

FIRST PRINT

**NATIONAL PARKS AND WILDLIFE (STATE CONSERVATION
PARKS) AMENDMENT BILL 1992**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Crown Lands (State Recreation Areas) Amendment Bill 1992 is cognate with this Bill.

The object of this Bill is to amend the National Parks and Wildlife Act 1974 ("the 1974 Act") as follows:

- (a) to redesignate as state conservation parks certain existing state recreation areas;
- (b) to provide that the reservation of land as a state conservation park may only be revoked by an Act of Parliament unless the land is to be otherwise reserved or dedicated under the 1974 Act;
- (c) to provide for the future reservation or dedication of state conservation parks (if appropriate) as national parks or nature reserves (or as parts of national parks or nature reserves).

A state conservation park comprises lands that contain significant natural or cultural heritage values and are capable of accommodating recreational use without detriment to those values.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision which gives effect to the Schedule of amendments to the 1974 Act.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) inserts a definition of "state conservation park". This category comprises lands reserved as a state conservation park under Division 1A of Part 4 of the 1974 Act.

National Parks and Wildlife (State Conservation Parks) Amendment 1992

Schedule 1 (2)–(8) and (23)–(57) insert appropriate references to state conservation parks in provisions dealing with such matters as the powers and functions of the Director of National Parks and Wildlife, staff, advisory committees, plans of management, the protection of relics, the issue of licences, the financial operations of the National Parks and Wildlife Service, the acquisition and disposal of property and the removal of certain structures, persons, vehicles and animals from parks.

Schedule 1 (9)–(22) amend Division 1A of Part 4 of the 1974 Act (which currently relates to state recreation areas managed under that Act) by replacing references to state recreation areas with references to state conservation parks. State conservation parks will be managed in a manner similar to the manner in which other reserved and dedicated lands are managed. However, access rights for mining and other activities currently permitted under the 1974 Act in state recreation areas are preserved as regards state conservation parks.

The main amendments made to Division 1A of Part 4 deal with the following matters:

- Section 47B—reservation of lands as state conservation parks;
- Section 47D—tabling of proclamations of reservations, and disallowance;
- Section 47F—naming of state conservation parks;
- Section 47G—restriction on use of the expression “state conservation park”;
- Section 47H—saving of existing interests in lands comprised in state conservation parks;
- Section 47I—restrictions on the disposal of or dealing with lands within state conservation parks;
- Section 47J—mining or prospecting (which may not take place in state conservation parks without the consent of the Minister);
- Section 47K—application of the Forestry Act 1916, the Soil Conservation Act 1938 and the Fisheries and Oyster Farms Act 1935 to state conservation parks;
- Section 47KA—provisions with respect to animals in state conservation parks;
- Section 47KB—restrictions relating to timber, vegetation, plants and like resources within state conservation parks;
- Section 47L—revocation or compulsory acquisition of state conservation parks (which may occur only by authority of an Act of Parliament);
- Section 47M—vesting of the care, control and management of state conservation parks in the Director of National Parks and Wildlife;
- Section 47N—requirement for Director of National Parks and Wildlife to report to the Minister in certain circumstances as to the reservation or dedication of a state conservation park as (or as part of) a national park or nature reserve;
- Section 47O—reservation or dedication of a state conservation park as a national park or nature reserve (but only if Parliament has not disallowed the proposed revocation of the reservation of the state conservation park and reservation or dedication as a national park or nature reserve).

Schedule 1 (58) enacts savings and transitional provisions.

Schedule 1 (59) is a consequential amendment.

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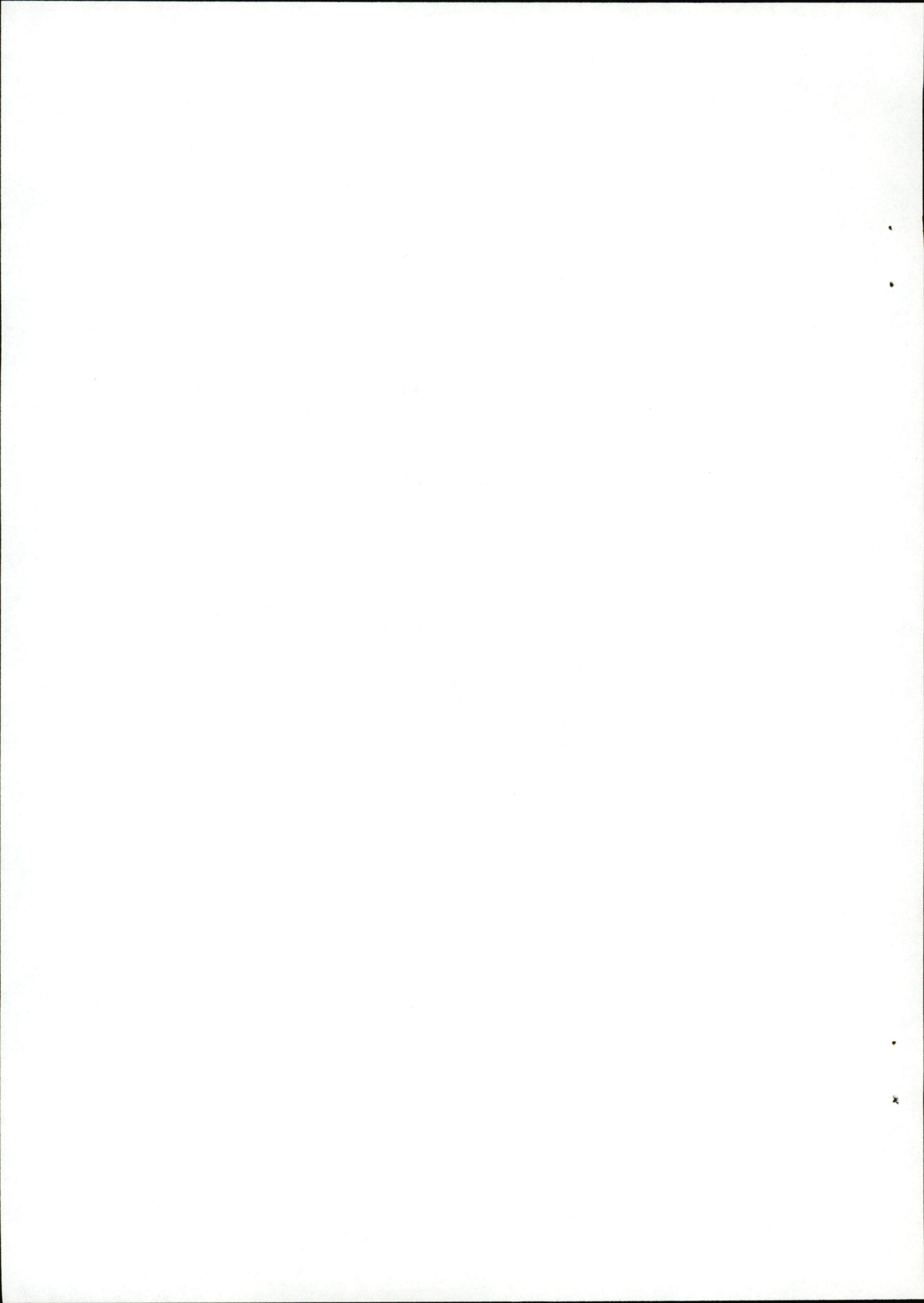
NEW SOUTH WALES



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SCHEDULE 1—AMENDMENTS



**NATIONAL PARKS AND WILDLIFE (STATE CONSERVATION
PARKS) AMENDMENT BILL 1992**

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the National Parks and Wildlife Act 1974 by omitting references to state recreation areas and by making provision for state conservation parks.

See also Crown Lands (State Recreation Areas) Amendment Bill 1992.

National Parks and Wildlife (State Conservation Parks) Amendment 1992

The Legislature of New South Wales enacts:

Short title

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

5 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
10 Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 5 (**Definitions**):

- 15 (a) In section 5 (1), insert in alphabetical order, the following definition:
 “state conservation park” means lands reserved as a state conservation park under this Act;
 (b) From section 5 (1), omit the definition of “state recreation area”.

20 (2) Section 8 (**Miscellaneous powers and functions of Director**):

- (a) From section 8 (1), omit “state recreation area” wherever occurring, insert instead “state conservation park”.
 (b) Omit section 8 (2) (b1), insert instead:
 25 (b1) the areas to be reserved as state conservation parks are areas that contain significant natural or cultural heritage values and are capable of recreational use without detriment to those values;
 (c) In section 8 (3), after “historic site,”, insert “state conservation park.”.
 30 (d) From section 8 (5), omit “state recreation area” where firstly occurring, insert instead “state conservation park”.
 (e) From section 8 (5), omit “(or, where the relic is discovered in a state recreation area administered by trustees, the trustees of the state recreation area)”.

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SCHEDULE 1—AMENDMENTS—*continued*

- (3) Section 11 (Use of services of officers etc. of Departments etc.):
Omit section 11 (4).
- (4) Section 12 (Powers and functions of Service):
Omit “state recreation areas” wherever occurring, insert 5
instead “state conservation parks”.
- (5) Section 23 (Functions and duties of Council):
In section 23 (1) (a), after “historic sites,” insert “state
conservation parks,”.
- (6) Section 24 (Advisory committees): 10
(a) From section 24 (1) (b), omit “or” where secondly
occurring.
(b) After section 24 (1) (b), insert:
(b1) for one or more state conservation parks; or
(c) In section 24 (1), after “historic sites” where secondly 15
occurring, insert “, state conservation parks”.
- (7) Section 25 (Dissolution of advisory committees):
After “historic site” wherever occurring, insert “, state
conservation park”.
- (8) Section 26 (Functions of advisory committees): 20
After “historic site” wherever occurring, insert “, state
conservation park”.
- (9) Part 4, Division 1A, heading:
Omit “State recreation areas”, insert instead “State
conservation parks”. 25
- (10) Section 47A (Definitions):
(a) Omit section 47A (c), insert instead:
(c) lands that are reserves within the meaning of Part 5 of
the Crown Lands Act 1989; or
(b) From section 47A (e), omit “Crown Lands Consolidation Act 30
1913 or the Closer Settlement Acts”, insert instead “Crown
Lands Act 1989”.
(c) From section 47A (f), omit “state recreation area”, insert
instead “state conservation park”.

SCHEDULE 1—AMENDMENTS—*continued*

(11) Section 47B:

Omit the section, insert instead:

Reservation of state conservation parks

5 47B. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as a state conservation park, any prescribed lands described in the proclamation.

10 (2) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as part of a state conservation park specified in the proclamation, any prescribed lands described in the proclamation.

15 (3) On the publication of a proclamation under subsection (1) or (2):

 (a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication; and

20 (b) if a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee ceases to hold that office in respect of those lands or that part, as the case may be; and

 (c) the care, control and management of the lands so described vests in the Director.

25 (4) On the publication of a proclamation under subsection (1) effecting the reservation, as a particular state conservation park, of any lands described in the proclamation (which lands are in this subsection referred to as "**the described lands**"):

30 (a) any by-laws or rules and regulations that, immediately before publication, applied to all of the described lands and not to any other lands:

 (i) continue to apply to the described lands; and
 (ii) are taken to be regulations made under this Act and may be amended or repealed accordingly;

35 and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to:

(i) part only of the described lands; or

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SCHEDULE 1—AMENDMENTS—*continued*

- (ii) all of the described lands and also to any other lands,
cease to apply to the described lands.
- (5) On the publication of a proclamation under subsection (2) effecting the reservation, as part of a particular state conservation park, of any lands described in the publication (which lands are in this subsection referred to as “the described lands”):
- (a) any by-laws or rules and regulations that, immediately before that publication, applied to that state conservation park apply to the described lands; and
- (b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the described lands cease to apply to the described lands.
- (6) To the extent to which a dedication, reservation (other than a reservation under this Division), Crown grant or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication revokes the dedication, reservation, grant or vesting, and the instruments of title (if any) must be surrendered for cancellation or notation, as the case may require.
- (7) A publication under subsection (1) or (2) may be made in relation to one or more state conservation parks.
- (12) Section 47D (**Tabling of proclamation of reservation, and disallowance**):
- (a) From section 47D, omit “notification” wherever occurring, insert instead “proclamation”.
- (b) From section 47D (2) and (3), omit “state recreation area” wherever occurring, insert instead “state conservation park”.
- (c) Omit section 47D (3) (a), insert instead:
- (a) the Director ceases to have the care, control and management of those lands; and
- (13) Section 47E (**Term and office of trustees of state recreation area**):
- Omit the section.

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SCHEDULE 1—AMENDMENTS—*continued*

(14) Sections 47F and 47G:

Omit the sections, insert instead:

Name of state conservation park

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47F. The Governor:

(a) by a proclamation published under section 47B (1) or (2) or by another proclamation published in the Gazette, may assign a name to a state conservation park; and

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(b) by proclamation published in the Gazette, may from time to time alter the name of a state conservation park.

Limitation on use of expression “state conservation park”

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47G. The expression “state conservation park” must not be used either alone or in conjunction with other words as the name of any lands unless the lands are within a state conservation park reserved under this Division.

(15) Section 47H (**Existing interests**):

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From section 47H (2) and (5), omit “state recreation area” wherever occurring, insert instead “state conservation park”.

(16) Section 47I (**Restrictions on disposal of or dealing with lands within state conservation parks**):

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(a) From section 47I (1), omit “state recreation area”, insert instead “state conservation park”.

(b) From section 47I (1), omit “or in Schedule 9A”.

(c) Omit section 47I (2), insert instead:

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(2) Without limiting subsection (1), lands within a state conservation park must not be dedicated, reserved or otherwise dealt with under Part 5 of the Crown Lands Act 1989.

(17) Section 47J (**Provisions relating to mining**):

(a) From section 47J (2)–(4), (6) and (7), omit “state recreation area” wherever occurring, insert instead “state conservation park”.

National Parks and Wildlife (State Conservation Parks) Amendment 1992

SCHEDULE 1—AMENDMENTS—*continued*

- (b) From section 47J (5), omit “(other than a person who is or was trustee of the lands comprised in a state recreation area)”.
- (c) From section 47J (7) (a), omit “Crown Lands Consolidation Act 1913”, insert instead “Crown Lands Act 1989”. 5
- (18) Section 47K (**Application of certain other provisions**):
Omit “state recreation area”, insert instead “state conservation park”.
- (19) Section 47KA: 10
After section 47K, insert:
Provisions respecting animals in state conservation parks
47KA. (1) A person must not:
- (a) take or kill any animal that is within a state conservation park; or 15
- (b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any animal that is within a state conservation park; or
- (c) carry, discharge or be in possession of any prohibited weapon in a state conservation park; or 20
- (d) carry or be in possession of any explosive, net, trap or hunting device in a state conservation park.
- (2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding 6 months or both. 25
- (3) A person is not to be convicted of an offence arising under subsection (1) if the person proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed: 30
- (a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier’s licence under section 121, a game licence under section 122, a trapper’s licence under section 123 or an authority under section 171; or 35

SCHEDULE 1—AMENDMENTS—*continued*

(b) in pursuance of a duty imposed by or under any Act.

5 (4) A person is not to be convicted of an offence arising under subsection (1) in respect of the carrying or being in possession of a net if the person proves that the net was carried or was in the person's possession for the purpose only of taking, or attempting to take, fish from any waters.

10 (5) A person, being a lessee or occupier of any lands within a state conservation area, or a person authorised by such a lessee or occupier in that behalf, is not to be convicted of an offence arising under subsection (1) in respect of the taking or killing of an animal that is within those lands, other than fauna.

15 (6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

Restrictions as to timber, vegetation, plants etc. in state conservation parks

20 47KB. (1) Subject to section 42 (2) as it applies to a state conservation park, a person must not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a state conservation park.

25 (2) A person must not be in possession of any native plant within a state conservation park.

(3) A person who commits an offence arising under subsection (1) or (2) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding 6 months or both.

30 (4) A person is not to be convicted of an offence arising under subsection (1) or (2) if the person proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed:

35 (a) under and in accordance with or by virtue of the authority conferred by a licence under Division 3 of Part 9 or an authority under section 171; or

(b) in pursuance of a duty imposed by or under any Act.

SCHEDULE 1—AMENDMENTS—*continued*

- (5) A person, being a lessee or occupier of any lands within a state conservation park, or a person authorised by such a lessee or occupier in that behalf, is not to be convicted of an offence arising under subsection (1) or (2) in respect of the felling, cutting, destroying, injuring, picking or removing of, or setting fire to any tree, timber, plant, flower or vegetation, or the possession of a native plant, that is or was growing within those lands. 5
- (6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both. 10
- (20) Section 47L: 15
- Omit the section, insert instead:
- Revocation or compulsory acquisition of state conservation park**
- 47L. (1) Despite anything in any Act:
- (a) the reservation of lands as, or as part of, a state conservation park must not be revoked; and 20
- (b) the compulsory acquisition of lands within a state conservation park must not be effected,
- except by an Act of Parliament.
- (2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions of the lease, licence or occupancy concerned. 25
- (3) Nothing in this section prevents the operation of section 47O.
- (21) Section 47M: 30
- Omit the section, insert instead:
- Care, control and management of state conservation parks**
- 47M. The Director has the care, control and management of state conservation parks. 35

SCHEDULE 1—AMENDMENTS—*continued*

(22) Sections 47N and 47O:

Omit section 47N, insert instead:

Director to report to Minister on state conservation parks

5 47N. (1) The Director is to provide the Minister with a report or reports recommending whether or not, in the opinion of the Director, a state conservation park should be reserved as a national park or dedicated as a nature reserve (or as part of a national park or nature reserve):

10 (a) in the case of lands that have become a state conservation park by operation of clause 23 of Schedule 3—within 7 years after the commencement of that clause; and

15 (b) in any other case—within 7 years after the reservation of the lands as a state conservation park under section 47B.

20 (2) In addition, if the Director is of the opinion that a state conservation park is not suitable for reservation as a national park or for dedication as a nature reserve (or as part of a national park or nature reserve), the Director is to provide the Minister with a report or reports every 7 years after the date referred to in subsection (1) (a) or (b) on the status of the state conservation park and recommending whether or not, in the opinion of the Director, the state conservation park should be reserved as a national park or dedicated as a nature reserve (or as part of a national park or nature reserve).

25 (3) The Minister must cause to be laid before each House of Parliament a copy of a report made by the Director under this section within 15 sitting days of each House after the date on which the Director provides the report to the Minister.

Reservation or dedication of state conservation park as national park or nature reserve

30 47O. (1) The Minister may by notification published in the Gazette revoke the reservation of a state conservation park and reserve or dedicate the lands formerly comprising the state conservation park as a national park or as a nature reserve (or as part of a national park or nature reserve) but only if:

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SCHEDULE 1—AMENDMENTS—*continued*

- (a) the Minister receives a report from the Director recommending such a reservation or dedication; and
 (b) subsection (2) has been complied with; and
 (c) the proposed reservation or dedication has not been disallowed under subsection (3). 5
- (2) This subsection is complied with if:
- (a) notification of the revocation of the reservation of the state conservation park and of the reservation or dedication of the lands comprising the state conservation park as a national park or nature reserve (or as part of a national park or nature reserve) is published in the Gazette; and 10
- (b) a copy of the notification is laid before each House of Parliament within 10 sitting days of each House after its publication. 15
- (3) Either House of Parliament may pass a resolution disallowing the revocation of the reservation of the state conservation park and the reservation or dedication of the lands comprising the state conservation park as a national park or nature reserve (or as part of a national park or nature reserve) if notice of the resolution is given within 14 sitting days of the House after the copy of the notification published in the Gazette is laid before it. 20
- (4) On publication of the notification: 25
- (a) the existing reservation as a state conservation park of the lands described in the notification is revoked; and
 (b) the reservation or dedication of those lands as a national park or nature reserve (or as part of a national park or nature reserve), 30
- takes effect.
- (5) This section has effect despite section 47L.
- (23) Section 72 (Plans of management):
- (a) From section 72 (1) (c), omit “or historic site”, insert instead “, historic site or state conservation park”. 35
- (b) Omit section 72 (1A) and (2A).
- (c) From section 72 (2), omit “state recreation area”, insert instead “state conservation park”.

National Parks and Wildlife (State Conservation Parks) Amendment 1992

SCHEDULE 1—AMENDMENTS—*continued*

- (d) In section 72 (3), after “historic site,”, insert “state conservation park,”.
- 5 (e) In section 72 (4) (b), (c) and (j), after “national park”, insert “, state conservation park”.
- (f) In section 72 (4) (d), after “historic site” where secondly occurring, insert “, state conservation park,”.
- (g) From section 72 (4) (e), omit “state recreation area”, insert instead “state conservation park”.
- 10 (h) In section 72 (4) (g), (h) and (i), after “historic site,”, insert “state conservation park,”.
- (24) Section 74 (**Catchment areas**):
- (a) From section 74, omit “or historic site” where firstly occurring, insert instead “, historic site or state conservation park”.
- 15 (b) In section 74 (a), after “historic site,”, insert “state conservation park,”.
- (25) Section 75 (**Adoption etc. of plan of management for national park, historic site or state conservation park**):
- 20 From section 75, omit “or historic site” wherever occurring, insert instead “, historic site or state conservation park”.
- (26) Section 75A (**Adoption etc. of plan of management for state recreation area**):
- Omit the section.
- 25 (27) Section 80 (**Lands submerged by water**):
- From section 80 (1), omit “state recreation area”, insert instead “state conservation park”.
- (28) Section 81 (**Operations under plan of management**):
- (a) In section 81 (1), after “historic site,”, insert “state conservation park,”.
- 30 (b) Omit section 81 (3A).
- (29) Section 81A (**Leases etc. subject to plan of management**):
- In section 81A, after “historic site,”, insert “state conservation park,”.

National Parks and Wildlife (State Conservation Parks) Amendment 1992

SCHEDULE 1—AMENDMENTS—*continued*

- (30) Section 86 (**Offences relating to relics**):
Omit “state recreation area” wherever occurring, insert instead “state conservation park”.
- (31) Section 88 (**The Australian Museum Trust to have custody of certain relics**): 5
Omit “state recreation area” wherever occurring, insert instead “state conservation park”.
- (32) Section 120 (**General licence**):
In section 120 (2), after “historic site,”, insert “state conservation park,”. 10
- (33) Section 122 (**Game licence**):
In section 122 (2) (b), after “historic site,”, insert “state conservation park,”.
- (34) Section 123 (**Trapper’s licence**): 15
In section 123 (2), after “historic site,”, insert “state conservation park,”.
- (35) Section 129 (**Certain licences authorising shooting etc. in national parks etc.**):
In section 129 (a), after “historic site,”, insert “state conservation park,”. 20
- (36) Section 138 (**Payments into the Fund**):
(a) After “historic site,” wherever occurring, insert “state conservation park,”.
(b) Omit section 138 (1) (e1). 25
- (37) Section 139 (**Payments out of the Fund**):
(a) Omit section 139 (2) (b).
(b) From section 139 (2) (e), omit “state recreation area”, insert instead “state conservation park”.
- (38) Section 140 (**Community service contribution**): 30
In section 140 (1), after “historic site,”, insert “state conservation park,”.

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SCHEDULE 1—AMENDMENTS—*continued*

- (39) Section 141 (**Payment of rates to rural lands protection boards in Western Division**):
5 From section 141 (2), omit “or historic sites”, insert instead
“, historic sites or state conservation parks”.
- (40) Section 143 (**Charges and fees**):
After “historic site,”, insert “state conservation park.”.
- (41) Section 144 (**Exemption from rates**):
After “historic site,”, insert “state conservation park.”.
- 10 (42) Section 148 (**Power of Minister to accept gifts etc.**):
From section 148 (4) (a), omit “or historic site”, insert
instead “, historic site or state conservation park”.
- (43) Section 149 (**Disposal of lands, gifts etc.**):
15 From section 149 (2) (a), omit “state recreation area”, insert
instead “state conservation park”.
- (44) Section 151 (**Leases of and licences over certain reserved and dedicated lands**):
(a) From section 151 (1) (a), (b) and (c), omit “or historic site”,
insert instead “, historic site or state conservation park”.
20 (b) In section 151 (1) (e) and (f), after “historic site,”, insert
“state conservation park.”.
- (45) Section 152 (**Trade within a national park, historic site or state conservation park**):
25 Omit “or historic site” wherever occurring, insert instead “,
historic site or state conservation park”.
- (46) Section 153 (**Easements**):
From section 153 (1) and (3), omit “state recreation area”
wherever occurring, insert instead “state conservation park”.
- (47) Section 155 (**Regulations relating to parks**):
30 (a) From section 155 (1), omit “state recreation area”, insert
instead “state conservation park”.
(b) Omit section 155 (2C).

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SCHEDULE 1—AMENDMENTS—*continued*

- (48) Section 157 (**Requirement to state name and address**):
From section 157 (2), omit “state recreation area”, insert instead “state conservation park”.
- (49) Section 160A (**Removal of unauthorised structures and occupiers**): 5
From paragraph (a) of the definition of “prescribed land” in section 160A (1), omit “state recreation area”, insert instead “state conservation park”.
- (50) Section 161 (**Removal of vehicles obstructing traffic**): 10
From paragraph (a) of the definition of “prescribed land” in section 161 (1), omit “state recreation area”, insert instead “state conservation park”.
- (51) Section 162 (**Impounding**): 15
Omit “state recreation area” wherever occurring, insert instead “state conservation park”.
- (52) Section 163 (**Application of Dog Act 1966**):
In section 163 (2), after “historic site,”, insert “state conservation park,”.
- (53) Section 171 (**Authority to take or kill etc.**): 20
From section 171 (1) (a) (i), omit “state recreation area”, insert instead “state conservation park”.
- (54) Section 177 (**Compensation**): 25
(a) From section 177 (1), omit “, or any trustees holding office under this Act,”.
(b) From section 177 (1), omit “or incur”.
(c) From section 177 (1) (a), omit “state recreation area”, insert instead “state conservation park”.
- (55) Section 181 (**Evidentiary provisions etc.**): 30
From section 181 (1), omit “state recreation area”, insert instead “state conservation park”.
- (56) Section 185 (**Catchment areas**):
Omit “state recreation area” wherever occurring, insert instead “state conservation park”.

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SCHEDULE 1—AMENDMENTS—*continued*

(57) Section 186 (**Requirement for examination**):

From section 186 (3), omit “state recreation areas”, insert instead “state conservation parks”.

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

(a) Before clause 1, insert:

PART 1—GENERAL

Regulations

10 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 (State Conservation Parks) Amendment Act 1992

15 (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.

20 (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

25 (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) Renumber clause 1 as clause 1A.

30 (c) After clause 22, insert:

Status of certain lands

35 23. (1) The lands comprised in a state recreation area within the meaning of this Act, as in force immediately before the date of assent to the National Parks and Wildlife (State Conservation Parks) Amendment Act 1992, (other than the lands described in Schedule 9 to the Crown Lands Act 1989, as amended by the Crown Lands (State Recreation Areas) Amendment Act 1992, whether or not that Schedule

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SCHEDULE 1—AMENDMENTS—*continued*

has commenced at the date of commencement of this clause), are taken to be reserved as a state conservation park under Division 1A of Part 4 of this Act, as amended by the National Parks and Wildlife (State Conservation Parks) Amendment Act 1992. 5

(2) Nothing in the National Parks and Wildlife (State Conservation Parks) Amendment Act 1992 or the Crown Lands (State Recreation Areas) Amendment Act 1992, affects the operation, with respect to lands within a state conservation park, of any Act or any instrument made under any Act other than this Act, or any instrument made under this Act. 10

References to state recreation areas

24. (1) A reference in another Act, in an instrument made under an Act or in any document to a state recreation area is to be read as a reference to both a state recreation area dedicated, or taken to be dedicated, under the Crown Lands Act 1989 and a state conservation park reserved, or taken to be reserved, under this Act. This subclause does not apply to the Crown Lands Act 1989 or any instrument made under that Act. 15
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(2) A reference to a state recreation area in a regulation made under this Act is to be read as a reference to a state conservation park and the regulation is to have effect accordingly. 25

Transfer of assets etc. relating to lands taken to be state conservation parks

25. (1) In this clause:

“assets” means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents; 30

“instrument” means an instrument (other than this Act) which creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order and process of a court; 35

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“liabilities” means liabilities, debts and obligations (whether present or future and whether vested or contingent);

5 “trustees” means the trustees (or administrator) of a state recreation area referred to in clause 23 holding office immediately before the commencement of that clause.

(2) On the commencement of clause 23, the following provisions have effect:

10 (a) the assets of the trustees vest in the Director without the need for any conveyance, transfer, assignment or assurance;

(b) the rights and liabilities of the trustees become the rights and liabilities of the Director;

15 (c) all proceedings by or against the trustees that are pending immediately before the commencement of clause 23 are taken to be proceedings pending by or against the Director;

20 (d) any act, matter or thing done or omitted to be done by, to or in respect of the trustees before the commencement of clause 23 is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Director;

25 (e) a reference in an instrument or in any document of any kind to the trustees is to be read as, or as including, a reference to the Director.

(3) The operation of this clause is not to be regarded:

30 (a) as a breach of contract or confidence or otherwise as a civil wrong; or

(b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities; or

35 (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability.

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(4) The operation of this section is not to be regarded as an event of default under any contract or other instrument.

(5) No attornment to the Director by a lessee from the trustees is required. 5

Termination of appointment of trustees etc. of lands taken to be state conservation parks

26. (1) A trustee (or an administrator) of a state recreation area referred to in clause 23 and holding office immediately before the commencement of that clause ceases to hold office as such trustee (or administrator) on that commencement. 10

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

(59) Schedule 9A (**Management of state recreation areas by trustees**): 15

Omit the Schedule.
