

## **Parks Victoria Bill**

### **EXPLANATORY MEMORANDUM**

#### **PART 1—PRELIMINARY**

- Clause 1 sets out the purpose of the Act.
- Clause 2 provides for the commencement of the Act. Part 1 and section 23 come into operation on the day on which the Act receives the Royal Assent. The remaining provisions of the Act come into operation on a day or days to be proclaimed. Any provision not proclaimed before 1 July 1999 will automatically come into operation on that day.
- Clause 3 sets out the definition of four expressions used in the Act.

#### **PART 2—PARKS VICTORIA**

- Clause 4 establishes Parks Victoria as a body corporate.
- Clause 5 provides that Park Victoria is a public authority but does not represent the Crown.
- Clause 6 sets out the membership of Parks Victoria.
- Clause 7 sets out the functions of Parks Victoria.
- Clause 8 sets out the powers of Parks Victoria.
- Clause 9 enables Parks Victoria and the Director-General or Secretary to the Department of Natural Resources and Environment to enter into agreements or arrangements relating to the prevention and suppression of fire.
- Clause 10 enables the Minister to give directions to Parks Victoria.
- Clause 11 enables Parks Victoria to delegate its functions and powers, other than its powers under section 8(a) and (b), to a member of Parks Victoria or a person appointed or employed by Parks Victoria.

- Clause 12 provides that a member of Parks Victoria holds office for up to three years but may be re-appointed, and that a member of Parks Victoria holds office, subject to this Act, on the terms and conditions specified in the instrument of appointment.
- Clause 13 sets out the basis for the resignation and removal from office of a member of Parks Victoria, and for an office of a member of Parks Victoria becoming vacant.
- Clause 14 provides for the validity of decisions of Parks Victoria notwithstanding any defect in the appointment of a member or a vacancy in the membership of Parks Victoria.
- Clause 15 provides for the proceedings of Parks Victoria, including the chairing of meetings, the requirements for a quorum, voting on a matter and the keeping of minutes. Beyond this, Parks Victoria may regulate its own proceedings.
- Clause 16 enables a resolution of Parks Victoria to be made without members of Parks Victoria meeting, and for that resolution to be taken as having been passed at a meeting of Parks Victoria.
- Clause 17 requires the disclosure by any member of Parks Victoria of a direct or indirect pecuniary interest in any matter being dealt with by Parks Victoria, or of the holding of an office or the possession of property which may produce a conflict of interest with the member's duties. Any such member, after such disclosure, must refrain from discussion or voting on the matter but, if a member does vote on the matter, that vote must be disallowed.
- Clause 18 provides for the appointment by Parks Victoria, with the approval of the Minister, of a full-time chief executive officer, who is not eligible to be appointed to Parks Victoria.
- Clause 19 provides for Parks Victoria to appoint or employ the necessary persons for the performance of its functions.
- Clause 20 sets out the process and requirements for the preparation of a corporate plan and a business plan by Parks Victoria, and specifies the matters which must be incorporated in the plans. These documents are a major part of the accountability structure of Parks Victoria to the Minister.

- Clause 21 sets out the information required to be included in the statement of corporate intent, which is to form part of either the corporate plan or the business plan.
- Clause 22 requires Parks Victoria to notify the Minister immediately of any matters which may prevent or significantly affect it achieving its objectives or financial targets as set out in the corporate plan or business plan.

### **PART 3—TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS**

- Clause 23 requires the Secretary to the Department of Natural Resources and Environment and the chief executive office of Melbourne Parks and Waterways to list in writing those officers, employees or members of staff who are to become employees of Parks Victoria.
- Clause 24 provides for the transfer of those persons listed under section 23 to Parks Victoria on the same terms and conditions as their previous employment and with their accrued entitlements to benefits preserved.
- Clause 25 provides for those persons who are transferred to Parks Victoria under clause 24 to remain as officers, contributors or members for the purposes of various Acts with respect to superannuation or retirement benefits.
- Clause 26 amends the **Conservation, Forests and Lands Act 1987** by inserting two new sub-sections in section 11. New sub-sections (3A) and (3B) enable the Minister and the Director-General respectively to delegate any of their respective powers, functions or duties under the Acts specified in each sub-section to Parks Victoria or an employee of Parks Victoria for the purpose of carrying out duties under any agreement or arrangement relating to the management of Crown land by Parks Victoria.
- Clause 27 amends the **Water Industry Act 1994** as follows:
- Section 110(2)(b) is amended to require both the Minister administering the **Parks Victoria Act 1998** and the Treasurer to approve of financial assistance to another person or body

engaged in activities similar to those of, or carried on by,  
Melbourne Parks and Waterways.

Section 115(1) is amended so that the board of directors of  
Melbourne Parks and Waterways comprises a chairperson and  
not less than one other director.

Section 118(1) is amended to the effect that the chairperson of  
Melbourne Parks and Waterways does not have to be appointed  
on a full-time basis.

Clause 28 amends the **Water Industry Act 1994** with respect to the rate  
and the rating authority. It inserts a definition of "rating  
authority". Sections 139(1) is amended and a new section  
139(1A) is inserted to the effect that Melbourne Parks and  
Waterways will be the rating authority in relation to the  
financial year commencing 1 July 1998, and the Governor in  
Council, acting on the recommendation of the Minister and the  
Treasurer, will be the rating authority for the financial year  
commencing 1 July 1999 and subsequent financial years.  
Consequential amendments are made to other sub-sections of  
section 139 and to sections 140, 141, 142 and 143.

Clause 29 inserts a new Part 4A in the **Water Industry Act 1994**. Section  
153A in this Part establishes in the Trust Fund an account to be  
known as the "Parks and Reserves Trust Account".