**Negotiations by Minister with Aboriginal Land Councils**

71D. (1) The Minister may enter into negotiations with:

- (a) one or more Local Aboriginal Land Councils whose members have a close association with any of the lands comprising the national parks, historic sites and nature reserves listed in Schedule 4; or
- (b) the New South Wales Aboriginal Land Council on behalf of one or more Local Aboriginal Land Councils referred to in paragraph (a); or
- (c) the New South Wales Aboriginal Land Council on its own behalf or on behalf of a group of Aboriginal persons who the Minister considers have a close

SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

association with any of the lands comprising the national parks, historic sites and nature reserves listed in Schedule 4.

(2) The Minister may enter into negotiations with one Local Aboriginal Land Council whose members have a close association with lands comprising a park, site or reserve in respect of which members of one or more other Local Aboriginal Land Councils have a close association only if the members of each of those Councils consent to the Minister negotiating with that Local Aboriginal Land Council.

(3) The negotiations are to be conducted with a view to ascertaining whether the Local Aboriginal Land Council or Councils or the New South Wales Aboriginal Land Council wish to have a park, site or reserve listed in Schedule 4 freed from its present reservation or dedication under this Act and vested in the Aboriginal Land Council or Councils in return for:

- (a) a lease of the lands formerly comprising the park, site or reserve to the Minister by the Aboriginal Land Council or Councils; and
- (b) the reservation or dedication of the lands as a park, site or reserve under this Part.

(4) If, during negotiations with the Minister, an Aboriginal Land Council indicates or Councils indicate that they wish the lands to be vested in the Local Aboriginal Land Council or Councils or the New South Wales Aboriginal Land Council on the basis set out in subsection (3) (a) and (b), the Minister may enter negotiations with the Aboriginal Land Council or Councils in which it is proposed the lands be vested as to the terms of the proposed lease between the Council or Councils and the Minister.

**Terms of lease between Aboriginal Land Council and Minister**

71E. (1) A lease of lands under this Part must make provision for the following:

- (a) the lease of the whole of the lands vested in the Aboriginal Land Council or Councils to the Minister;
- (b) a term of 30 years;



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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- (c) options to renew the lease for further terms of 30 years with no limitation on the number of such options that may be exercised by the Minister;
- (d) a term permitting the replacement of the lease, in accordance with this Part, with a new lease;
- (e) the manner of exercising an option to renew the lease;
- (f) a nominal rental of \$1 a year, if demanded;
- (g) the naming or other identification of the traditional owners of the land, being those Aboriginal persons having a close association with the land;
- (h) a term providing for the omission or addition of the names of persons identified, by agreement between the Minister and the Aboriginal Land Council or Councils in which the lands are vested, as traditional Aboriginal owners of the land;
- (i) a term acknowledging that the care, control and management of the lands is to be vested in a board of management established under this Act;
- (j) a term acknowledging that the Aboriginal Land Council or Councils in which the lands are vested hold the land on behalf of the traditional Aboriginal owners of the land;
- (k) a term acknowledging that the Service and the officers, employees and contractors of the Minister, the Director and the Service are (subject to any plan of management in force with respect to the lands and to any directions given and supervision and oversight exercised by the board of management for the lands) entitled to exercise on and with respect to the lands any power, authority, duty or function conferred or imposed on any of them by this Act, the regulations or any other instrument under this Act;
- (l) a term acknowledging that the traditional Aboriginal owners of the land and any other Aboriginal person is entitled (subject to this Act and any plan of management in force for the land) to enter and use the land for hunting or fishing for, or the gathering of, traditional foods for domestic purposes and for ceremonial and religious purposes to the extent that

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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- entry or use is in accordance with Aboriginal tradition governing the rights of those persons with respect to the land;
- (m) a term acknowledging that the Aboriginal Land Council or Councils in which the lands are vested and its employees, contractors and agents must comply with all provisions of this Act, the regulations and any plan of management in force with respect to the lands, including provisions concerning the protection of animals, trees, timber, plants, flowers and vegetation;
  - (n) a term acknowledging that the lease is subject to any existing interest within the meaning of section 39 and any licence issued under Part 9 and any lease, licence, franchise or easement granted under Part 12 that affects the lands, or any part of the lands, and that is current at the date of the vesting of the lands in the Aboriginal Land Council or Councils;
  - (o) the grant, extension or extinguishment of any interest, licence, lease, franchise or easement of a kind referred to in paragraph (n) subject to the requirements of this Act and, in the case of an extension or extinguishment, to any document under which the interest, licence, lease, franchise or easement was granted;
  - (p) a term acknowledging that the public generally has (subject to any plan of management in force with respect to the lands) a right of access to the lands in accordance with this Act and the regulations;
  - (q) a term acknowledging that the lands, or any part of the lands, may not be the subject of any sale, exchange, disposal or mortgage and providing that, to the extent to which the lands may be dealt with, any such dealing must only be with the prior written consent of the Minister.
- (2) A lease under this Part must also make provision for the following:
- (a) a term requiring the Minister to consult with the Aboriginal Land Council or Councils in which the lands are vested prior to the making, amending or repealing of any regulations in respect of the lands;



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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- (b) a term requiring that consultations concerning the operation of the lease are to involve the Director and the board of management for the lands;
  - (c) a term requiring that any dispute between the Director and the board of management or between the Minister or Director and the Aboriginal Land Council or Councils is to be arbitrated by a panel of 3 arbitrators (of whom one is to be appointed by the Director, one by the board of management for the lands and the third by agreement between the other 2 or, failing such agreement, by the Chief Judge of the Land and Environment Court) in accordance with procedures to be determined by the panel;
  - (d) compliance by the parties with any requirements that arise in consequence of the lands, or any part of the lands, being situated in an area that is listed as an item of cultural heritage or natural heritage of outstanding universal value in accordance with:
    - (i) the World Heritage Properties Conservation Act 1983 of the Commonwealth; and
    - (ii) The Convention for the Protection of the World Cultural and Natural Heritage that has been adopted by the General Conference of the United Nations Education, Scientific and Cultural Organization, being the convention a copy of the English text of which is set out in the Schedule to the Commonwealth Act referred to in subparagraph (i).
- (3) The lease may make provision for such other matters, not inconsistent with this Act or the regulations, as the Minister and the Aboriginal Land Council or Councils consider appropriate.

**Tabling of notification and lease**

71F. (1) On completion of the negotiations and preparation of a draft lease that is acceptable to the Minister and the Aboriginal Land Council or Councils in which the land is to be vested, the Minister must cause to be laid before each House of Parliament the lease and notification specified in subsections (3) and (4).



SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

(2) The documents are to be laid before each House of Parliament within 14 sitting days of that House after the date on which the relevant Aboriginal Land Council or Councils provide the Minister with a written certification that the draft lease is acceptable to the Council or Councils.

(3) The lease to be laid before each House of Parliament in accordance with this section is a lease prepared as the result of the negotiations that has been executed in escrow by the Minister and the relevant Aboriginal Land Council or Councils.

(4) The notification to be laid before each House of Parliament in accordance with this section is a notification:

- (a) revoking the reservation as a national park or historic site or the dedication as a nature reserve of the lands that are the subject of the lease referred to in subsection (3); and
- (b) vesting those lands in the relevant Aboriginal Land Council or Councils that are to lease the lands to the Minister (and, if more than one, as joint tenants), subject to any interest in the lands that has been granted under Part 12; and
- (c) reserving or dedicating those lands as a national park, historic site or nature reserve, subject to any interest referred to in paragraph (b).

**Disallowance of proposal by Parliament**

71G. (1) If either House of Parliament passes a resolution of which notice has been given within 15 sitting days of that House after the lease and notification referred to in section 71F have been laid before it under that section and the resolution disallows the notification, no further action is to be taken in the matter.

(2) Nothing in this section prevents the Minister, at some later time, causing to be laid before each House of Parliament in accordance with this Part a lease and a notification that has previously been tabled, either with or without amendments.

**Revocation, vesting etc. if proposal not disallowed**

71H. (1) If no resolution of a kind referred to in section 71G is or can be passed, it is lawful for the proposal

SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

embodied in the documents referred to in section 71F (3) to be carried out in accordance with this section.

(2) The Minister must, within 28 days after the last date on which the notification referred to in section 71F (4) might have been disallowed, cause the notification to be published in the Gazette.

(3) On publication of the notification:

- (a) the existing reservation as a national park or historic site; or
- (b) the existing dedication as a nature reserve,

of the lands described in the notification is revoked. This subsection has effect despite anything else in this Act.

(4) On publication of the notification, the lands described in the notification vest, by virtue of the notification and the operation of this section, in the Aboriginal Land Council or Councils (and, if more than one, as joint tenants) named as lessor or lessors in the lease laid before Parliament under section 71F for an estate of freehold in possession without the necessity for any further assurance, but subject to any interest in the lands that has been granted under Part 12.

(5) On publication of the notification, the lease laid before Parliament under section 71F takes effect and the lease is taken to have been executed on, and its term commences to run from, the date of publication.

(6) On publication of the notification, the lands described in the notification are, despite the fact that the lands are vested in the Aboriginal Land Council or Councils, reserved as a national park or historic site or dedicated as a nature reserve in accordance with this Part, subject to any interest referred to in subsection (4).

**Consequences of revocation, vesting etc.**

71I. On publication under section 71H of the notification referred to in section 71F (4):

- (a) the lands described in the notification are reserved as a national park or historic site or dedicated as a nature reserve for the purposes of this Act; and



SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- (b) the Director, pending the establishment of a board of management for the park, site or reserve, continues to have the care, control and management of the lands and may exercise on and with respect to those lands any power, authority, duty or function conferred or imposed on him or her by this Act, the regulations or any other instrument under this Act; and
- (c) the Service and the officers, employees and contractors of the Minister, the Director and the Service may (subject to any plan of management in force with respect to the lands and to any directions given and supervision and oversight exercised by the board of management for the lands) exercise on and with respect to those lands any power, authority, duty or function conferred or imposed on any of them by this Act, the regulations or any other instrument under this Act; and
- (d) any regulations that, immediately before that publication, applied to the lands continue to apply and may be amended and repealed accordingly; and
- (e) any plan of management that, immediately before that publication, applied to the lands continues to apply and may be amended, altered or cancelled accordingly; and
- (f) any existing interest within the meaning of section 39 and any licence issued under Part 9 and any lease, licence, franchise or easement granted under Part 12 that affects the lands, or any part of the lands, and that is current at the date of the notification continues to have effect and may be terminated or otherwise dealt with in accordance with this Act or the document under which it was granted; and
- (g) any fee, rent or other sum that is payable under or with respect to any existing interest, licence, lease, franchise or easement referred to in paragraph (f) continues to be payable in the same manner, and to the same payee, as was required prior to publication of the notification; and



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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

- (h) any declaration made under Division 3 of Part 4 or under the Wilderness Act 1987 with respect to the lands, or any part of the lands, continues in force and may be varied or revoked accordingly.

**Boards of management**

71J. (1) There is to be a board of management for each national park, historic site and nature reserve reserved or dedicated under this Part.

(2) A board of management is to consist of at least 9, but no more than 13, members of whom:

- (a) the majority are to be persons nominated by the lessor or lessors of the lands comprised within the park, site or reserve; and
- (b) at least 2 are to be persons appointed by the Minister to represent owners, lessees or occupiers of land in the vicinity of the park, site or reserve; and
- (c) one is to be an officer of the Service for the time being appointed by the Director for the purposes of this section; and
- (d) one is to be a person appointed by the Minister from a panel of persons nominated by a group concerned in the conservation of the region in which the park, site or reserve is located to represent conservation interests.

(3) The members of the board of management are to appoint one of the persons referred to in subsection (2) (a) as the chairperson of the board of management.

(4) The regulations may make provision with respect to the constitution and procedure of a board of management including the declaration of pecuniary interests by members.

**Functions of boards of management**

71K. (1) The board of management for a national park, historic site or nature reserve has the following functions:

- (a) the preparation of plans of management for the park, site or reserve;
- (b) the care, control and management of the park, site or reserve;

SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

(c) the supervision of payments from the Fund with respect to the park, site or reserve.

(2) A board of management must exercise its functions in accordance with any plan of management in force with respect to the national park, historic site or nature reserve for which it is established.

(3) In the exercise of its functions, a board of management is subject to the control and direction of the Minister.

(4) In the exercise of its functions with respect to the care, control and management of a park, site or reserve for which no plan of management is in force a board of management is to consult with and have regard to the advice of the Director.

**Certain provisions not to apply to lands reserved or dedicated under this Part**

71L. (1) Division 2 of Part 3 (Advisory committees) and sections 33–36, 46, 47, 49 (1), (2) and (4)–(6), 51 and 58 do not apply to lands reserved as a national park or historic site or dedicated as a nature reserve under this Part.

(2) Subsection (1) does not limit section 71I.

**Application of certain provisions to lands reserved under this Part**

71M. Sections 37–44 apply to and in respect of lands reserved as a national park or historic site under this Part in the same way as they apply to and in respect of lands reserved as a national park or historic site under Part 4.

**Application of certain provisions to lands dedicated under this Part**

71N. (1) Sections 39, 43 and 44 apply to and in respect of lands dedicated as a nature reserve under this Part in the same way as they apply to and in respect of lands reserved as a national park or historic site under Part 4.

(2) Sections 52–55 apply to lands dedicated as a nature reserve under this Part in the same way as they apply to lands dedicated as a nature reserve under Part 4.

**Name of park, site or reserve**

71O. (1) The notification referred to in section 71F (4) must assign a name to a national park, historic site or nature reserve reserved or dedicated under this Part.



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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

(2) The name assigned under subsection (1) may be the same name as, or a different name from, that of the park, site or reserve as listed in Schedule 4.

(3) The Governor may, by proclamation published in the Gazette:

- (a) alter the name of a park, site or reserve reserved or dedicated under this Part; and
- (b) amend Schedule 4 by omitting the former name of the park, site or reserve and by inserting instead the new name of the park, site or reserve.

(4) Before the notification referred to in subsection (1) or a proclamation under subsection (3) is published, the Minister must consult with the Aboriginal Land Council or Councils in which the lands are, or are proposed to be, vested concerning the selection of a name for the park, site or reserve.

(5) If, before the reservation or dedication under this Part of a park, site or reserve listed in Schedule 4, the name of the park, site or reserve is altered pursuant to the publication of a proclamation under section 36 or 51, that proclamation or another proclamation published in the Gazette may amend Schedule 4 by omitting the former name of the park, site or reserve and by inserting instead the new name of the park, site or reserve.

**No consideration payable by Aboriginal Land Council on vesting of lands**

71P. (1) No consideration is payable to the Crown by an Aboriginal Land Council or Councils in relation to the vesting in the Council or Councils of lands pursuant to the publication of a notification under section 71H.

(2) No stamp duty under the Stamp Duties Act 1920 is payable by an Aboriginal Land Council or Councils in relation to any such vesting.

**Dating etc. of lease**

71Q. On publication of a notification under section 71H, the Minister must cause the date of publication of the notification to be inserted in the lease as:

- (a) the date of execution of the lease; and



SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

(b) the date of the commencement of the term of the lease.

**Registrar-General to enter particulars of vesting in register**

71R. (1) On publication of a notification under section 71H, there must be lodged at the Land Titles Office:

- (a) all title documents held by the Director in relation to the lands referred to in the notification; and
- (b) the lease completed in accordance with section 71Q.

(2) On lodgment of those documents at the Land Titles Office, the Registrar-General must enter in the appropriate register particulars of the vesting of the lands in the Aboriginal Land Council or Councils and the lease of those lands to the Minister.

(3) Following registration of the particulars referred to in subsection (2), the Registrar-General must return the title documents to the Director who must keep the title documents in safe custody on behalf of the Aboriginal Land Council or Councils and the Minister.

**Re-negotiation of certain lease terms at 30 year intervals**

71S. (1) At least 5 years before the expiry of each 30 year term of a lease under this Part, the Director, on behalf of the Minister, and the Aboriginal Land Council or Councils in which the lands are vested must consider whether or not any one or more of the terms of the lease should be amended to enable the lease to operate more effectively.

(2) If it is agreed that any such term or terms do require amendment, the Director and the Aboriginal Land Council or Councils must negotiate on and prepare the required amendments at least 2 years before the expiry of the then current term of the lease.

(3) Any amendments prepared in accordance with subsection (2) and agreed to by the Aboriginal Land Council or Councils must be presented to the Minister for approval at least 18 months before the expiry of the then current term of the lease.

(4) If the amendments are approved by the Minister, a new lease must be prepared incorporating the amended terms.

SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

(5) At least 6 months before the expiry of the then current term of the lease, the new lease should, if at all possible, be executed in escrow by the Minister and the Aboriginal Land Council or Councils in which the lands are vested.

(6) A lease executed under subsection (5) takes effect, in substitution for the previous lease between the Minister and the Aboriginal Land Council or Councils, on the expiration of the term of the previous lease.

(7) If it is agreed by the Director and the Aboriginal Land Council or Councils that no term or terms of the lease require amendment, the lease between the parties continues to operate for a further term of 30 years, commencing on the expiration of the current term of the lease, in accordance with its terms and the requirements of this Part.

(8) The times specified by this section for the consideration of the terms of the lease, the negotiation and preparation of amendments, the presentation of the amendments to the Minister and the execution of the lease may be varied by the agreement of the parties or in accordance with section 71U but only to the extent provided for in that section.

**Dating and registration of new lease**

71T. (1) The Minister must cause the date on which a new lease takes effect under section 71S (6) to be inserted in the new lease as:

- (a) the date of execution of the new lease; and
- (b) the date of the commencement of the term of the new lease.

(2) The Minister must cause the new lease and all title documents held by the Director in relation to the lands referred to in the new lease to be lodged at the Land Titles Office to enable the Registrar-General to enter in the appropriate register particulars of the new lease.

(3) Following registration of the particulars referred to in subsection (2), the Registrar-General must return the title documents to the Director for safe custody in accordance with section 71R.



SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

**Variation or termination of lease**

71U. (1) A lease under this Part may be varied only by the agreement of the parties, not inconsistent with this Act, or by an Act of Parliament.

(2) Despite subsection (1), the Minister must cause to be laid before each House of Parliament any proposed variation of a lease that relates to the omission from or addition to the lease of the names of persons identified, or to be identified, as traditional Aboriginal owners of the land within 14 sitting days of that House after the date on which the Minister certifies in writing that the Minister and the Aboriginal Land Council or Councils have agreed on the proposed variation.

(3) A proposed variation referred to in subsection (2) may be disallowed in the same manner as a notification may be disallowed under section 71G.

(4) A lease under this Part cannot be forfeited, terminated or extinguished by any means by a party or by a court but may be brought to an end only by an Act of Parliament.

**Holding over under lease**

71V. (1) A lease under this Part does not expire by effluxion of time except as otherwise provided by this Part.

(2) On the expiry of the then current term of a lease under this Part, the Minister holds over under the lease until such time as the lease is renewed or replaced or is brought to an end by an Act of Parliament.

(3) The 30 year term of a lease that renews or replaces a lease whose term has expired runs from the date of execution of the new lease by the Minister.

**Dissolution of Local Aboriginal Land Council**

71W. (1) If lands are vested under this Part:

- (a) in one Local Aboriginal Land Council and that Council is dissolved; or
- (b) in more than one Local Aboriginal Land Council and each of the Councils in which the lands are vested is dissolved,

the lands are on and from the date of dissolution vested in the Crown and reserved as a national park or historic site or



SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

dedicated as a nature reserve, as the case requires, within the meaning and for the purposes of this Act.

- (2) If lands are vested in the Crown under this section:
- (a) the Minister may enter into negotiations with the New South Wales Aboriginal Land Council for a fresh vesting and lease of the lands in accordance with this Part; or
  - (b) if the Minister and the New South Wales Aboriginal Land Council agree, and the proposal is not disallowed by either House of Parliament, the lands may be vested in the New South Wales Aboriginal Land Council and the previous lease of the lands may be taken to be in effect for the balance of the term of the lease, with the New South Wales Aboriginal Land Council being taken to be substituted as lessor for the dissolved Local Aboriginal Land Council or Councils.
- (3) Sections 71F–71H apply to and in respect of an arrangement under subsection (2) (b) as if references in those sections:
- (a) to the lease were references to the previous lease of the lands between the now dissolved Local Aboriginal Land Council or Councils and the Minister; and
  - (b) to certification and execution of the draft lease were references to a written certification by the Minister that the New South Wales Aboriginal Land Council is prepared to adopt the previous lease as lessor and to execution in escrow by the Council and the Minister of an endorsement on the previous lease by which the previous lease is adopted by those parties as lessor and lessee respectively for the balance of its term; and
  - (c) to the notification were references to a notification revoking the reservation as a national park or historic site or the dedication as a nature reserve of the lands referred to in subsection (1), vesting those lands in the New South Wales Aboriginal Land Council, subject to any interest in the lands that has been granted under Part 12, and reserving or dedicating those lands as a national park, historic site or nature reserve, subject to any interest granted under Part 12.

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SCHEDULE 1—PRINCIPAL AMENDMENTS—*continued*

**Amendment of Schedule 4 (Lands of special cultural significance to Aboriginal persons)**

71X. References to lands comprising a national park, historic site or nature reserve may be omitted from or inserted in Schedule 4 only by an Act of Parliament.

(2) Schedule 4:

After Schedule 3, insert:

**SCHEDULE 4—LANDS OF SPECIAL CULTURAL SIGNIFICANCE TO ABORIGINAL PERSONS**

(Secs. 71C (2), 71O (3), 71X)

Mungo National Park  
Mootwingee Historic Site, Mootwingee National Park and Coturaundee Nature Reserve  
Mount Grenfell Historic Site  
Mount Yarrowyck Nature Reserve

**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF NATIONAL PARKS AND WILDLIFE ACT 1974**

(Sec. 3)

(1) Section 23 (**Functions and duties of Council**):

- (a) From section 23 (1) (a), omit “areas, and to”, insert instead “areas, to”.
- (b) In section 23 (1) (a), after “wilderness areas”, insert “and to the terms of proposed leases under Part 4A”.

(2) Section 31:

Omit the section, insert instead:

**Care, control and management of parks and sites**

31. (1) The Director has the care, control and management of all national parks and historic sites except as provided by subsection (2).

(2) On the establishment of a board of management for a national park or historic site reserved under Part 4A, the care, control and management of the park or site is vested in the board of management.



*National Parks and Wildlife (Aboriginal Ownership) Amendment 1992*

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF  
NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(3) Section 45 (**Provisions respecting animals in parks and sites**):

After section 45 (5), insert:

(6) This section does not prevent a traditional Aboriginal owner on whose behalf the lands of a national park or historic site are vested in an Aboriginal Land Council or Councils under Part 4A from taking or killing animals for domestic purposes or for ceremonial or religious purposes (other than endangered fauna and other animals protected by the plan of management for the park or site) within the park or site with the approval of the Minister.

(7) The Minister is to consult the board of management for the park or site before giving approval.

(4) Section 48:

Omit the section, insert instead:

**Care, control and management of nature reserves**

48. (1) The Director has the care, control and management of all nature reserves except as provided by subsection (2).

(2) On the establishment of a board of management for a nature reserve dedicated under Part 4A, the care, control and management of the reserve is vested in the board of management.

(5) Section 56 (**Provisions respecting animals in nature reserves**):

After section 56 (6), insert:

(7) Without limiting subsection (6), this section does not prevent a traditional Aboriginal owner on whose behalf the lands of a nature reserve are vested in an Aboriginal Land Council or Councils under Part 4A from taking or killing animals for domestic purposes or for ceremonial or religious purposes (other than endangered fauna and other animals protected by the plan of management for the reserve) within the reserve with the approval of the Minister.

(8) The Minister is to consult the board of management for the reserve before giving approval.



SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF  
NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(6) Section 57 (**Restrictions as to timber, vegetation, plants etc. in nature reserves**):

After section 57 (6), insert:

(7) Without limiting subsection (6), this section does not prevent a traditional Aboriginal owner on whose behalf the lands of a nature reserve are vested in an Aboriginal Land Council or Councils under Part 4A from gathering food for domestic purposes or for ceremonial or religious purposes (including protected native plants but not including plants protected by the plan of management for the reserve) within the reserve with the approval of the Minister.

(8) The Minister is to consult the board of management for the reserve before giving approval.

(7) Section 72 (**Plans of management**):

(a) After section 72 (1A), insert:

(1B) A plan of management for a national park, historic site or nature reserve reserved or dedicated under Part 4A is to be prepared by the Director in consultation with and acting on the advice of the board of management for the park, site or reserve concerned.

(1C) Subsection (1B) does not require a plan of management to be prepared if an existing plan of management is in force when the national park, historic site or nature reserve is reserved or dedicated under Part 4A. However, the existing plan may be reviewed by the Director and be amended, altered or cancelled in accordance with this section.

(1D) Without limiting subsection (1) (c), in the case of a national park, historic site or nature reserve for which a plan of management is not in force when the park, site or reserve is reserved or dedicated under Part 4A, a plan of management is to be prepared by the Director within 2 years after that date.

(1E) The Director is to submit a draft plan of management to the board of management for the park, site or reserve concerned for its consideration and advice within 6 months after the park, site or reserve is reserved or dedicated under Part 4A.

*National Parks and Wildlife (Aboriginal Ownership) Amendment 1992*

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF  
NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(1F) The Director is to submit the plan of management to the Minister together with any comments or suggestions of the board of management.

(1G) The Minister is to consider any comments or suggestions of the board of management before adopting the plan of management.

(1H) The Minister may adopt the plan of management without alteration or with such alterations as the Minister thinks fit or may refer it back to the Director and board of management for further consideration.

(1I) If the plan of management is referred back to the Director and the board of management, the Director is to resubmit the plan to the Minister together with any further comments and suggestions of the board.

(1J) The Minister may, on the recommendation of the board of management for a park, site or reserve reserved or dedicated under Part 4A:

- (a) amend or alter the plan of management for the park, site or reserve from time to time; or
- (b) cancel the plan; or
- (c) cancel the plan and substitute a new plan.

(1K) The provisions of sections 72 (2) and (4) and 74 apply to and in respect of an amendment or alteration referred to in subsection (1J) in the same way as they apply to or in respect of the plan of management for a park, site or reserve reserved or dedicated under Part 4A.

(b) Before section 72 (2A), insert:

(2AA) Without limiting subsection (2), a plan of management for a national park, historic site or nature reserve reserved or dedicated under Part 4A may provide for the use of the park, site or reserve (with the approval of the Minister given after consultation with the board of management for the park, site or reserve) as a temporary camping area for such educational activities as the Minister considers necessary to promote appreciation of the cultural significance of the park, site or reserve.

(c) Omit “and” at the end of section 72 (4) (j1).



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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF  
NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(d) At the end of section 72 (4), insert:

; and

- (1) in the case of a national park, historic site or nature reserve reserved or dedicated under Part 4A, the need to maintain its national or international significance and to comply with the provisions of any relevant national or international agreement by which the State is bound.

(8) Section 75 (**Adoption etc. of plan of management for national park or historic site**):

After “site” in section 75 (1), insert “(other than a park or site reserved under Part 4A)”.

(9) Section 76 (**Adoption etc. of plan of management for nature reserve or state game reserve**):

After “reserve” where firstly occurring in section 76 (1), insert “(other than a reserve dedicated under Part 4A)”.

(10) Sections 79A and 79B:

After section 79, insert:

**Lapsing of plans of management**

79A. (1) A plan of management for a national park, historic site or nature reserve reserved or dedicated under Part 4A expires on the tenth anniversary of the date on which it was adopted unless it is sooner cancelled under this Part.

(2) Not less than 6 months before a plan of management expires, the board of management for the park, site or reserve concerned must require the Director to prepare a new plan of management to replace it.

(3) The board of management is to have regard to a plan of management that has expired until the new plan of management comes into effect.

**Tabling and disallowance of plans of management for lands reserved or dedicated under Part 4A**

79B. (1) A plan of management prepared for a national park, historic site or nature reserve reserved or dedicated under Part 4A is to be laid before each House of Parliament



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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF  
NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

within 14 sitting days (whether or not occurring during the same session) after its preparation.

(2) Either House of Parliament may pass a resolution disallowing a plan of management within 14 sitting days after the plan is laid before it.

(3) On the passing of a resolution disallowing a plan of management, the plan is cancelled.

(4) If a plan is cancelled by the passing of a resolution, the board of management is to have regard to any expired plan it replaces until a new plan of management is prepared.

(11) Section 81 (**Operations under plan of management**):

(a) From section 81 (1), omit “subject to subsection (5)”, insert instead “subject to subsections (5) and (6)”.

(b) After section 81 (5), insert:

(6) If the Minister has adopted a plan of management for a national park, historic site or nature reserve reserved or dedicated under Part 4A, it is to be carried out and given effect to by the board of management for the park, site or reserve.

(12) Section 84 (**Aboriginal places**):

At the end of section 84, insert:

(2) The Minister may not declare a place within land reserved or dedicated under Part 4A to be an Aboriginal place.

(13) Section 117 (**Restriction on picking or possession of native plant**):

After “refuge” in section 117 (2), insert “or in land reserved or dedicated under Part 4A by a traditional Aboriginal owner for purposes referred to in section 57 (7)”.

(14) Section 138 (**Payments into the Fund**):

After section 138 (1), insert:

(1A) Subject to subsections (2) and (3), any money paid into the Fund in connection with a national park, historic site or nature reserve reserved or dedicated under Part 4A is to be carried into a separate account in the Fund.

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF  
NATIONAL PARKS AND WILDLIFE ACT 1974—*continued*

(1B) Any money referred to in subsection (1A) may, pending its being paid out of the Fund, be invested with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

(15) Section 139 (**Payments out of the Fund**):

After section 139 (4), insert:

(5) Any money in a separate account kept under section 138 (1A) in respect of a national park, historic site or nature reserve reserved or dedicated under Part 4A must be applied:

- (a) in connection with that park, site or reserve; and
- (b) in accordance with the provisions of the plan of management for the park, site or reserve.

(16) Section 144B:

After section 144A, insert:

**Annual reports**

144B. The Service is to include a statement of its operations and expenditure in connection with a national park, historic site or nature reserve reserved or dedicated under Part 4A in each report it makes under the Annual Reports (Departments) Act 1985.

(17) Section 150 (**Minister to be corporation sole for certain purposes**):

In section 150 (1), after “functions under”, insert “Part 4A and”.

(18) Schedule 3 (**Savings, transitional and other provisions**):

- (a) Before clause 1, insert:

**PART 1—GENERAL**

**Regulations**

1. (1) The Governor may make regulations containing provisions of a saving or transitional nature consequent on the enactment of the following Acts:

National Parks and Wildlife (Aboriginal Ownership)  
Amendment Act 1992

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**SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF  
NATIONAL PARKS AND WILDLIFE ACT 1974—*continued***

(2) A provision referred to in subclause (1) may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:

- (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
- (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.

**PART 2—SPECIAL PROVISIONS**

- (b) Re-number clause 1 as clause 1A.
- (c) After clause 22, insert:

**Termination of appointment of members of certain advisory committees**

23. (1) A member of an advisory committee constituted for any lands comprising the national parks, historic sites or nature reserves listed in Schedule 4 and holding office immediately before the publication of a notification under section 71H ceases to hold office on the date on which a lease of those lands takes effect by the operation of that section.

(2) No compensation is payable to any such member for or in respect of the termination of the member's appointment under this clause.

**SCHEDULE 3—CONSEQUENTIAL AMENDMENT OF  
ABORIGINAL LAND RIGHTS ACT 1983**

(Sec. 4)

- (1) Section 12 (**Functions of a Local Aboriginal Land Council**):  
After section 12 (a), insert:



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SCHEDULE 3—CONSEQUENTIAL AMENDMENT OF  
ABORIGINAL LAND RIGHTS ACT 1983—*continued*

- (a1) to negotiate the acquisition and lease of lands comprising the national parks, historic sites or nature reserves listed in Schedule 4 to the National Parks and Wildlife Act 1974 in accordance with Part 4A of that Act; and
- (2) Section 23 (**Functions of the Council**):  
After section 23 (c), insert:  
(c1) to negotiate on its own behalf or on behalf of one or more Local Aboriginal Land Councils or a group of Aboriginal persons the acquisition and lease of lands comprising the national parks, historic sites or nature reserves listed in Schedule 4 to the National Parks and Wildlife Act 1974 in accordance with Part 4A of that Act;
- (3) Section 38 (**Purchase, lease etc. of property**):  
After section 38 (4), insert:  
(5) Nothing in this Act prevents the vesting of land under Part 4A of the National Parks and Wildlife Act 1974 in more than one Local Aboriginal Land Council as a joint tenancy.
- (4) Section 40B (**Lease, use etc. of land**):  
(a) After section 40B (1), insert:  
(1A) Without limiting subsection (1), the New South Wales Aboriginal Land Council is authorised to lease lands that have been vested in it pursuant to Part 4A of the National Parks and Wildlife Act 1974 to the Minister administering that Act as required by that Part.  
(b) After section 40B (4), insert:  
(5) A Local Aboriginal Land Council is authorised (subject to the requirements of this section other than the requirement that the lease be approved by the New South Wales Aboriginal Land Council) to lease lands that have been vested in the Council pursuant to Part 4A of the National Parks and Wildlife Act 1974 to the Minister administering that Act as required by that Part.

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SCHEDULE 3—CONSEQUENTIAL AMENDMENT OF  
ABORIGINAL LAND RIGHTS ACT 1983—*continued*

(6) Nothing in this Act prevents lands that are the subject of a lease under subsection (1A) or (5) being reserved as a national park or historic site or dedicated as a nature reserve as required by Part 4A of the National Parks and Wildlife Act 1974.

(5) Section 58A (**Dissolution of Regional or Local Aboriginal Land Councils**):

After section 58A (3), insert:

(3A) Despite subsection (3), land vested in a Local Aboriginal Land Council under Part 4A of the National Parks and Wildlife Act 1974 does not vest in the New South Wales Aboriginal Land Council on dissolution but vests in accordance with that Part.

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