

National Parks (Further Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

The purpose of this Bill is to create new parks, make minor changes to the boundaries of several existing parks, provide for roadworks to be carried out on the Hume Freeway and Great Ocean Road and extend the provisions of the Act relating to the management of parks and other lands.

Notes on Clauses

Clauses 1, 2 and 3 are the usual citation and commencement provisions, allowing for the Act to come into operation on the 28th day after it receives the Royal Assent, except for section 16 and several parts of section 4 which will require proclamation.

Clause 4 itemizes in five sub-sections the amendments to Schedules Two and Three to the Principal Act made by this Bill.

Sub-clauses relating to specific parks are:

- (1) Brisbane Ranges.
- (2) Cape Schanck—boundary change requiring proclamation.
- (3) Steiglitz.
- (4) Reef Hills—new park requiring proclamation.
- (5) Langwarrin—new park requiring proclamation.

Sub-clauses (6) and (7) are the usual clauses to close certain unused roads and to revoke areas of reserved forests to be included in Reef Hills Park.

Sub-clauses (8), (9), (10), (11) and (12) are machinery clauses revoking a reservation and allowing the Trustees of Bass Park near Flinders to surrender the reserved land to the Crown, and providing for the inclusion of that land in Cape Schanck Park.

Clause 5 is necessary as a consequence of clause 17.

Clause 6 provides for fees for the National Parks Advisory Council to be fixed by Order in Council instead of by Regulation.

Clause 7 (1) alters the title of chairman of the National Parks Advisory Council to that of convenor.

Clause 7 (2) makes a similar change for advisory committees.

Clause 7 (3) continues existing chairmen in office as convenors.

Clause 7 (4) makes provision for existing references to chairman.

Clause 8 inserts a new section 19AA in the Principal Act providing for the Minister to direct the Director to manage land possession of which has been taken under contract or compulsory acquisition pending formal management being provided for under the Crown Land (Reserves) Act—the latter Act cannot be applied until the land is reserved. Proposed section 19AA (2) allows regulations to be made for the land.

Clause 9 updates section 19A of the Principal Act, relating to management of land on behalf of the Victoria Conservation Trust, providing for application of relevant sections of the Act to such land.

Clause 10 updates section 19C of the Principal Act, relating to management of land on behalf of a public authority.

Clause 11 provides for insertion of two new sections in the Principal Act. Proposed new section 19E deals with the leasing and management of land adjacent to parks. Sub-section (1) provides that the Minister may lease land with or without an option to purchase. Sub-section (2) provides for management of leased land by the Director, and sub-section (3) for application of specified provisions of the Act and Regulations.

Proposed new section 19F, in conjunction with clause 17 provides for a Schedule Four to the Act. Sub-section (1) allows the Governor in Council to list by Order in this Schedule any land managed in consequence of sections 19 (1), 19A, 19B, 19C, 19D, 19E or 32AA, and for provisions of the Act to apply as specified. Sub-section (2) provides for amendment and revocation. Sub-section (3) provides for suspension of the application of the Act and regulations. Sub-sections (4) and (5) provide for disallowance by Parliament after the Order is tabled.

Clauses 12 and 13 make consequential changes to sections 21A and 25B.

Clause 14 inserts two new sections in the Principal Act. Proposed new section 27A provides authority for roadworks in Otway National Park (Great Ocean Road) and Chiltern State Park (Hume Freeway). Proposed new sub-section 27B provides for rectification of the park boundaries by Order subsequent to the roadworks.

Clause 15 is a consequential amendment.

Clause 16 extends the Directors powers under section 37 (2).

Clause 17 provides for a section 37A in the Act, replacing the existing section 29A regarding roads in parks.

Section 37A (1), (2) and (3) repeat the former 29A (1), (2) and (3) with variations.

Section 37A (4) allows application of the sections of the National Parks Act relating to guns to specified roads.

Section 37A (5) (5) defines the roads to which the section is to apply. These are the Tidal River and Mt. Buffalo Roads (as at present) and other roads subject to approval of the Road Construction Authority.

Clause 18 is a consequential amendment.

Clause 19 extends section 48 (1) (o) of the Principal Act to provide for regulations allowing dogs and other animals seized in a park to be delivered to the proper officer of the municipality or other appropriate body, as an option to the present legislation which provides only for destruction of the animal.

Clause 20 provides for Schedule Four.

Clause 21 amends the part of the *National Parks (Amendment) Act 1984* which provides for Kooyoora State Park. A road alignment and certain land fenced into adjoining private property are excluded from the proposed park, and an area of Crown Land is included.

Clause 22 makes a consequential cross-reference to the Forests Act 1958.

SCHEDULE

Part A—Amends Schedule Two (National Parks)—Brisbane Ranges National Park—
Part 2—Area changes from 7485 ha to 7517 ha with inclusion of 32 ha of purchased land.
Deletion of reference to extraction of forest produce.

Part B—Amends Schedule Three (Other Parks)

Item (a)—Cape Schanck State Park—Part 1—Area changes from 1080 ha to 1095 ha with inclusion of part of Bass Park, by agreement with Trustees, following a recommendation of the Land Conservation Council.

Item (b)—Steiglitz Park—Part 23—Area changes with inclusion of purchased land in the park.

Item (c)—Reef Hills Park—2040 ha—Proposed Part 21A. This park is being declared in accordance with recommendations of the Land Conservation Council. In accordance with recommendations of the Council—

- A. Extraction of forest produce will continue, and is provided for in the Schedule and in an amendment to section 25B (1) of the *National Parks Act 1975*.
- B. Apiculture will continue, under existing provisions of the Act.
- C. The rifle range, shotgun range and pistol club activities will be continued.
- D. The National Parks Service will zone the area to cater for all permitted uses and provide a substantial degree of vehicular access.

Item (d)—Langwarrin Flora and Fauna Reserve—214 ha—Proposed Part 22A. To be declared in accordance with agreement with the Commonwealth, from whom the land has been acquired.

