

PROTECTED AREAS LAW MATRIX*

NSW

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NAME OF INSTRUMENTS analysed	National Parks and Wildlife Act 1974 (NPWA)	
	Note: in order to gain a full understanding of protected areas law for New South Wales, it is necessary also to consult the following legislation: Forestry Act 1916 Heritage Act 1977 Land and Environment Court Act 1979 Aboriginal Land Rights Act 1983. Wilderness Act 1987 Threatened Species Conservation Act 1995 Marine Parks Act 1997 Forestry and National Park Estate Act 1998. Brigalow and Nandewar Community Conservation Area Act 2005 (concerning an Aboriginal PA). Protection of the Environment Operations Act 1997 National Parks and Wildlife Regulation 2009	
JURISDICTION national or sub-national	State of New South Wales, Australia (sub-national)	
Available online	Full texts at www.ECOLEX.org (LEX-FAOC013704)	
Valid as of	1 July 2010	
TOPIC	QUESTION	APPLICATION
1. Identification	1. Full title	An Act to consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal objects; to repeal the <i>Wild Flowers and Native Plants Protection Act 1927</i> , the <i>Fauna Protection Act 1948</i> , the <i>National Parks and Wildlife Act 1967</i> and certain other enactments; to amend the <i>Local Government Act 1919</i> and certain other Acts in certain respects; and for purposes connected therewith.
	2. Enactment date; if not enacted state date of bill (i.e. draft)	1974
	3. Enacted by (institution/level of government)	Parliament of New South Wales
	4. Minister or policy-level body granted regulatory/other powers to implement the instrument?	The terms “Minister” and “Department” refer to the Minister for the Climate Change and the Environment and the Department of Environment, Climate Change and Water.

* This matrix has been developed in order to provide a standardised framework for the analysis of the main legal instruments on protected areas of any country, and thus provide a basis for comparison.

	5. Specialized PA agency/dept. responsible for daily implementation	National Parks and Wildlife Service.
2. Scope Geographical	6. Is the instrument only for terrestrial areas?	Yes; but includes protection of marine mammals; see part 7A.
	7. Does it cover terrestrial and marine areas?	No; Marine areas are covered by the Marine Parks Act 1997 (NSW) .
	8. Does it provide only for marine PAs?	No; covered by the Marine Parks Act 1997 (NSW).
	9. Does it focus on biodiversity conservation?	Yes; but it also covers aspects of Aboriginal and non-Aboriginal cultural heritage.
	10. Does it focus on specific types of ecosystems?	s 30E states in part: The purpose of reserving land as a national park is to identify, protect and conserve areas containing outstanding or representative ecosystems, natural or cultural features or landscapes or phenomena that provide opportunities for public appreciation and inspiration and sustainable visitor use and enjoyment so as to enable those areas to be managed in accordance with subsection (2). (2)A national park is to be managed in accordance with the following principles: (a) the conservation of biodiversity, the maintenance of ecosystem function, the protection of geological and geomorphological features and natural phenomena and the maintenance of natural landscapes, (b)the conservation of places, objects, features and landscapes of cultural value, (c)the protection of the ecological integrity of one or more ecosystems for present and future generations, (d)the promotion of public appreciation and understanding of the national park's natural and cultural values, (e)provision for sustainable visitor use and enjoyment that is compatible with the conservation of the national park's natural and cultural values, (f) provision for the sustainable use (including adaptive reuse) of any buildings or structures or modified natural areas having regard to the conservation of the national park's natural and cultural values, The maintenance of ecosystems is specifically mentioned in the management principles for each type of natural protected area.
Conservation	11. Does it cover conservation of cultural values?	Yes; it covers the cultural values of protected areas , including historic sites and Aboriginal areas: It also covers Aboriginal cultural objects, through the Aboriginal Cultural Heritage Advisory Committee. Under s 3, n Aboriginal object means any deposit, object or material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
	12. Does it relate only to Government/publicly owned PAs?	The main focus is on Crown land; however, the Act allows for conservation agreements to be made with private landowners See Division 12 Conservation Agreements Land can also be acquired to for reservation or other purposes , under s 145:
Governance		

		<p>The Minister may, for the purpose of obtaining land for reservation under Part 4 or Part 4A, of conserving threatened species, populations or ecological communities, or their habitats or of preserving, protecting and preventing damage to Aboriginal objects or Aboriginal places:</p> <p>(a) on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of any land, or</p> <p>(b) acquire land by agreement or by compulsory process in accordance with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>.</p>
	13. Does it cover public/private ownership?	See Q 12.
	14. Does it cover Private Protected Areas (PPAs)?	See Q 12.
	15. Does it provide for co-management?	<p>Yes, although different terminology is used. Care, control and management of sites can be vested to boards of management. The Act refers to related legislation, the Brigalow and Nandewar Community Conservation Area Act 2005, the objects of which are:</p> <p>(a) to reserve forested land in the Brigalow and Nandewar area to create a Community Conservation Area that provides for permanent conservation of land, protection of areas of natural and cultural heritage significance to Aboriginal people and sustainable forestry, mining and other appropriate uses, and</p> <p>(b) to give local communities a strong involvement in the management of that land.</p>
	16. Does it cover Community Conserved Areas (CCAs)?	Yes, although different terminology is used; see Q 15.
3. Policy context	17. Summarise stated purpose or objective of the instrument	<p>S 2A Objects of Act</p> <p>(1) The objects of this Act are as follows:</p> <p>(a) the conservation of nature, including, but not limited to, the conservation of:</p> <p>(i) habitat, ecosystems and ecosystem processes, and</p> <p>(ii) biological diversity at the community, species and genetic levels, and</p> <p>(iii) landforms of significance, including geological features and processes, and</p> <p>(iv) landscapes and natural features of significance including wilderness and wild rivers,</p> <p>(b) the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to:</p> <p>(i) places, objects and features of significance to Aboriginal people, and</p> <p>(ii) places of social value to the people of New South Wales, and</p> <p>(iii) places of historic, architectural or scientific significance,</p> <p>(c) fostering public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation,</p> <p>(d) providing for the management of land reserved under this</p>

		<p>Act in accordance with the management principles applicable for each type of reservation.</p> <p>(2) The objects of this Act are to be achieved by applying the principles of ecologically sustainable development.</p> <p>(3) In carrying out functions under this Act, the Minister, the Director-General and the Service are to give effect to the following:</p> <p>(a) the objects of this Act,</p> <p>(b) the public interest in the protection of the values for which land is reserved under this Act and the appropriate management of those lands.</p>
	18. Specify any references to global or regional conventions	<p>s 71 AD (2)(c) states that any lease of lands between the Aboriginal Land Council and the Minister must cover the compliance by the parties to the lease with any requirements that arise because the lands are, or a part of the lands is, situated in an area listed as an item of cultural heritage or natural heritage of outstanding universal value in accordance with:</p> <p>(ii) the <i>Convention for the Protection of the World Cultural and Natural Heritage</i> [...]</p>
	19. Specify reference to any significant environmental law principle such as the precautionary principle, public participation., access to information	<p>S 2 (2): The objects of this Act are to be achieved by applying the principles of ecologically sustainable development; (as described in section 6 (2) of the Protection of the Environment Administration Act 1991); these include:</p> <p>(a) the precautionary principle;</p> <p>(b) inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;</p> <p>(c) conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration;</p> <p>(d) improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services.</p>
4. Objectives and policies	20. Summarize any general or specific policy for PAs stated in the instrument	See Q 17.
	21. Specify any objectives expressed for PAs stated in the instrument	See Objects, in Q 17.
5. Definitions	22. Is the term PA defined in the instrument? If so, how?	PAs are not defined as such; however, specific types of PAs are mentioned and defined; see Q 23.
	23. Are specific categories/types of PAs provided? If so, specify any that are based on: (i) conservation/management objectives (ii) ecosystem types (e.g. MPAs) (iii) tenure/governance considerations (PPAs/community-owned) (iv) jurisdictional considerations, and whether there are transboundary issues involved	<p>There are several specific types of PAs mentioned:</p> <p>National parks Historic sites State conservation areas Regional parks Karst conservation reserves Nature reserves Aboriginal areas</p>

IUCN Categories	Indicate if these categories/types are included in definitions section or in body of instrument	They are included in the definitions section and in the main body of the Act.
	24. Is there explicit reference to IUCN categories?	No. However, all terrestrial and marine PAs are classified according to the IUCN categories, under Australia's National Reserve System ; see http://www.environment.gov.au/parks/nrs/science/pubs/locations.pdf
	25. If so, are they reproduced verbatim or in a modified form? (See annex: IUCN categories 1 to 6)	See Q 24.
	26. If the IUCN categories are not mentioned or incorporated, are any categories actually used in the instrument similar to the IUCN categories? be specific	There are similarities, see Qs 23 and 24.
6. Institutional Arrangements: At the PA System level	27. Are there provisions for: - an overall PA System institutional structure (Minister, cabinet)? - overall administration of the PA System programme and implementation (department, agency, intergovernmental commission)? If so, describe.	<p>Yes;:</p> <p>6. The Service. There shall be a National Parks and Wildlife Service, which shall be constituted by:</p> <ul style="list-style-type: none"> (a) the Director-General, (b) the officers and employees, referred to in section 10, for the time being wholly or principally engaged in the administration of this Act, the <i>Wilderness Act 1987</i> or the <i>Threatened Species Conservation Act 1995</i>, and (c) the persons in respect of whom any arrangements under section 11 are for the time being in force. <p>7. Functions of Director-General relating to reservation of land</p> <ul style="list-style-type: none"> (1) The Director-General is to consider, and may investigate, proposals for the addition of areas to any land reserved under Part 4 or for the reservation of any new areas under Part 4. (2) When considering or investigating any such proposal, the Director-General is to have regard to the following: <ul style="list-style-type: none"> (a) the desirability of protecting the full range of natural heritage and the maintenance of natural processes, (b) whether the proposal is consistent with the establishment of a comprehensive, adequate and representative reserve system, (c) the desirability of protecting cultural heritage, (d) providing opportunities for appropriate public appreciation and understanding, and sustainable visitor use and enjoyment, of land reserved under this Act, (e) the opportunities for promoting the integration of the management of natural and cultural values, (f) the desirability of protecting wilderness values, (g) the objects of this Act, (h) the desirability of protecting world heritage properties and world heritage values. <p>8. Miscellaneous functions of Director-General</p> <ul style="list-style-type: none"> (1)-(2A) (Repealed) (3) The Director-General shall in the case of every national park, historic

site, state conservation area, regional park, nature reserve, karst conservation reserve and Aboriginal area:

- (a) promote such educational activities as the Director-General considers necessary in respect thereof,
- (b) arrange for the carrying out of such works as the Director-General considers necessary for or in connection with the management and maintenance thereof, and
- (c) undertake such scientific research as the Director-General considers necessary for or in connection with the preservation, protection, management and use thereof.

(4) The Director-General may promote such educational activities, and undertake such scientific research, in respect of Aboriginal objects and Aboriginal places as the Director-General thinks fit, either separately or in conjunction with other persons or bodies.

(5) As soon as practicable after an Aboriginal object is discovered on any land reserved under this Act, the Director-General, after such consultation with the Australian Museum Trust as appears necessary or expedient, is required to assess the scientific importance of the Aboriginal object.

(6) The Director-General may consider and investigate proposals in relation to existing or proposed Aboriginal places, wilderness areas, wild rivers, wildlife refuges and interim protection orders.

(6A) The Director-General may:

- (a) consider and investigate proposals in relation to existing or proposed conservation areas,
- (b) enter into negotiations on behalf of the Minister in relation to existing or proposed conservation areas, and
- (c) in the case of every conservation area, but subject to the terms of the conservation agreement concerned:
 - (i) promote such educational activities as the Director-General considers necessary in respect of the area,
 - (ii) arrange for the carrying out of such works as the Director-General considers necessary for or in connection with the management and maintenance of the area,
 - (iii) undertake such scientific research as the Director-General considers necessary for or in connection with the preservation, protection, management and use of the area, and
 - (iv) take such other action as the Director-General considers necessary for or in connection with the carrying out of directions by the Minister relating to existing or proposed conservation agreements.

(7) The Director-General:

(a) may promote such educational activities as the Director-General considers necessary to awaken and maintain an appreciation of the value of and the need to conserve animal and plant life, including to conserve threatened species, populations and ecological communities, and their habitats,

(b) may enter into arrangements for the carrying out of such works as the Director-General considers necessary for or in connection with the protection and care of fauna and the protection of native plants,

(c) may undertake such scientific research as the Director-General considers necessary for or in connection with the preservation, protection and care of fauna and the protection of native plants and other flora, either separately or in conjunction with other persons or bodies, and

(d) shall co-operate with the trustees of any lands dedicated or reserved under the *Crown Lands Consolidation Act 1913*, or the Closer Settlement Acts, in connection with:

- (i) the preservation of, the protection and care of, and the promotion of the study of, fauna, and
- (ii) the protection of, and the promotion of the study of, native plants and other flora,

and generally shall co-operate with any other persons or bodies in the establishment, care and development of areas of lands set apart for the conservation and preservation of wildlife.

(8) The Director-General may promote such educational activities as the Director-General considers necessary for the instruction and training of ex-officio rangers, honorary rangers and prospective honorary rangers.

(9) Without affecting the generality of any other provision of this Act conferring powers on the Director-General, the Director-General may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or performance by the Director-General or the Service of the Director-General's or its responsibilities, powers, authorities, duties or functions conferred or imposed by or under this or any other Act.

(10) The Director-General shall, in the exercise and discharge of the powers, authorities, duties and functions conferred or imposed on the Director-General by or under this or any other Act, be subject to the control and direction of the Minister.

(11), (12) (Repealed)

12 Powers and functions of Service

The Service is to carry out such works and activities as the Minister may direct,

		<p>either generally or in a particular case, in relation to the following:</p> <ul style="list-style-type: none"> (a) the conservation and protection of land reserved under this Act or acquired for reservation under this Act and of land for which the National Parks and Wildlife Reserve Trust is the trustee, (b) the conservation and protection of wildlife (including threatened species, populations and ecological communities, and their habitats), (c) the conservation and protection of wilderness areas and wild rivers, (d) the identification, conservation and protection of, and prevention of damage to, Aboriginal objects and Aboriginal places, (e) conservation agreements and conservation areas, (f) the provision of facilities and opportunities for sustainable visitor use and enjoyment on land reserved under this Act, (g) the identification and protection of buildings, places and objects of non-Aboriginal cultural values on land reserved under this Act, (h) the conduct of research into and the monitoring of any of the matters referred to in paragraphs (a)-(e), (i) the undertaking of public education in relation to any of the matters referred to in paragraphs (a)-(e).
<p>At the individual PA level</p>	<p>28. Does the instrument provide for future designation of management entities at individual PA level? If so, specify.</p>	<p>Yes;</p> <p>s 31 provides for : Care, control and management of parks and sites</p> <p>(1(1) The Director-General has the care, control and management of all national parks and historic sites except as provided by subsection (2). (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</p> <p>For designated Aboriginal lands; see 71AN Boards of management</p> <p>(1) There is to be a board of management for each area of Schedule 14 lands and ALR Act lands leased and reserved under this Part. A board of management is to be established as soon as practicable after the lands are leased and reserved. (2) A board of management is to consist of at least 11, but no more than 13, members appointed by the Minister with the concurrence of the Minister administering the Aboriginal Land Rights Act 1983.</p>
	<p>29. Is there a requirement for inter-agency cooperation? If so, specify.</p>	<p>s 72 (2) With the consent or on the request of the Minister, the Director-General may, together with the relevant authority of another State or a Territory, cause a joint plan of management to be prepared for an area comprising an area within that other State or Territory and an area for which a plan of management may be prepared under this Part or under the <i>Wilderness Act 1987</i>.</p>

	<p>30. Is a specific body or bodies provided with authority to manage individual PAs? If so, describe (see also questions 25 and 26).</p>	<p>Yes, see Qs 15 and 28.</p>
	<p>31. Is there a statutory basis for public participation in such bodies or other consultation/involvement of the public in the governance/management of individual PAs? If so, specify.</p>	<p>Yes, there is public participation through advisory bodies, see Q 32.</p> <p>s 71I, Aboriginal negotiating panel</p> <p>s 73A, Public exhibition of and consultation on plans of management</p>
<p>7. Advisory Bodies</p>	<p>32. Does the instrument provide for advisory bodies</p> <ul style="list-style-type: none"> - at PA System level? - at individual PA level? 	<p>Part 3 – Council and committees</p> <p>Division 1 – National Parks and Wildlife Advisory Council</p> <p>22 The Council</p> <ul style="list-style-type: none"> (1) There shall be a National Parks and Wildlife Advisory Council. (2) Schedule 7 has effect. <p>23 Functions and duties of Council</p> <ul style="list-style-type: none"> (1) The Council has the following functions: <ul style="list-style-type: none"> (a) to provide advice to the Minister and the Director-General on: <ul style="list-style-type: none"> (i) strategies for attaining the objects of this Act, and (ii) the development, implementation and review of the policies and plans of the Service directed towards achieving those objects, and (iii) strategies for promoting, consistent with this Act, the conservation of natural and cultural heritage outside the reserve system, and (iv) the care, control and management of areas reserved under this Act and the development, implementation, review, amendment and alteration of plans of management for those areas, and (v) the preservation and protection of wildlife, and (vi) conservation agreements and conservation areas, and (vii) wilderness areas and wild rivers, and (viii) any matter referred to the Council for advice under this Act or by the Minister or the Director-General or that the Council considers necessary for the administration of this Act. (b) to consult with the Director-General on the Service's operations and on the administration of this Act, (c) such other functions as are conferred on it by or under this or any other Act. (2) Subject to section 8 (10), the Director-General shall furnish to the Council full information in relation to any matters arising out of the administration of this Act which the Council may require.

(3) (Repealed)

Division 2 – Advisory committees

24 Constitution of advisory committees

(1) The Director-General is to divide the State into administrative regions and may at any time alter or abolish those administrative regions.

(2) A regional advisory committee is to be constituted for each administrative region.

(3) Additional advisory committees may be constituted by the Minister for particular purposes determined by the Minister.

(4) Schedule 8 has effect.

25 Functions of advisory committees

(1) A regional advisory committee has the following functions:

(a) to provide advice to the Director-General and the Council on policies and plans for the administrative region for which it was constituted,

(b) to provide advice to the Director-General and the Council on activities carried out or proposed to be carried out within the administrative region for which it was constituted,

(c) to provide advice to responsible authorities within the meaning of section 71BO on draft plans of management relating to the administrative region for which it was constituted and to the Council on the implementation of such plans of management,

(d) to provide advice to the Director-General on the implementation of plans of management relating to the administrative region for which it was constituted.

(2) An advisory committee referred to in section 24 (3) has such advisory functions as are conferred or imposed on it by the Minister.

(3) A regional advisory committee has no function in relation to the Community Conservation Area under the *Brigalow and Nandewar Community Conservation Area Act 2005*. The members of a Community Conservation Advisory Committee established under that Act are to include a member of the relevant regional advisory committee.

26 Dissolution of advisory committees

(1) If an administrative region for which a regional advisory committee is constituted is abolished, the advisory committee is dissolved.

(2) A person who was a member of the advisory committee immediately before its dissolution is eligible for appointment to another advisory committee constituted for an administrative region that encompasses all or any part of the former administrative region for which the dissolved committee was constituted.

Division 3 – Aboriginal Cultural Heritage Advisory Committee

27 Aboriginal Cultural Heritage Advisory Committee

(1) There is to be an Aboriginal Cultural Heritage Advisory Committee.

(2) Schedule 9 has effect.

28 Functions of Committee

The Aboriginal Cultural Heritage Advisory Committee is to advise the Minister and the Director-General on any matter relating to the identification, assessment and management of Aboriginal cultural heritage, including providing strategic advice on the plan of management and the heritage impact permit process, whether or not the matter has been referred to the Committee by the Minister or the Director-General.

Division 4 – Karst Management Advisory Committee

29 Constitution of Karst Management Advisory Committee

(1) There is constituted by this Act the Karst Management Advisory Committee.

(2) The Committee is to consist of:

(a) the Chairperson of the Committee who is to be the Director-General or a member of staff of the Department of Environment and Conservation nominated for the time being by the Director-General, and

(b) 9 other persons appointed by the Minister.

(3) Of the members appointed by the Minister under subsection (2) (b):

(a) one is to be a person who is a member of a regional advisory committee for a region that, in the opinion of the Minister, contains significant areas of karst, and

(b) one is to be a person who has qualifications in karst or earth sciences or in a related discipline, and

(c) one is to be a person with qualifications in geomorphology, hydrology, water management or a related discipline, and

(d) one is to be a person with qualifications and experience in eco-tourism or recreational planning, and

(e) one is to be a person nominated by the Australian Speleological Federation Inc, and

(f) one is to be a person nominated by the NSW Heritage Office, and

(g) one is to be a person nominated by the National Parks Association of NSW Inc, and

(h) one is to be a person nominated by the New South Wales Aboriginal Land Council, and

(i) one is to be a person nominated by the Nature Conservation Council of New South Wales.

(4) The Chairperson of the Committee is entitled to attend and chair meetings of the Committee but is not entitled to vote at any such meeting.

(5) Schedule 4 has effect with respect to the members and procedure of

		<p>the Committee.</p> <p>30 Function of Karst Management Advisory Committee</p> <p>The function of the Karst Management Advisory Committee is to advise the Council on the following matters:</p> <ul style="list-style-type: none"> (a) the conservation and management of karst environments on lands reserved, or acquired for reservation, under this Act (including matters relating to planning and policy), (b) any plan of management for land reserved under this Act that the Council considers contains significant karst environments, being a plan that the Council has referred to the Committee for its consideration and advice, (c) such other matters as are referred to the Committee by the Council, being matters relating to the administration of this Act with respect to karst environments, (d) the development, implementation and review of policies directed towards achieving the objects of this Act in relation to karst environments, (e) priorities for research relating to the management and conservation of karst environments across the State, (f) opportunities for sustainable visitor use and enjoyment of karst conservation reserves compatible with the reserves' natural and cultural values, (g) opportunities for sustainable use (including adaptive reuse) of any buildings or structures on, or modified natural areas of, karst conservation reserves having regard to the conservation of the reserves' natural and cultural values, (h) opportunities to secure funding in relation to the management and conservation of karst environments, (i) the protection of karst environments across the State, (j) assisting, supporting and promoting Government initiatives in relation to karst conservation.
	<p>33. If advisory bodies are provided for, indicate the relevant provisions that create those bodies, or enables their creation and describe the purpose, membership, powers and functions of those advisory bodies.</p>	<p>See Q 32.</p>
	<p>34. If statutory bodies are not provided for, is there a statutory basis for scientific input or consultations; if so, specify.</p>	<p>N/A</p>
	<p>35. Are there provisions to assess and report on effectiveness of the PA System? If so, specify.</p>	<p>Yes; they are incorporated in the powers and functions of Service; see 27; and s 12 (h):</p> <p>[] the conduct of research into and the monitoring of any of the matters referred to in paragraphs (a)–(e) [...] arrange of reports is also required, the most comprehensive of which is the annual report; S 144B</p>

8. PA System Planning and Management	36. Does the instrument provide for a system of Protected Areas (PA System)?	Yes, by its nature it provides for various categories of PAs; see above answers.
	37. Does the instrument require the preparation of a plan for development and management of a PA System? If so describe purpose, responsible entity and key elements	No.
9. Establishment, amendment, abolition	38. Are there provisions for the establishment of PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)	S 30A: Governor may reserve certain land (1) The Governor may, by notice published in the Gazette, reserve land as any of the following or as part of any of the following: (a) a national park, s 33 (b) a historic site, s 33 (c) a state conservation area, s 47B (d) a regional park, s 47O (e) a karst conservation reserve, s 58K (f) a nature reserve, s 49 (g) an Aboriginal area. S 62 Further, the Director-General can declare any river a wild river, s 61.
	39. Are there provisions for altering the boundaries of PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)	National parks, s 37 Historic sites, s 37 State conservation areas, s 47L Regional parks, s 47ZB Karst conservation reserves, s 58B Nature reserves, s 52 All those changes require an Act of Parliament
	40. Are their provisions for changing the status of PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)	See Q 39; for example s 37: 37 Revocation or compulsory acquisition of park or site (1) Notwithstanding anything in any Act: (a) the reservation of lands as, or as part of, a national park or historic site shall not be revoked, or (b) lands within a national park or historic site shall not be compulsorily acquired, except by an Act of Parliament. (1A) Nothing in subsection (1) prevents the compulsory acquisition under this Act of lands within a national park or historic site if the reservation of the lands as, or as part of, the national park or historic site is not affected by the compulsory acquisition.
	41. Is there a process for abolishing PAs? Describe the authority entitled to do so and the process (incl. poss. for public partic.)	See Qs 39 and 40..

Establishment of PAs on non-governmental land	42. Are the levels of authority the same for questions 38-41, or are they different (e.g. higher level for abolition than for creation of PAs)	The levels of authority are the same.
	43. Are there specific provisions regarding questions 38-41 which are specific to transboundary PAs, or those listed under international agreements (eg Ramsar, World Heritage)	No.
	44. Are there provisions related to the establishment by the government of PAs on land which is not government-owned; if so specify these provisions in relation to - private property - land owned by indigenous or local communities and in which cases they provide/do not provide for compensation	Yes; conservation agreements can be made over land that is privately owned; see Qs 12 and 32. For Aboriginal land see Part 4A; and for example, Community Conservation Area under the Brigalow and Nandewar Community Conservation Area Act 2005
	45. Are there provisions related to the recognition/inclusion in the PA System of PAs established by “conservation agreements” with - individual private owners? - land trusts? - local and/or indigenous communities?	See above answers.
10. Requirement For Management Plans	46. Is there a requirement for individual PA management plans? If so, describe: - generic elements (eg zoning) - procedure for preparation (who is involved?) - who approves - legal status of approved plan (binding nature, enforceability) - authority(ies) responsible for implementation of the plan and powers.	Yes; generally speaking, a plan of management must be made for each type of PA; see s 72 ff. The management plans are statutory and enforceable. The general provisions are found in s 72. s 72 Preparation of plans of management (1) The Director-General: (a) shall cause a plan of management to be prepared for each national park and historic site in existence on the commencement day, as soon as practicable after that day, unless a plan of management was adopted with respect thereto under the Act of 1967, (b) shall cause a plan of management to be prepared for each nature reserve in existence on the commencement day, as soon as practicable after that day, unless a scheme of operations was approved with respect thereto under the Fauna Protection Act 1948, (c) shall cause a plan of management to be prepared for each historic site, nature reserve, karst conservation reserve or national park reserved after the commencement day, as soon as practicable after the reservation, (d) may from time to time cause a plan of management to be prepared for any Aboriginal area, wildlife refuge or wildlife management area, and

		<p>(e) may from time to time, after consulting with the owner, cause a plan of management to be prepared for a conservation area.</p> <p>(1A) The Director-General is to cause a plan of management to be prepared for each state conservation area, and for each regional park (other than a park that is under the care, control and management of a local council), as soon as practicable after the reservation of the land concerned.</p> <p>(1B) If a local council is nominated by the Minister to have the care, control and management of a regional park, the council is to cause a plan of management to be prepared for the regional park as soon as practicable after the reservation of the land concerned.</p> <p>[...]</p> <p>Also important are the detailed management principles for each PA category, ss 30 E – 30 K.</p>
	47. Are there provisions for monitoring the implementation of Management Plans? If so specify.	The National Parks and Wildlife Advisory Council has general review powers: see s 23. There are also requirements for review of plans of management for Aboriginal lands under s 72.
	48. Is a reporting system created to review the effectiveness of the management plan? If so, specify.	Not specifically; but see Q 47.
11. Buffer	49. Are there provisions for the creation of buffer zones around PAs? If so describe, in particular: - how they are established - what their legal status is - the restricted activities therein - if there are provisions for their integration into land use plans	No; but surrounding areas are taken into account when a plan of management is made; see Q46.
12. Connectivity	50. Are there provisions for the creation of corridors connecting individual PAs? If so describe, in particular: - how they are established, - what their legal status is - the restricted activities therein	No; however, connectivity corridors are beginning to be established over both government PAs and private PAs through the Key Habitats and Corridors project in north-east New South Wales.
	51. If no legal status is provided for creation of corridors, can these be recognized by the instrument in other ways (in the PA System, or in land use plans?)	Yes; they could be recognised in plans of management for example; see Q 46.
13. Individual PAs: Development proposals and Activities	52. Are specific activities prohibited or allowed within PAs, or specific types of PAs; if so describe (as the case may be by types). Give special attention to e.g.: - recreational uses - commercial activities - access to genetic material - introduction of invasive species	Yes; a wide range of activities is regulated in PAs, as well as for flora and fauna outside PAs. See ss 92 – 136.

	<p>53. Is there a statutory basis for public participation or consultation on proposed development or activities? If so, specify.</p>	<p>Yes; s 73 A: Public exhibition of and consultation on plans of management</p> <p>(1(1) When a plan of management is prepared, the responsible authority is to give notice of the preparation of the plan in accordance with the regulations.</p> <p>(2) The notice is to include:</p> <p>(a) the address of the place at which copies of the plan of management may be inspected, and</p> <p>(b) the address to which representations may be forwarded, and</p> <p>(c) the period within which such representations may be made, being a period of not less than 90 days from the date on which the notice is made public.</p> <p>(3) The responsible authority for a plan of management for a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area must forward the plan of management and any representations received within the time for making representations specified in the notice to the appropriate regional advisory committee and the Council. (4) The appropriate regional advisory committee must consider the plan of management and representations and provide the Council with such advice as the committee considers appropriate.</p> <p>(5) The Council must consider the plan of management, the representations and any advice received from the appropriate regional advisory committee and provide the Minister with such advice as it considers appropriate.</p> <p>(6) The Council must send a copy of any advice it provides to the Minister to the appropriate regional advisory committee and the appropriate regional advisory committee may provide comments to the Minister within 30 days of receiving the copy of the advice.</p> <p>(7) Subsection (3) does not apply to a plan of management for land reserved under Part 4A. However, the responsible authority for such a plan of management is to forward any representations received within the time for making representations specified in the notice to the Council for consideration and advice.</p>
	<p>54. In the case of allowed activities, who has the authority to grant use/access to the PA resources (e.g. forest products, genetic resources)</p>	<p>The Director-General has general power to authorise activities under licence; see s 120.</p> <p>120 General licence</p> <p>(1) The Director-General may issue a licence (in this Act referred to as a general licence), authorising a person to do any or all of the following:</p> <p>(a) to harm or obtain any protected fauna for any specified purpose,</p> <p>(a1) to hold or keep in possession or under control any protected fauna for any specified purpose,</p> <p>(b) to exhibit protected fauna,</p> <p>(c) to dispose of, whether by sale or otherwise, any fauna harmed, obtained, held, kept or exhibited under the authority of the licence,</p> <p>(d) to sell any fauna in the person's lawful possession, otherwise than as a fauna dealer or skin dealer,</p>

		<p>(e) to harm any protected fauna (other than a threatened species, population or ecological community) in the course of carrying out specified development or specified activities.</p> <p>(2) A general licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the harming of fauna in a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve, wildlife refuge, conservation area, wilderness area or area subject to a wilderness protection agreement.</p> <p>(2) A general licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the harming of fauna in a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve, wildlife refuge, conservation area, wilderness area or area subject to a wilderness protection agreement.</p> <p>(2A) A general licence does not authorise the harming of game birds for sporting or recreational purposes. However, a licence can authorise a sporting or recreational shooter to harm game birds for any other specified lawful purpose.</p> <p>(2B) A general licence is not to be issued to authorise the harming of protected fauna solely for scientific, educational or conservation purposes. A licence may be issued under section 132C for those purposes.</p>
	<p>55. Indicate provisions authorizing more detailed regulation of activities based on an approved management plan (e.g. zoning)</p>	<p>See Q 54, and ss 121 – 125A:</p> <p>121 Occupier's licence</p> <p>(1) The Director-General may issue a licence (in this Act referred to as an "occupier's licence"), authorising an owner or occupier of specified lands:</p> <p>(a) to harm, or</p> <p>(b) to permit a person, holding a general licence issued to the person under section 120 or a commercial fauna harvester's licence issued to the person under section 123, to harm, a specified number of fauna of a specified class found on those lands and the licence may authorise the disposal, whether by sale or otherwise, of fauna harmed under the authority of the licence.</p> <p>(s 122 repealed)</p> <p>123 Commercial fauna harvester's licence</p> <p>(1) The Director-General may issue a licence (in this Act referred to as a "commercial fauna harvester's licence"), authorising a person to harm fauna of a species named therein for the purposes of sale.</p> <p>(2) A commercial fauna harvester's licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the harming of fauna in a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve, wildlife refuge, conservation area, wilderness area or area subject to a</p>

		<p>wilderness protection agreement. (3) A commercial fauna harvester's licence must not be issued with respect to threatened species, populations or ecological communities.</p> <p>124 Fauna dealer's licence (1) The Director-General may issue a licence (in this Act referred to as a "fauna dealer's licence"), authorising a person to buy or sell fauna as a fauna dealer and otherwise to exercise or carry on the business of a fauna dealer. (2) A person licensed under subsection (1) shall not exercise or carry on business as a fauna dealer in New South Wales at or on any premises that are not registered under this section. (3) The Director-General may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a fauna dealer in New South Wales.</p> <p>125 Skin dealer's licence (1) The Director-General may issue a licence (in this Act referred to as a "skin dealer's licence"), authorising a person to buy or sell skins as a skin dealer and otherwise to exercise or carry on the business of a skin dealer. (2) A person licensed under subsection (1) shall not exercise or carry on business as a skin dealer in New South Wales at or on any premises that are not registered under this section. (3) The Director-General may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a skin dealer in New South Wales.</p> <p>125A Emu licence The Director-General may issue a licence (in this Act referred to as an "emu licence"), authorising a person to do any one or more of the following: (a) to buy or sell live emus, whole emu eggs or other emu products, (b) to kill emus reared or bred under and in accordance with the authority conferred by such a licence, (c) otherwise to exercise or carry on the business of an emu breeder.</p>
	<p>56. Are local communities/ indigenous concerns addressed? If so describe.</p>	<p>Yes; see the whole of Part 4 Aboriginal Land and Part 6 (Aboriginal objects) ; see in particular: s 71BH: Regard to be had to interests of Aboriginal owners The Director-General and the National Parks and Wildlife Service must, when exercising any power, authority, duty or function conferred or imposed on them under this Act in relation to management of the lands to which this Part applies (but subject to the requirements of this Act and any instrument, including the</p>

		lease, made under this Act), have regard to the interests of the Aboriginal owners of the lands concerned.
	57. Are other cultural, social or spiritual considerations addressed? If so, describe	See Q 56.
14. Process and activities affecting PAs	58. Are there provisions in the instrument for EIA with respect to activities within PAs? If so, specify.	<p>Not specifically; however, see generally on environmental assessment, Part V of the Environmental Planning and Assessment Act 1979 , and in particular s 111, which includes provision for environmental assessment of development activities on land covered by the National Parks and Wildlife Act, and arising out of related legislation specified in the section:</p> <p>111 Duty to consider environmental impact</p> <p>(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.</p> <p>(2) Without limiting subsection (1), a determining authority shall consider the effect of an activity on:</p> <p>(a) any conservation agreement entered into under the National Parks and Wildlife Act 1974 and applying to the whole or part of the land to which the activity relates, and</p> <p>(b) any plan of management adopted under that Act for the conservation area to which the agreement relates, and</p> <p>(c) any joint management agreement entered into under the Threatened Species Conservation Act 1995, and</p> <p>(d) any biobanking agreement entered into under Part 7A of the Threatened Species Conservation Act 1995 that applies to the whole or part of the land to which the activity relates..</p> <p>(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.</p> <p>(4) Without limiting subsection (1), a determining authority must consider the effect of an activity on:</p> <p>(a) critical habitat, and</p> <p>(b) in the case of threatened species, populations and ecological communities and their habitats, whether there is likely to be a significant effect on those, species, populations or ecological communities, or those habitats, and</p> <p>(c) any other protected fauna or protected native plants within the meaning of the National Parks and Wildlife Act 1974.</p>
	59. Are there provisions in the instrument for EIA with respect to activities outside PAs which may affect the PA concerned, e.g. -in the buffer zone or elsewhere?	Not specifically; but see Q 58 and provisions cited therein.

15. Enforcement and Monitoring

60. Are officers responsible for enforcement designated? If so, who appoints them and what necessary qualifications must they have (if any)?

156B Powers of authorised officers

(1) The Director-General may appoint any person (including a class of persons) to be an authorised officer for the purposes of national parks legislation. Such an appointment is to be made under Chapter 7 of the Protection of the Environment Operations Act 1997 as applied under this section.

(2) An authorised officer has and may exercise the functions of an authorised officer under Chapter 7 [...] of the Protection of the Environment Operations Act 1997 for the following purposes:

(a) for determining whether there has been compliance with or a contravention of national parks legislation,

(b) for obtaining information or records for purposes connected with the administration of national parks legislation,

(c) generally for administering national parks legislation.

(3) The provisions of Chapter 7 of the Protection of the Environment Operations Act 1997 apply to and in respect of national parks legislation as if:

(a) references in those provisions to an authorised officer were references to authorised officers appointed as referred to in this section, and

(b) references in those provisions to “this Act” were references to an Act or regulation forming part of the national parks legislation, and

(c) references in those provisions to the EPA were references to the Director-General, and

(d) the Director-General were the appropriate regulatory authority for matters concerning national parks legislation.

(3A) Section 319A of the Protection of the Environment Operations Act 1997 applies in respect of notices given by an authorised officer pursuant to subsection (2) in the same way as it applies to notices given under that Act or the regulations under that Act, except that in so applying that section a reference to a regulatory authority is to be read as a reference to the Director-General.

(4) The functions that an authorised officer has under Chapter 7 of the Protection of the Environment Operations Act 1997 are, for the purposes of any provision of national parks legislation, taken to be functions under national parks legislation. [...]

(6) In this section:

national parks legislation means each of the following Acts and the regulations under those Acts:

(a) this Act,

(b) Threatened Species Conservation Act 1995,

(c) Wilderness Act 1987,

(d) Marine Parks Act 1997.

61. If so, what monitoring or other powers are they granted?
Relate back to review of effectiveness of and feedback to the management plan.

There is also provision for ex officio and honorary rangers:

16 Ex-officio rangers

- (1) Unless removed from office under this Division, each police officer and each fisheries officer within the meaning of the *Fisheries Management Act 1994* shall, by virtue of his or her office, be a ranger.
- (2) Unless removed from office under this Division, each officer or employee of the Forestry Commission who belongs to a class or description prescribed for the purposes of this subsection shall, by virtue of his or her office, be a ranger.

17 Honorary rangers

- (1) The Director-General may, by instrument in writing, appoint honorary rangers.
- (2) Where the term for which an honorary ranger is to hold office is specified in the instrument of the honorary ranger's appointment, the honorary ranger shall, unless he or she is sooner removed from office under this Division, cease to hold office upon the expiration of that term.
- (3) An honorary ranger shall, unless the honorary ranger is sooner removed from office under this Division, cease to hold office if the honorary ranger resigns the office by instrument in writing addressed to the Director-General.

19 Powers and functions of ex-officio rangers

- (1) In addition to any other powers, authorities, duties and functions conferred or imposed upon an ex-officio ranger by or under this or any other Act, an ex-officio ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act, the *Wilderness Act 1987* or the *Threatened Species Conservation Act 1995* on officers of the Service and as are specified or described in the regulations for the purposes of this subsection, but subject to such limitations and restrictions (if any) as are specified or described therein.
- (2) Without affecting the generality of section 156 (2), a regulation made in relation to any matter referred to in subsection (1) may apply generally or to any ex-officio ranger or class of ex-officio rangers specified or described therein.

20 Powers and functions of honorary rangers

In addition to any other powers, authorities, duties and functions conferred or imposed upon an honorary ranger by or under this or any other Act, an honorary ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act, the *Wilderness Act 1987* or the *Species Threatened*

		<i>Conservation Act 1995</i> on officers of the Service and as are specified or described in the instrument of his or her appointment, but subject to such limitations and restrictions (if any) as are specified or described therein.
	62. Does the instrument specify provisions to whom these officers report? If so, specify.	No.
	63. Does the relevant agency have sole authority to enforce? If so, specify.	No; see Qs 60 and 61.
	64. If the agency does not have sole authority to enforce, what other bodies are authorised to enforce?	See Q 60.
	65. What is the relationship of agency enforcement officers to the police and other enforcement authorities?	See Q 60.
	66. Do provisions specify enforcement powers and functions (arrest, stop and search, etc.). If so, specify.	Yes; see Qs 60 and 61; powers are derived from the Protection of the Environment Operations Act 1997.
	67. Are there provisions for criminal enforcement? If so, specify.	Yes; see generally s 176 Proceedings for offences (1) Proceedings for an offence under this Act or the regulations may be dealt with: (a) summarily before the Local Court, or (b) summarily before the Land and Environment Court. [...]
	68. Are there provisions for civil enforcement (as distinct from criminal enforcement)? If so, specify.	Yes; see s 176A Restraint etc of breaches of Act (1) Any person may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of this Act, whether or not any right of that person has been or may be infringed by or as a consequence of that breach. (2) Proceedings under this section may be brought by a person on the person's own behalf or on behalf of the person and other persons (with their consent), or a body corporate or unincorporated (with the consent of its committee or other controlling or governing body), having like or common interests in those proceedings. (3) Any person on whose behalf proceedings are brought is entitled to contribute to or provide for the payment of the legal costs and expenses incurred by the person bringing the proceedings.
16. Sanctions and incentives	69. Do provisions of the instrument provide for offences and related penalties? If so, specify.	Yes; there are several provisions providing for offences in protected areas and related penalties. These include offenses against animals, plants, Aboriginal objects etc. They are assigned to the individual PA categories (ss 45, 56, 58Q, 58 R). There is also a general offence of damaging reserved land:

		<p>(1) A person must not, on or in land reserved under this Act or acquired under Part 11:</p> <ul style="list-style-type: none"> (a) remove any water other than for purposes authorised by or under any Act or for the purposes of personal use on the land, or (b) damage or remove any vegetation, rock, soil, sand, stone or similar substance, or (c) damage any object or place of cultural value.
	<p>70. Are the specified penalties an adequate deterrent for the seriousness of the offences?</p>	<p>Generally speaking the potential criminal penalties are quite severe. See also 2 160 NPW Act and National Parks and Wildlife Regulation 2009 Part 11, regarding Penalty Notices.</p>
	<p>71. Does the instrument include provisions for forfeiture, recovery of costs (eg pollution clean-up or restoration of ecosystems)?</p>	<p>Yes; for example, s 118E Court may order offender to restore habitat and take other actions</p> <p>(1) If a court convicts a person of an offence under this Part involving damage to any critical habitat or habitat of a threatened species, an endangered population or an endangered ecological community, the court may, in addition to or in substitution for any pecuniary penalty for the offence, make either or both of the following orders:</p> <ul style="list-style-type: none"> (a) an order directing the person to take any action to mitigate the damage or to restore that critical habitat or habitat, (b) an order directing the person to retire, in accordance with Part 7A of the Threatened Species Conservation Act 1995, biodiversity credits of a specified number and class (if applicable) within a period specified in the order and, if the person does not hold sufficient biodiversity credits to comply with the direction, to acquire the necessary biodiversity credits for the purpose of retiring them. <p>(2) The court may specify the actions to be taken to mitigate the damage or restore the habitat and may order the person to maintain the habitat until the actions ordered to be done to mitigate the damage or restore the habitat have been fully performed.</p> <p>(3) The court may order the person to provide security for the performance of any obligation imposed under this section. [...]</p>
	<p>72. Does the instrument provide incentives or rewards for compliance with its provisions?</p>	<p>No.</p>
<p>17. Finance</p>	<p>73. Does the instrument include specific provisions on how PAs are funded? If so, specify.</p>	<p>Yes; see s 137 National Parks and Wildlife Fund and s 138: 138 Payments into Fund</p> <p>(1) There shall be paid into the Fund:</p> <ul style="list-style-type: none"> (a) all money provided by Parliament for the purposes of this Act (including money provided for the expenses incurred or likely to be incurred by boards of management in connection with the preparation of plans of management for, and the care, control and management of, lands reserved or dedicated under Part 4A), the Wilderness Act 1987 or the Threatened Species Conservation Act 1995 (except any money provided by Parliament for the purposes of the Biodiversity Banking Account or Biobanking Trust Fund under Part 7A of the Threatened

Species Conservation Act 1995),

(a1) all money provided by Parliament for the management of any land for which the National Parks and Wildlife Reserve Trust is trustee,

(b) all money received in respect of:

- (i) leases, licences, permits or occupancies within a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve, Aboriginal area or land for which the National Parks and Wildlife Reserve Trust is trustee,
- (ii) leases and licences granted under section 151 (2),
- (iii) royalties, fees and charges under this Act or the regulations, the Wilderness Act 1987 or the Threatened Species Conservation Act 1995 or the regulations made under those Acts, except those that are required to be paid into the Biodiversity Banking Account or Biobanking Trust Fund under Part 7A of the Threatened Species Conservation Act 1995,
- (iia) despite the provisions of any other Act, royalties, fees and charges in respect of land for which the National Parks and Wildlife Reserve Trust is trustee,
- (iv) franchises granted under section 152,
- (v) easements or rights of way granted under section 153,
- (vi) community service contributions,
- (vii) penalties recovered pursuant to this Act or the Threatened Species Conservation Act 1995 or the regulations made under those Acts, or (despite the provisions of any other Act) under another Act in respect of land for which the National Parks and Wildlife Reserve Trust is trustee, except penalties recovered pursuant to Part 7A of the Threatened Species Conservation Act 1995 or the regulations under that Part, [...]

(e) any other money received in connection with any national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area or any proposed national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area,

(e1) any money received from the Sydney Catchment Authority in connection with carrying out and giving effect to a plan of management adopted under the Sydney Water Catchment Management Act 1998,

(f) any money received in connection with any wildlife refuge or conservation area, and

g) any other money received in connection with the administration of this Act, the Wilderness Act 1987 or the Threatened Species Conservation Act 1995, other than money received in the prescribed circumstances (if any) or money payable into the Biodiversity

		Banking Account or Biobanking Trust Fund under Part 7A of the Threatened Species Conservation Act 1995.
74.	Does the instrument include provisions authorizing special financial tools for the PA system or for specific protected areas? If so, describe.	National Parks and Wildlife Fund, see Q 73.
75.	Does the instrument include provisions for the PA agency to accept donations in cash or in kind?	<p>Yes; see s 148 Power of Minister to accept gifts</p> <p>(1) The Minister may acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act, the Wilderness Act 1987 or the Threatened Species Conservation Act 1995 and may agree to the condition of any such gift, devise or bequest.</p> <p>(2) The rule of law against remoteness of vesting shall not apply to any such condition to which the Minister has agreed.</p> <p>(3) Where the Minister acquires property under subsection (1):</p> <p>(a) neither an instrument that effects the acquisition nor any agreement pursuant to which the property is acquired is chargeable with duty under the Stamp Duties Act 1920, and</p> <p>(b) the property, or the value of property, shall not be included in the dutiable estate of the donor or testator for the purposes of assessing death duty under that Act.</p> <p>(4) Notwithstanding anything in Part 4 or Part 4A, lands acquired under this section must not be reserved as, or as part of, a national park, historic site, state conservation area, regional park, nature reserve or karst conservation reserve in contravention of any such condition to which the Minister has agreed.</p>
76.	Does the PA agency have the power to collect, retain and utilize revenues (e.g. entrance fees, fees for services, concessions).	Yes; see Q 73.
77.	Does the instrument provide for revenues to be shared or given to local communities? If so, please specify	<p>Not specifically. S 139 provides for all payments that can be paid out for the Fund, which can include payments for example, in respect of allocations for expenditure on Aboriginal areas, some of which is utilised for management work by the Aboriginal communities</p> <p>There may be paid out of the Fund:</p> <p>(a) all charges, costs and expenses incurred by the Minister or the Director-General in exercising and performing the Minister's or the Director-General's powers, authorities, duties and functions under this Act, the Wilderness Act 1987 or the Threatened Species Conservation Act 1995, except those incurred under Part 7A of the Threatened Species Conservation Act 1995,</p> <p>(b) all money allocated by the Minister for expenditure by a state conservation area trust in connection with a state conservation area or by a regional park trust in connection with a regional park,</p> <p>(b1) all charges, costs and expenses incurred by the National Parks and Wildlife Reserve Trust in exercising its functions in relation to land for which it is trustee,</p> <p>(c) the fees and travelling and other expenses payable to the members of the Council or any committee under this Act, the Wilderness Act 1987 or the</p>

		<p>Threatened Species Conservation Act 1995,</p> <p>(d) the cost of acquiring land for the purposes of this Act, the Wilderness Act 1987 or the Threatened Species Conservation Act 1995,</p> <p>(e) the cost of improvement of any land adjoining or in the vicinity of a national park, historic site, regional park, nature reserve, karst conservation reserve, Aboriginal area or state conservation area, where in the opinion of the Minister this is desirable to provide or improve access to the park, site, reserve or area, or to provide or improve facilities or amenities for persons visiting the park, site, reserve or area,</p> <p>(f) all money which the Minister directs shall be set aside to provide a reserve for insurance,</p> <p>(g) all money allocated by the Minister for expenditure on Aboriginal areas,</p> <p>(h) the cost of acquiring Aboriginal objects or land in which Aboriginal objects or Aboriginal places are situated,</p> <p>(i) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any Aboriginal object,</p> <p>(j) the cost of entering into, and giving effect to, agreements under sections 145 and 146,</p> <p>(k) the cost of carrying out the purposes for which land is acquired or occupied under section 146,</p> <p>(l) all costs incurred under sections 147 and 149 (except in relation to a dealing in land or other property, or an interest in property, the proceeds of which are payable into the Biodiversity Banking Account under Part 7A of the Threatened Species Conservation Act 1995),</p> <p>(m1) charges, costs and expenses incurred in the administration of the Marine Parks Act 1997,</p> <p>(m2) the cost of carrying out and giving effect to a plan of management adopted under the Sydney Water Catchment Management Act 1998,</p> <p>(m) all money allocated by the Minister for use in connection with a wildlife refuge or conservation area,[...]</p>
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