

# National Parks (Amendment) Bill 1983

## CLAUSE NOTES

*Clauses 1, 2 and 3* are the usual citation provisions, allowing for the act to come into operation on the day it receives the royal assent, except for several parts of section 4 which will require proclamation. These are the provisions for five new parks. The Grampians National Park will be established from 1 July 1984.

*Clause 4* itemises in thirteen sub-sections the amendments to schedule 2 and 3 of the Principal Act made by this act. *Subclauses* relating to proclamation of specific parks are (3) Grampians

(4) Kara Kara

(5) Kooyoora

(6) Langi Ghiran

(7) Moondarra

(8) Tyers

(9) Moondarra—substituted area excluding S.E.C. proposal for Anderson Creek Overburden Dump.

*Sub-clauses* (10) and (11) relate to land being excluded from parks. Details are given in the notes to the schedules.

*Sub-clauses* (12) and (13) are the usual machinery clauses, to close certain unused roads in parkland, and to excise areas of reserved forest included in the new parks.

*Clause 5* amends section 19 (4) of the Principal Act, a transitional provision with respect to purchased land, applying the section to land where possession has been taken pending finalization of a contract, and making it clear that the provision applies to land purchased for any conservation purpose.

*Clause 6* adds a new paragraph in section 21A of the National Parks Act. This provision is parallel to section 62 (1A) of the Forests Act, which is changed by Clause 15. The effect is that land subject to section 19C of the National Parks Act becomes protected public land for the purposes of the Forests Act.

*Clause 7* includes the Cape Otway Public cemetery, an historic cemetery, now closed to public burials, as one of which the Director is sole trustee under Section 32 of the Act, notwithstanding the provisions of the Cemeteries Act 1958 requiring a minimum of three trustees.

*Clause 8* amends and updates section 32D of the Principal Act with respect to areas contained in parks in Schedules Two and Three where the Director may authorize fossicking, substituting new sub-sections relating to persons, due notice and conditions. The parks concerned are:

Schedule Two, Part 31	— Otway
Schedule Three, Part 1	— Cape Schanck
Schedule Three, Part 2	— Warrandyte
Schedule Three, Part 10	— Beechworth
Schedule Three, Part 23	— Steiglitz
Schedule Three, Part 23A	— Kara Kara
Schedule Three, Part 24A	— Kooyoora

The effect of the changes is to allow general as distinct from specific authorities e.g., for club excursions.

Clause 9 inserts section 41A in the Principal Act, providing that land included in a park is no longer reserved or affected by proclamation or Order under the *Land Act 1958* or the *Crown Land (Reserves) Act 1978*. This is an updated version of former section 53, which is repealed by clause 13.

Clause 10 provides for increased penalties and for putting penalties in penalty units. A summary of details is as follows:

<i>Offence</i>	<i>Existing Penalty</i>	<i>Date Fixed</i>	<i>New Maximum Penalties</i>	<i>Section of Act</i>
(a) Use of name	\$100	1975	\$ 500 (5 units)	42
(b) Trade or business without licence	\$500	1975	\$1 000 (10 units)	43
(c) Carry gun	\$250	1975	\$ 500 (5 units)	44 (1)
(d) Use gun	\$500	1978	\$1 000 (10 units)	44 (2)
(e) Assault Ranger	\$250 or 3 months	1975	\$1 000 (10 units)	45 (1)
(f) Refuse to give name & address	\$100	1975	\$ 500 (5 units)	45 (2)
(g) Refuse to leave park	\$200	1975	\$ 500 (5 units)	45 (3)
(h) Refuse to produce permit	\$100	1975	\$ 500 (5 units)	45 (4)
(i) Offence against regs.	\$100	1959	\$ 500 (5 units)	48 (1) (r)

Clause 11 amends section 47 of the Principal Act, widening the scope of certificates to be issued by the Director.

Clause 12 introduces two new sections into the Principal Act.

*Proposed Section 47B* is a general penalty provision.

*Proposed Section 47C* provides for expiation of an offence by payment of a fee.

Clause 13 repeals Part VII of the Principal Act—The Transitional Provisions and Consequential Amendments provided for in 1975, which have been put into effect and are no longer required. One provision, section 53, re-written, is to become section 41A.

Clause 14 validates the surrender of certain land at Warrandyte to the Crown by the M.M.B.W., in exchange for the Board being given control of Westerfolds Park. The Auditor-General had subsequently questioned the power of the Board to surrender this land.

Clause 15 makes a consequential amendment to section 62 (1A) of the Forests Act, providing for land managed by the Director under section 19C of the National Parks Act to be deemed to be protected public land.

Clause 16 provides for an amendment to the area of the Mt. Hotham Alpine Reserve following exclusion of an area to be included in Bogong National Park.

## SCHEDULE

### Part A—Amends Schedule Two to the Principal Act.

<i>Item</i>	<i>Part in Schedule Two</i>	<i>National Park</i>	<i>Details</i>
a.	6	Fern Tree Gully	Inclusion of purchased land—17 lots in subdivisions. Area changes from 466 ha to 469 ha, an increase of 3 ha.
b.	10	Kinglake	Inclusion of purchased land and boundary correction. Area changes from 11 290 ha to 11 390 ha, an increase of 100 ha.
c.	11	The Lakes	Inclusion of purchased land. Area changes from 2380 ha to 2390 ha, an increase of 10 ha.
d.	26	Burrowa-Pine Mtn.	Inclusion of purchased land and variation of boundary to exclude pine plantation at Keelangie Creek, previously included in error. Area changes from 173 square kilometres to 176 square kilometres, an increase of 300 ha.
e.	28	Croajingolong	Inclusion of purchased land and boundary correction at intersection on Gipsy Point and Mallacoota roads. No change in area (park is described in square kilometres).
f.	31	Otway	In line with decision of the government, provides for logging to end at 30 June 1985.
g.	32	Bogong	Is to be extended by about 250 hectares to include important breeding habitat of the mountain pygmy possum, together with minor boundary corrections.

*Item (h)—Proposed new part 34—Grampians National Park.* To be declared in pursuance of Recommendations A1, M2, M3, C3, C5 and C6 of the Land Conservation Council for the South Western Area, District 2, May 1982.

*Area* 1670 km<sup>2</sup> (167 000 hectares).

#### *Details of Significance*

1. Timber harvesting will be allowed for three years in the red gum areas, and for 10 years in other areas where the land Conservation Council has recommended timber harvesting.

2. The Brady Swamp area east of the wannon River will be left out of the Grampians National Park at the initial stage. This area will be managed by the National Parks Service while Government agencies study the future of duck shooting

over the swamp. The relative location of public and private land and the indefinite nature of property boundaries in this locality make enforcement of any ban on hunting very difficult.

3. Areas have been excluded to protect water storages.

4. Stone from the Heatherlie Quarry will continue to be available for repairs to historic buildings.

5. Apiculture will be permitted to continue.

6. Occupancies in the Grampians are to continue for the time being. They will be reviewed when the National Parks service draws up a management plan.

7. Arrangements will be made for fire lookouts, helipads, airstrip, fire protection installations and communications installations to continue in accordance with recommendations of the Land Conservation Council.

8. The Government is studying management planning possibilities for the area, as well as the provision of a park headquarters and information centre.

9. Tourist roads and other roads maintained by the R.C.A. will be excised from the park at this stage. Other roads will not be excised, but administrative arrangements for maintenance will be continuing.

**Part B—Amends Schedule Three to the Principal Act.**

<i>Item</i>	<i>Part in Schedule Three</i>	<i>Park</i>	<i>Details</i>
a.	1	Cape Schanck	Addition of coastline around "Clondrisse" between high and low water mark. Excision of an area on which a local Council rubbish hopper is located. Area changes from 1075 ha to 1080 ha, an increase of 5 ha.
b.	2	Warrandyte	Addition of reserved land, ex M.M.B.W. land and acquired land. Area changes from 384 ha to 432 ha, an increase of 48 ha.
c.	6	Mount Worth	Inclusion of purchased land and Government road. Area changes from 1000 ha to 1040 ha an increase of 40 ha.
d.	7	Nepean	Inclusion of purchased land and road closure. Area changes from 1149 to 1151 ha, an addition of 2 ha.
e.	13	Cathedral Range	Boundary variation due to inclusion of river frontage to the Little River. Area changes from 3570 ha to 3577 ha, an increase of 7 ha.
f.	14	Chiltern	Boundary variation, road realignment and road closure. Area changes from 4250 ha to 4255 ha, an addition of 5 ha.

<i>Item</i>	<i>Part in Schedule Three</i>	<i>Park</i>	<i>Details</i>
g.	18	Gippsland lakes	Inclusion of donated land in the parish of Boole Poole and some coastal frontage. Area changes from 161 km <sup>2</sup> to 165 km <sup>2</sup> , an addition of 4 km <sup>2</sup> .
h.	21	Murray-Kulkyne	Change of name from Murray River Park.
i.	23	Steiglitz	Inclusion of compulsorily acquired land including unknown-owner allotments (purchased land and Crown land). Area changes from 658 ha to 670 ha, an addition of 12 ha.
j.	27	Lysterfield	Inclusion of purchased allotment in the Parish of Narree Worrان, Excision of an area required for deviation of Logan Park Road. Area changes from 1150 ha to 1151 ha, an increase of 1 ha.
k.			<i>Kara Kara State Park</i> proposed new part 23A. To be declared in pursuance of Recommendation A1 of the Land Conservation Council for the North central Study Area, February 1981. Area 3840 ha.
l.			<i>Kooyoora State Park</i> proposed new part 24A. to be declared in pursuance of Recommendations A2 and B2 of the Land Conservation Council for the North Central Study Area, February 1981. Area 3520 ha.
m.			<i>Langi Ghiran State Park</i> proposed new part 25A. To be declared in pursuance of Recommendation A1 of the Land Conservation Council for the Ballarat Study Area, April 1982. Area 2695 ha.
n.			<i>Moondarra State Park</i> proposed new part 26A. To be declared in pursuance of Recommendation A10 of the Land Conservation Council for the Melbourne Study Area, January 1977. Area 6470 ha. Notes (i) V line freehold (Walhalla Railway) is not included at this stage.

Item	Part in Schedule Two	National Park	Details
o.			<p>(ii) L.C.C. published boundaries have been amended by agreement.</p> <p>(iii) L.V.W.&amp;S.B. freehold land is not included at this stage.</p> <p><i>Tyers Park</i> proposed new part 27A. To be declared in pursuance of Recommendation A20 of the Land Conservation Council for the Melbourne Study Area, January 1977, and Recommendation A4 for the South Gippsland Area, District 2, November 1982. Area 1810 ha.</p> <p>Notes (i) A20 (g) Connan Park (Scout lease) is not included at this stage.</p>
p.			<p>(ii) Latrobe Valley Blue Metal Pty. Ltd. quarry is not included.</p> <p>(iii) L.C.C. published boundaries have been revised by agreement.</p> <p>(iv) Potential conflict between recreation use and protection of water supply installations is the subject of continuing consultations with the Latrobe Valley Water and Sewerage Board regarding preparation of the management plan and the exchange of relevant information.</p> <p>(v) SG2—A4 (f) shale quarry—no special provision is necessary.</p> <p><i>Moondarra State Park.</i> This is a substituted description of Moondarra omitting the site sought by the S.E.C. for an overburden dump which if needed could therefore be made available for such purposes.</p>

*Part C* Schedule of land surrendered to the Crown by the M.M.B.W.

*Part D* New plan of Mt. Hotham Alpine Resort.