

National Parks (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

- Clause 1 sets out the main purposes of the Bill.
- Clause 2 provides for most of the Act to come into operation on a day or days to be proclaimed. Section 14(3) will come into effect two years after the day on which French Island National Park is proclaimed. The clause also deems that section 20, which revokes a small area of reserved forest in Lerderderg State Park, came into effect on 20 June 1996, and that the amendments to section 11 of the **National Parks (Alpine National Park) Act 1989** came into effect on the day on which that Act received the Royal Assent. Any other provisions of the Act not proclaimed before 31 January 1998 will automatically come into effect on that day.
- Clause 3 refers to the **National Parks Act 1975** as the Principal Act.

PART 2—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

- Clause 4 amends section 25B of the Principal Act to provide for an agreement to be made for the harvesting of a pine plantation in Lake Eildon National Park and for the taking of firewood in Box-Ironbark National Park.
- Clause 5 repeals sections 27A, 27B and 27C of the Principal Act, in relation to certain roads.
- Clause 6 repeals sub-sections (2), (3) and (4) of section 29 of the Principal Act, in relation to grazing at Wilson's Promontory National Park.
- Clause 7 inserts a new section into the Principal Act to provide for the continuation of the existing chairlift lease in one of the areas to be added to Arthurs Seat State Park. It also provides for the Minister to be able to grant a new tenancy of land in Arthurs Seat State Park when the current lease expires, and specifies certain requirements of a new tenancy.
- Clause 8 amends section 32D(1) of the Principal Act to provide for fossicking in Cape Liptrap Coastal Park.
- Clause 9 inserts a new section into the Principal Act to enable the Minister to grant to a land owner whose land abuts or is surrounded by Cathedral Range State Park

such reasonable rights of access to that person's land, subject to any terms and conditions, and to exempt that person from any regulation affecting the park.

- Clause 10 inserts a new section into the Principal Act to enable the Director to delegate all or any of his or her powers under specified sections of the Principal Act.
- Clause 11 amends section 37 of the Principal Act to enable the carriage and use of firearms or other weapons in Cape Conran Coastal Park and in Corner Inlet and Nooramunga Marine and Coastal Parks, and for the carriage and use of firearms or other weapons in the course of hunting deer by stalking in Lake Eildon National Park and in Corner Inlet and Nooramunga Marine and Coastal Parks.
- Clause 12 amends section 47 of the Principal Act to enable the Director to certify that an area has been set aside or that a determination has been made by the Director under the Principal Act or the regulations for use as evidence in proceedings for an offence against the Principal Act or the regulations.
- Clause 13 amends section 48(2) of the Principal Act to enable authorities to be conferred or duties imposed on persons specified in the regulations.

PART 3—NEW AND ALTERED PARKS

- Clause 14 amends Schedule Two to the Principal Act by substituting or inserting the descriptions of three new national parks (Lake Eildon, French Island and Box-Ironbark). The descriptions of Lake Eildon and Box-Ironbark National Parks provide respectively for the harvesting of a pine plantation or the taking of a specified amount of firewood during a specified period, subject to section 25B of the Principal Act. The clause also provides for the description of French Island National Park to be amended when an area is added to the park at a later date. (The area of French Island National Park in hectares now includes that part of the park 150 metres seaward of mean high water mark—approximately 1100 hectares.)
- Clause 15 amends Schedule Three to the Principal Act by inserting the descriptions of three new coastal parks (Bay of Islands, Cape Conran and Cape Liptrap).
- Clause 16 amends Schedule Two to the Principal Act by altering the descriptions of eight national parks.
- Clause 17 amends Schedule Two B to the Principal Act by altering the descriptions of ten State Parks and repealing two parts of the schedule (Eildon and French Island State Parks).

Clause 18 amends Schedule Three to the Principal Act by altering the descriptions of three Other Parks and repealing two parts of the schedule (Chiltern and Gembrook Parks).

The changes to the parks altered by clauses 16, 17 and 18 are summarised in the table at the end of the Explanatory Memorandum.

Clause 19 closes roads within French Island National Park, Cape Conran Coastal Park, Little Desert and Grampians National Parks, Angahook-Lorne, Arthurs Seat and Whipstick State Parks, and Discovery Bay and Gippsland Lakes Coastal Parks. The clause also excises areas from reserved forest which are being included in Cape Liptrap Coastal Park, Dandenong Ranges and Baw Baw National Parks, and Bunyip State Park.

Clause 20 provides for the excision from reserved forest of an area which was included in Lerderderg State Park on 20 June 1996.

Clause 21 inserts a new section into the Principal Act to enable the Minister to grant to a land owner on French Island such reasonable rights of access over the park to that person's land, subject to any terms and conditions, and to exempt that person from any regulation affecting the park.

Clause 22 repeals section 31 of the Principal Act, in relation to rights of access over French Island State Park.

Clause 23 provides for certain areas of land to be included in French Island and Dandenong Ranges National Parks, Arthurs Seat and Warrandyte State Parks, and Discovery Bay Coastal Park on surrender of the relevant titles to the Crown, if the areas are not already Crown land at the commencement of the relevant sections of this Act.

PART 4—CREATION OF ADA TALL TREES RESERVE

Clause 24 excises an area from reserved forest and deems the area to be permanently reserved under the **Crown Land (Reserves) Act 1978** for specified public purposes.

PART 5—AMENDMENT OF NATIONAL PARKS (ALPINE NATIONAL PARK) ACT

Clause 25 corrects the wording in two sub-sections of section 11 of the **National Parks (Alpine National Park) Act 1989** in relation to the description of the Alpine National Park.

SCHEDULE

The Schedule shows the land which is to be excised from reserved forest and deemed to be permanently reserved under the **Crown Land (Reserves) Act 1978** as the Ada Tall Trees Reserve.

Table—Summary of changes to existing parks (clauses 16, 17 and 18)

<i>Clause</i>	<i>Part in Schedule of Principal Act</i>	<i>Park</i>	<i>Existing area (ha)</i>	<i>Change in area (ha)</i>	<i>New Area (ha)</i>
Clause 16—National Parks (Schedule Two)					
16(1)	6	Dandenong Ranges	1 920	+ 1295	3 215
16(2)	13	Little Desert	132 000	+647	132 647
16(3)	20	Organ Pipes	85	+36	121
16(4)	21	Port Campbell	1 750	-0.1	1 750
16(5)	25	Wyperfeld	356 800	+217	357 017
16(6)	27	Baw Baw	13 300	+230	13 530
16(7)	28	Croajingolong-clarification of description re The Skerries and Tullaberga Is.			
16(8)	34	Grampians	167 200	-2.4	167 200
Clause 17—State Parks (Schedule Two B)					
17(1)	1	Angahook-Lorne	21 340	+19	21 359
17(2)	2	Arthurs Seat	350	+222	572
17(3)	5	Bunyip	*16 550	+10	16 560
17(4)	8	Cathedral Range	3 577	+39	3 616
17(5)	10	Eildon-included in Lake Eildon National Park: clause 14(2)			
	11	French Island-included in French Island National Park: clause 14(2)			
17(6)	12	Holey Plains	10 616	+25	10 641
17(7)	13	Kamarooka	6 900	+169	7 069
17(8)	14	Kara Kara	3 840	+28	3 868
17(9)	31	Warrantyte	586	+90	676
17(10)	33	Whipstick	2 300	+3	2 303
17(11)	36	Enfield	4 400	-1	4 400
* includes area of Gembrook Park (2650 ha)					
Clause 18—Other Parks (Schedule Three)					
18(1)	2	Chiltern-converted to Box-Ironbark National Park: clause 14(4)			
18(2)	3	Discovery Bay	8 590	+1 870	10 460
18(3)	5	Gembrook-included in Bunyip State Park: clause 17(3)			
18(4)	6	Gippsland Lakes	17 200	+384	17 584
18(5)	10	Lysterfield Park	1 276	+121	1 397