

NORTHERN TERRITORY OF AUSTRALIA

TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT
ACT 2009

Act No. 6 of 2009

TABLE OF PROVISIONS

1	Short title	1
2	Commencement	1
3	Act amended	1
4	Amendment of section 22 (Interpretation)	1
5	Amendment of section 23A (Minister may execute joint management agreement)	2
6	Repeal and substitution of section 24.....	2
	24 Minister may redeclare parks and reserves	



NORTHERN TERRITORY OF AUSTRALIA

Act No. 6 of 2009

An Act to amend the *Territory Parks and Wildlife Conservation Act*

[Assented to 12 March 2009]
[Second reading 27 November 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Territory Parks and Wildlife Conservation Amendment Act 2009*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Territory Parks and Wildlife Conservation Act*.

4 Amendment of section 22 (Interpretation)

(1) Section 22(1), definition **ALRA**

omit

(2) Section 22(1)

insert (in alphabetical order)

ALRA means the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*.

indigenous land use agreement, see section 253 of the *Native Title Act 1993* (Cth).

Land Trust means an Aboriginal Land Trust established under ALRA or a Park Land Trust established under the Framework Act.

5 Amendment of section 23A (Minister may execute joint management agreement)

(1) Section 23A(1)

omit

agreement for a park or reserve.

substitute

agreement:

(a) for a park or reserve; or

(b) for a park or reserve and an area of land adjoining the park or reserve.

(2) Section 23A(2), after "park or reserve"

insert

, and any adjoining area of land to which the agreement relates,

6 Repeal and substitution of section 24

Section 24

repeal, substitute

24 Minister may redeclare parks and reserves

(1) This section applies to an area of land (a ***relevant area***) declared to be a park or reserve by a section 12 declaration.

(2) If the park or reserve for a relevant area is a scheduled park or reserve, the Minister may, by a single *Gazette* notice:

(a) revoke the declaration, or purported declaration, for the relevant area; and

-
- (b) declare the relevant area to be a park or reserve, provided that:
- (i) any part of the relevant area to be used for any of the following purposes may be excluded from the declaration:
 - (A) public road or road reserve;
 - (B) other corridor for transport;
 - (C) supply of a utility;
 - (D) Aboriginal community living area; and
 - (ii) any other area of land may be included in the declaration if the other area of land adjoins the relevant area and is either of the following:
 - (A) the subject of an indigenous land use agreement under which it is agreed the other area of land will be granted to a Land Trust and leased to the Territory for the purposes of a park or reserve;
 - (B) described as part of the scheduled park or reserve in Schedule 1, Part 5 of ALRA.
- (3) If the park or reserve for a relevant area is not a scheduled park or reserve but the joint management partners have executed a joint management agreement for the park or reserve (whether or not the agreement relates to other land adjoining the park or reserve) the Minister may, by a single *Gazette* notice:
- (a) revoke the declaration, or purported declaration, for the relevant area; and
 - (b) declare the relevant area to be a park or reserve, provided that:
 - (i) any part of the relevant area to be used for any of the following purposes may be excluded from the declaration:
 - (A) public road or road reserve;
 - (B) other corridor for transport;
 - (C) supply of a utility;
 - (D) Aboriginal community living area; and

-
- (ii) any other area of land to which the joint management agreement relates may be included in the declaration.
- (4) The powers under subsections (2) and (3) may be exercised only once in relation to each park or reserve.
- (5) A revocation under subsection (2)(a) or (3)(a) has effect as if it were a revocation under section 13.
- (6) A declaration under subsection (2)(b) or (3)(b) has effect as if it were the declaration of a park or reserve under section 12.
- (7) In this section:

section 12 declaration means a declaration or purported declaration, in force or purportedly in force under section 12 immediately before the commencement of this Part.

utility means communications, electricity, gas or water.