

TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 2008

SERIAL NO...24....

LEGISLATIVE ASSEMBLY
OF THE NORTHERN TERRITORY

MINISTER FOR PARKS AND WILDLIFE

EXPLANATORY STATEMENT

GENERAL OUTLINE

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

The purpose of this Bill is to allow for the seamless revocation, redeclaration and declaration of declared Parks and Reserve that are subject to joint management and leaseback arrangements.

The Bill addresses technical issues which have arisen due to changes to park boundaries following resurveys prior to the transfer of title deeds to Aboriginal and Park Land Trusts pursuant to the implementation of the *Parks and Reserves (Frameworks for the Future) Act*. The Bill will also allow the seamless revocation and redeclaration of park and reserves subject to joint management agreements outside of the *Parks and Reserves (Frameworks for the Future Act)*, pursuant to section 23A of the *Territory Parks and Wildlife Conservation Act*.

NOTES ON CLAUSES

Clause 1 Short Title

This is the formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Territory Parks and Wildlife Conservation Amendment Act 2008*.

Clause 2 Commencement

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

Clause 3 Act amended

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

Clause 4 Amendment of section 22 (Interpretation)

Amends section 22 by the inclusion of various definitions.

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

Amends section 23A(1) so that the Minister can execute a joint management agreement over a park or a reserve:

- (a) where there is no change in the boundaries to the declared park or reserve; or
- (b) where the boundaries have changed to include land adjoining the declared park or reserve.

Amends section 23A(2) to extend the operation of this provision to apply to the adjoining area of land to the park or reserve.

Clause 6 Repeal and substitution of section 24

Repeals current section 24 and substitutes a new section 24.

24 Minister may redeclare parks and reserves

24(1) This amendment limits the application of section 24 to parks and reserves that were declared when Part III, “Joint Management of Certain Parks and Reserves” of the *Territory Parks and Wildlife Conservation Act* commenced. It allows the section to apply to scheduled parks and reserves and also to those parks and reserves where joint management agreements are executed pursuant to section 23A(1) of the *Territory Parks and Wildlife Conservation Act*.

24(2) This section allows the Minister, by a single Gazette notice to revoke a declaration over a park or reserve and simultaneously declare that area to be a park or reserve under this provision. However, this provision now allows areas, which are used for specified purposes and areas that are subject to certain requirements, to be excluded from and included within the declaration respectively.

24(2)(a) revokes the declaration or purported declaration for the park or reserve.

24(2)(b) allows for the declaration of a park or reserve provided that areas specified in subsections (i) and (ii) may be excluded or included respectively from that declaration.

24(2)(b)(i) provides for the exclusion of non-park interests from the declaration which are limited to areas of land used for the purposes of a public road or road reserve, corridor for transport, supply of a utility and an Aboriginal community living area.

24(2)(b)(ii) allows additional areas that adjoin the park or reserve to be included in the declaration, provided that the adjoining area of land is land:

- (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; or
- (b) that is described as part of the scheduled park or reserve in Schedule 1, Part 5 of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

24(2)(b)(ii)(A) refers to additional land that adjoins the scheduled parks and reserves in Schedule 2 of the *Parks and Reserves (Frameworks for the Future) Act* which are to be included in the declaration.

24(2)(b)(ii)(B) refers to additional land that adjoins the scheduled parks and reserves in Schedule 1 of the *Parks and Reserves (Framework for the Future) Act*, which are to be included in the declaration.

24(3) This section applies to parks or reserves which are not scheduled parks or reserves but that are subject to a joint management agreement executed pursuant to section 23A of the *Territory Parks and Wildlife Conservation Act*. It allows the Minister by a single Gazette notice, to revoke a declared or purportedly declared park or reserve and declare the same area, provided that any part which is to be used for the specified purposes may be excluded from the declaration and that the declaration may include additional adjoining areas as park or reserve where there is a joint management agreement in place for the part of land to be added.

24(3)(a) Revokes a declaration or purported declaration for the park or reserve.

24(3)(b) allows for the declaration of a park or reserve provided that the areas specified in subsections (i) and (ii) may be excluded or included respectively from that declaration.

24(3)(b)(i) provides for the exclusion of non-park interests from the declaration, which are limited to areas of land used for the purposes of a public road or road reserve, corridor for transport, supply of a utility and an Aboriginal community living area.

24(3)(b)(ii) Allows additional areas of land which are subject to the joint management agreement to be included in the declaration.

24(4) Limits the Minister's ability to exercise the powers under subsection (2) and (3) only once in relation to each park or reserve.

24(5) This section confirms that a revocation under subsection (2)(a) or (3)(a) has effect as if it were a revocation under section 13.

24(6) This section confirms that 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.

24(7) This subsection defines "section 12 declaration" and the term "utilities"