

NORTHERN TERRITORY OF AUSTRALIA
CONSERVATION COMMISSION AMENDMENT BILL 1995

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Conservation Commission Act* by changing the name of the Commission and varying its functions and membership while maintaining its corporate identity and continuity, and in other respects

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. Short Title

This Act may be cited as the *Conservation Commission Amendment Act 1995*.

2. Citation

The *Conservation Commission Act* as amended by this Act may be cited as the *Parks and Wildlife Commission Act*.

3. Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

4. Principal Act

The *Conservation Commission Act* is in this Act referred to as the Principal Act.

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5. Long Title to Principal Act

The long title to the Principal Act is amended by omitting all words after "an Act to establish" and substituting "a Commission to establish and manage, or assist in the management of, parks, reserves, sanctuaries and other land, to encourage the protection, conservation and sustainable use of wildlife, to establish a land-holding corporation in connection with those purposes, and for related purposes".

6. Short Title to Principal Act

Section 1 of the Principal Act is amended by omitting "*Conservation Commission Act*" and substituting "*Parks and Wildlife Commission Act*".

7. Definitions

Section 3 of the Principal Act is amended -

- (a) by inserting after the definition of "Aboriginal Land" the following:

"'appointed member' means a member of the Commission appointed under section 10(1)(d), and includes the Chairman of the Commission;"

- (b) by omitting from the definition of "Commission" the word "Conservation" and substituting "Parks and Wildlife"; and

- (c) by omitting all words after the definition of "Corporation" and substituting the following:

"'Director' means the Director of Parks and Wildlife appointed under or as provided in section 4, and includes a person acting as Director;

'member', except in Part IV, means a member of the Commission. and includes an acting member;

'wildlife' includes both animals and plants."

8. Heading to Part II

The heading to Part II is amended by omitting "CONSERVATION" and substituting "PARKS AND WILDLIFE".

9. Repeal and substitution

Section 4 of the Principal Act is repealed and the following substituted:

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"4. Director

"(1) If the Commission is and while it remains an Agency within the meaning of the *Public Sector Employment and Management Act*, the Chief Executive Officer of the Commission appointed under that Act (including a person appointed under section 21(1) of that Act to act as Chief Executive Officer) shall be the Director of Parks and Wildlife.

"(2) If the Commission is not an Agency referred to in subsection (1), the Minister may appoint a person to be the Director of Parks and Wildlife.

"(3) The Minister may at any time terminate an appointment made under subsection (2).

"(4) Where the Director is absent from duty or from the Territory, the Minister may appoint a person to act as Director during the absence."

10. Repeal and substitution

Section 7 of the Principal Act is repealed and the following substituted:

"7. Delegation by Director

"(1) The Director may, in writing, delegate to a person (or to the holder from time to time of a particular designation or office) any of the Director's powers and functions under this or any other Act, other than this power of delegation.

"(2) A power or function delegated under this section, when exercised or performed by the delegate, shall be deemed to have been exercised or performed by the Director.

"(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or performance of a function by the Director."

11. Heading to Part III

The heading to Part III of the Principal Act is amended by omitting "CONSERVATION" and substituting "PARKS AND WILDLIFE".

12. Establishment of Commission

Section 9(1) of the Principal Act is amended by omitting "Conservation Commission" and substituting "Parks and Wildlife Commission".

13. Repeal and substitution

Sections 10 and 11 of the Principal Act are repealed and the following substituted:

"10 Membership of Commission

"(1) The Commission shall consist of -

- (a) the Chairman of the Commission;
- (b) the Director;
- (c) the Chief Executive Officer of the Northern Territory Tourist Commission established by the *Northern Territory Tourist Commission Act*, or his or her nominee; and
- (d) not less than 6 other members appointed by the Minister by notice in the *Gazette*, of whom -
 - (i) not less than 3 shall be Aboriginals domiciled in the Territory chosen by the Minister from persons nominated in accordance with subsection (2); and
 - (ii) not less than 2 shall be appointed because, in the opinion of the Minister, they have scientific expertise relevant to the powers and functions of the Commission.

"(2) Before appointing a member referred to in subsection (1)(d)(i), the Minister shall, in writing, request each Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth, and such other bodies holding or responsible for the management of land on behalf of Aboriginals who seek the assistance of the Commission in the management of that land, as the Minister thinks fit, to each nominate to the Minister, in writing, one person who is qualified to be a member under subsection (1)(d)(i) and is willing to serve as a member.

"(3) The exercise of a power or the performance of a function of the Commission is not affected by reason only of there being a vacancy in its membership."

14. Term of office of appointed member

Section 12 of the Principal Act is amended -

- (a) by omitting from subsection (1) "a member of the Commission other than the Director or Deputy Director" and substituting "an appointed member"; and
- (b) by omitting from subsection (2) "a member, other than the Director or Deputy Director" and substituting "an appointed member".

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15. Resignation of appointed member

Section 13 of the Principal Act is amended by omitting "A member" and substituting "An appointed member".

16. Termination of appointment

Section 14 of the Principal Act is amended -

(a) by omitting subsection (1) and substituting the following:

"(1) The Minister may terminate the appointment of an appointed member for inability, inefficiency, misbehaviour, physical or mental incapacity or failure to comply with section 17."; and

(b) by omitting from subsection (2) "If a member" and substituting "If an appointed member".

17. Appointment of acting member

Section 15 of the Principal Act is amended -

(a) by omitting subsection (1) and substituting the following:

"(1) Where an appointed member is or is expected to be absent from duty or the Territory, the Minister may appoint a person to act as a member in the appointed member's place during the absence."; and

(b) by omitting from subsection (2) "section 10(3)" and substituting "section 10(1)(d)(i)".

18. Repeal and substitution

Section 16 of the Principal Act is repealed and the following substituted:

"16. Chairman and Deputy Chairman

"(1) The Minister shall, by notice in the *Gazette*, appoint a person to be the Chairman of the Commission.

"(2) In the absence of the Chairman from a meeting of the Commission the members present shall elect one of their number as Deputy Chairman to preside at the meeting and while so presiding the Deputy Chairman has all of the powers, and may perform all of the functions, of the Chairman."

19. Member not to act where interested

Section 17(2) of the Principal Act is amended by omitting "and the member" and substituting "and, if the Commission constituted by the other members present so resolves, the member".

Conservation Commission Amendment

20. Repeal and substitution

Section 17A of the Principal Act is repealed and the following substituted:

"17A. Member shall not disclose information

"A member shall not disclose information obtained in the course of the member's duties as a member unless -

- (a) the disclosure is made in the course of those duties; or
- (b) the information is already in the public domain.

Penalty: \$3,000 or imprisonment for 3 months."

21. Meetings of Commission

Section 18 of the Principal Act is amended by omitting "Director" (wherever occurring) and substituting "Chairman".

22. Repeal and substitution

Section 19 of the Principal Act is repealed and the following substituted:

"19. Functions of Commission

The functions of the Commission are to promote the conservation and protection of the natural environment of the Territory -

- (a) by managing or participating in the management of -
 - (i) parks, reserves and sanctuaries established under the *Territory Parks and Wildlife Conservation Act* or any other Act of the Territory or the Commonwealth; and
 - (ii) other land by agreement with the owners or occupiers of that land; and
- (b) by the promotion, and the enforcement where necessary, of the protection, conservation and sustainable use of wildlife, whether on such parks, reserves or sanctuaries or elsewhere in the Territory,

and such other functions as are conferred on it by or under this or any other Act.

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23. Repeal and substitution

Section 23 of the Principal Act is repealed and the following substituted:

"23 Delegation by Commission

"(1) The Commission may, from time to time by resolution, delegate to a member of the Commission or to an employee of the Commission (or to the holder from time to time of a particular designation or office in the Commission) any of the Commission's powers and functions under this or any other Act, other than this power of delegation.

"(2) A power or function delegated under this section, when exercised or performed by the delegate, shall be deemed to have been exercised or performed by the Commission.

"(3) A delegation under this section is revocable at will and does not prevent the exercise of a power or performance of a function by the Commission."

24. Transitional

(1) Where immediately before the commencement of this Act Aboriginal land was required by the Conservation Commission for its occupation or use, the Parks and Wildlife Commission shall continue that occupation and/or use after that commencement as if this Act had never been passed.

(2) For the avoidance of doubt, a member of the Commission appointed under section 11 of the Principal Act and holding office immediately before the commencement of this Act shall, subject to sections 13, 14 and 15, continue to hold office as a member for the remainder of the term for which he or she was appointed under the Principal Act.

(3) Until the first appointment of a person as Chairman of the Commission after the commencement of this Act, the Director shall continue to be the Chairman of the Commission.

