



New South Wales

National Parks and Wildlife (Broken Head Nature Reserve) Bill 2009

Explanatory note

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

Overview of Bill

The object of this Bill is to revoke the reservation of certain land at Broken Head, which is currently reserved as part of Broken Head Nature Reserve. The revocation relates to 981 square metres of land and is required to enable implementation of an indigenous land use agreement with the Bundjalung People of Byron Bay.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 revokes the reservation of part of Broken Head Nature Reserve under the *National Parks and Wildlife Act 1974*.

Clause 4 provides for the land to vest in the Minister administering Part 11 of the *National Parks and Wildlife Act 1974*.

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Clause 5 ensures that the proposed Act does not operate to extinguish native title rights and interests existing in relation to the land immediately before its vesting under the proposed Act.

First print



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New South Wales

National Parks and Wildlife (Broken Head Nature Reserve) Bill 2009

No. , 2009

A Bill for

An Act to revoke the reservation of certain land currently reserved under the *National Parks and Wildlife Act 1974* as part of Broken Head Nature Reserve; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>National Parks and Wildlife (Broken Head Nature Reserve) Act 2009</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Revocation of reservation of part of Broken Head Nature Reserve	7
(1) This section applies to an area of about 981 square metres of Broken Head Nature Reserve being Lot 4 in DP 1139721.	8 9
(2) The reservation under the <i>National Parks and Wildlife Act 1974</i> of that land as part of a nature reserve is revoked.	10 11
(3) The revocation effected by this section does not affect anything done or omitted to be done before the commencement of this section.	12 13
(4) In this section:	14
<i>Broken Head Nature Reserve</i> means an area of about 98 hectares, being the land reserved as Broken Head Nature Reserve by notices published in the following:	15 16 17
(a) Gazette No 119 of 27 September 1974 at page 3843 (as amended by an erratum published in Gazette No 149 of 13 December 1974 at page 4884),	18 19 20
(b) Gazette No 166 of 7 November 1980 at page 5732,	21
(c) Gazette No 38 of 6 March 1981 at page 1301,	22
(d) Gazette No 46 of 26 March 1982 at page 1281,	23
(e) Gazette No 60 of 27 April 1984 at page 2227,	24
(f) Gazette No 145 of 12 October 1984 at page 4989,	25
(g) Gazette No 52 of 11 March 1988 at page 1528,	26
(h) Gazette No 164 of 23 December 2005 at pages 11512–11516.	27
4 Land to vest in Minister	28
On the revocation under section 3 of the reservation as part of a nature reserve of land to which section 3 applies, that land vests in the Minister administering Part 11 of the <i>National Parks and Wildlife Act 1974</i> on behalf of the Crown for the purposes of that Part for an estate in fee simple, freed and discharged from:	29 30 31 32 33
(a) all trusts, obligations, estates, interests, rights of way or other easements, and	34 35

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- (b) any dedication, reservation, Crown grant or vesting to which the land was subject, and any such dedication, reservation, grant or vesting is revoked. 1
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5 Saving of native title rights and interests 4

- (1) This Act does not operate to extinguish any native title rights and interests existing in relation to the land to which section 3 applies immediately before its vesting by section 4. 5
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- (2) This section does not affect any extinguishment of native title rights and interests by the operation of the *Native Title Act 1993* of the Commonwealth or the *Native Title (New South Wales) Act 1994*. 8
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- (3) Words and expressions used in this section have the same meanings as they have in the *Native Title Act 1993* of the Commonwealth. 11
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