



New South Wales

National Parks and Wildlife Amendment (Abercrombie, Jenolan and Wombeyan Karst Conservation Reserves) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to amend the *National Parks and Wildlife Act 1974* (the NPW Act) so as:

- (a) to dedicate certain lands as the Abercrombie, Jenolan and Wombeyan Karst Conservation Reserves, and
- (b) to establish the Jenolan Caves Trust to have the care, control and management of the lands so dedicated.

* Amended in committee—see table at end of volume.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

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

Clause 3 is a formal provision giving effect to the amendments to the *National Parks and Wildlife Act 1974* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to the *Public Reserves Management Fund Act 1987* set out in Schedule 2.

Schedule 1 Amendment of National Parks and Wildlife Act 1974

Schedule 1 [1] inserts definitions of the terms *Abercrombie Karst Conservation Reserve, Jenolan Caves Trust, Jenolan Karst Conservation Reserve, member of the Jenolan Caves Trust Board, officer of the Jenolan Caves Trust* and *Wornbeyan Karst Conservation Reserve* in the NPW Act.

Schedule 1 [2] inserts proposed section 5A, which makes it clear that notes in the text of the NPW Act do not form part of the Act.

Schedule 1 [7] inserts proposed Division 2C (proposed sections 58T–58ZE) in Part 4 of the NPW Act. The new Division does the following:

- it dedicates certain lands as karst conservation reserves, and designates the reserves the Abercrombie Karst Conservation Reserve, the Jenolan Karst Conservation Reserve and the Wornbeyan Karst Conservation Reserve (the Reserves),
- it establishes the Jenolan Caves Trust (the Trust),
- it specifies that the principal function of the Trust is the care, control and management of the Reserves,
- it empowers the Trust to employ staff and establish committees to assist it to exercise its functions, and to purchase land and grant leases and licences in relation to lands in the Reserves (although easements over those lands may be granted only by the Minister),
- it requires the Trust to keep certain accounts and records and make certain reports, and provides for the inspection of the affairs of the Trust,

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- it provides for the establishment of the Jenolan Caves Trust Board to manage the affairs of the Trust,
- it provides for the removal of members of that Board and the appointment of an administrator.

Schedule 1 [3]–[6] and [8]–[21] make consequential amendments to the NPW Act.

Schedule 1 [3] empowers the Director-General of National Parks and Wildlife, with the concurrence of the Trust, to promote such educational activities as the Director-General considers necessary for the instruction and training of officers of the Trust.

Schedule 1 [4], [6], [8], [12] and [15] make it clear that certain powers and functions of the Director-General under the NPW Act are, in so far as they relate to the Reserves, to be exercised by the Trust and not by the Director-General.

Schedule 1 [5] requires the Trust to furnish to the National Parks and Wildlife Advisory Council (which, among other things, advises the Minister on matters relating to the care, control and management of karst conservation reserves) such information as that Council may require in relation to the Reserves.

Schedule 1 [9] requires the public exhibition of proposed plans of management for the Reserves and provides for the making of representations concerning them. Schedule 1 [10] makes consequential amendment.

Schedule 1 [11] provides that section 138 (1), which requires payment into the National Parks and Wildlife Fund of certain money received in connection with (among other things) karst conservation reserves, does not apply in relation to money received by the Trust in connection with the Reserves.

Schedule 1 [13] empowers the Trust to demand and recover charges and fees in connection with certain activities relating to the Reserves.

Schedule 1 [14] provides for the payment of interest on money owing to the Trust.

Schedule 1 [16] and [17] make it clear that Part 12 (Town planning) of the Local Government Act 1919 and Chapter 7 (What are the regulatory functions of councils?) of the *Local Government Act 1993* both apply to the land constituting the Reserves.

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Schedule 1 [18]–[20] adds officers of the Trust and members of the Trust Board to the list of persons engaged in the administration of the NPW Act in respect of whom it is an offence to impersonate, assault, resist, obstruct or corrupt.

Schedule 1 [21] provides for the manner of recovery of charges, fees or money recoverable by the Trust.

Schedule 1 [22] permits the making of saving and transitional regulations consequent on the enactment of the proposed Act.

Schedule 1 [23] inserts proposed Schedules 4, 5 and 6.

Proposed Schedule 4 specifies the lands that are dedicated as the Reserves by the proposed Act and specifies the names of those Reserves.

Proposed Schedule 5 transfers to the Trust the assets, rights and liabilities of the trustees who, immediately before that dedication, held office under the *Crown Lands Act 1989* in respect of the lands so dedicated.

Proposed Schedule 6 contains provisions relating to the membership and procedure of the Trust Board.

Schedule 2 Amendment of Public Reserves Management Fund Act 1987

Schedule 2 allows payment out of the Public Reserves Management Fund of the capital funding required by the Trust in relation to the Reserves.