



Government Gazette

OF THE STATE OF
NEW SOUTH WALES

Number 169
Monday, 27 October 2003

Published under authority by the Government Printing Service

SPECIAL SUPPLEMENT



New South Wales

National Parks and Wildlife Amendment (Snowy Hydro) Regulation 2003

under the

National Parks and Wildlife Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

The object of this Regulation is to provide a mechanism for the enforcement of the obligations of Snowy Hydro Limited under the Snowy Management Plan (following the corporatisation of the Snowy Mountains Hydro-electric Authority).

This Regulation is made under Part 13 of the *National Parks and Wildlife Act 1974* (as extended by section 38 (3) of the *Snowy Hydro Corporatisation Act 1997*).

Clause 1 National Parks and Wildlife Amendment (Snowy Hydro) Regulation 2003

National Parks and Wildlife Amendment (Snowy Hydro) Regulation 2003

under the

National Parks and Wildlife Act 1974

1 Name of Regulation

This Regulation is the *National Parks and Wildlife Amendment (Snowy Hydro) Regulation 2003*.

2 Amendment of National Parks and Wildlife Regulation 2002

The *National Parks and Wildlife Regulation 2002* is amended as set out in Schedule 1.

National Parks and Wildlife Amendment (Snowy Hydro) Regulation 2003

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 2)

[1] Clause 33 Second and subsequent offences

Insert at the end of the clause:

- (4) This clause does not apply to an offence against clause 43D.

[2] Part 3A

Insert after Part 3:

Part 3A Enforcement of obligations of Snowy Hydro Company

43A Definitions

In this Part:

Snowy Management Plan means a plan of management under the Act for Kosciuszko National Park that deals, in accordance with section 38 of the *Snowy Hydro Corporatisation Act 1997*, with the activities of the Company within that Park.

Snowy park lease means the Snowy park lease referred to in Part 6 of the *Snowy Hydro Corporatisation Act 1997*.

the Company means:

- (a) subject to paragraph (b), Snowy Hydro Limited (ACN 090 574 431), or
- (b) if the Snowy park lease is transferred to another body— that other body.

43B Company to comply with Snowy Management Plan

- (1) The Company is required to comply with the obligations imposed on the Company under the Snowy Management Plan.
- (2) For the purposes of this Part, the obligations of the Company under the Snowy Management Plan include the obligations imposed on the Company by any environment management plan prepared under the Snowy Management Plan and approved by the Director-General.

National Parks and Wildlife Amendment (Snowy Hydro) Regulation 2003

Schedule 1 Amendments

43C Notice to comply with Snowy Management Plan

- (1) If the Company fails to comply with any of its obligations under the Snowy Management Plan, the Director-General may, by written notice served on the Company, direct the Company to comply with its obligations.
- (2) A notice under this clause:
 - (a) must set out the obligations of the Company that have not been complied with, and
 - (b) may specify a time within which the obligations are to be complied with, and
 - (c) may require the Company to take the action specified in the notice in order to comply with the obligations, and
 - (d) may require the Company to cease the action specified in the notice that has resulted in the Company not complying with its obligations, and
 - (e) if the failure of the Company to comply with its obligations has caused damage to the Kosciuszko National Park—may require the Company to take the actions specified in the notice to remedy the damage.
- (3) The Director-General is required to consult the Environment Protection Authority before serving a notice under this clause in respect of a scheduled activity within the meaning of the *Protection of the Environment Operations Act 1997*, unless the Director-General is of the opinion that the notice is required to be served as a matter of urgency.
- (4) A notice under this clause may be amended or revoked by a subsequent notice served on the Company.

43D Offence—Company failing to comply with notice

The Company is guilty of an offence if it fails, without reasonable excuse, to comply with a notice under clause 43C.

Maximum penalty: 50 penalty units and 2 penalty units for each day the offence continues.

43E Carrying out of works—Company failing to comply with notice

- (1) If the Company fails to comply with a requirement of a notice under clause 43C to carry out works, the Director-General may carry out those works.

National Parks and Wildlife Amendment (Snowy Hydro) Regulation 2003

Amendments

Schedule 1

- (2) The Director-General may recover from the Company as a debt in a court of competent jurisdiction the reasonable costs of carrying out those works if the Company failed, without reasonable excuse, to carry out those works in accordance with the notice.

[3] Schedule 2 Penalty notice offences

Insert after the matter relating to clause 39 (2):

Clause 43D

500

ISSN 0155-6320

Authorised to be printed
R. J. MILLIGAN, Government Printer.