

AUSTRALIAN CAPITAL TERRITORY

Nature Conservation (Amendment) Ordinance 1986

No. 65 of 1986

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 22 October 1986.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLLES
Minister of State for Territories

An Ordinance to amend the *Nature Conservation Ordinance 1980*

Short title

1. This Ordinance may be cited as the *Nature Conservation (Amendment) Ordinance 1986*.¹

Principal Ordinance

2. In this Ordinance, "Principal Ordinance" means the *Nature Conservation Ordinance 1980*.²

Insertion of Division heading

3. Before section 51 of the Principal Ordinance the following heading is inserted in Part VI:

“Division 1—Administration”.

4. After section 52 of the Principal Ordinance the following sections are inserted:

Namadgi National Park—plan of management

“52A. (1) The Minister shall, within 14 days after the date of commencement of the *Nature Conservation (Amendment) Ordinance 1986*, by notice published in the *Gazette*, adopt the plan of management in respect of the reserved area known as the Namadgi National Park.

“(2) A notice under sub-section (1) shall specify an address or addresses at which copies of the plan of management may be inspected or may, on payment of the determined fee, be purchased.

“(3) In this section, ‘plan of management’ means the plan of management entitled the ‘Namadgi National Park Management Plan’ prepared by the A.C.T. Parks and Conservation Service within the Department, being the plan of management for which approval for adoption by the Service was given by the Minister on 5 June 1986.

Plans of management

“52B. (1) The Conservator shall, as soon as practicable after the date of commencement of the *Nature Conservation (Amendment) Ordinance 1986*, prepare a plan of management in respect of an area that, on that date, is a reserved area, not being the reserved area known as the Namadgi National Park.

“(2) The Conservator shall, as soon as practicable after a reserved area has been declared, not being a reserved area referred to in sub-section (1), prepare a plan of management in respect of that reserved area.

“(3) A plan of management prepared under this section may include provisions in relation to an area that is proposed to be added to a reserved area, but those provisions shall not have effect until the area is added to the reserved area.

Preparation of plan of management

“52C. (1) A plan of management prepared under section 52B shall set out a description of the manner in which it is proposed to manage the reserved area and shall include—

- (a) a general description of any existing or proposed buildings, structures, facilities or other development in the reserved area; and

- (b) a description of any works or operations that may be carried on in the reserved area.

“(2) In the preparation of a plan of management, regard shall be had to the following matters:

- (a) the encouragement and regulation of the appropriate use, appreciation and enjoyment of the reserved area;
- (b) the preservation of the reserved area in its natural condition and the protection of its special features, including objects and sites of biological, historical, palaeontological, archaeological, geological and geographical interests;
- (c) the protection, conservation and management of wildlife within the reserved area;
- (d) the protection of the reserved area against damage;
- (e) the land use policies of the Commonwealth relating to the Territory.

Adoption of plan of management

“52D. (1) When the Conservator has prepared a plan of management, the Conservator shall, by notice published in the *Gazette*—

- (a) state that the plan has been prepared;
- (b) invite interested persons to make representations in connection with the plan by such date, not being less than 1 month after the date of publication of the notice in the *Gazette*, as is specified in the notice;
- (c) specify an address or addresses at which copies of the plan may be inspected or may, on payment of the determined fee, be purchased; and
- (d) specify an address to which representations in connection with the plan may be forwarded.

“(2) A person may, not later than the date specified in a notice under sub-section (1), make representations to the Conservator, in writing, in connection with the plan of management.

“(3) The Conservator shall give due consideration to any representations made under sub-section (2) and, if he or she thinks fit, alter the plan of management accordingly.

“(4) The Conservator shall, after considering any representations, and after making any alterations, in connection with a plan of management, submit to the Minister—

- (a) the plan of management; and
- (b) any representations, together with any comments of the Conservator on those representations.

“(5) The Minister may, in relation to a plan of management submitted to the Minister under sub-section (4), after giving due consideration to any representations made under sub-section (2) and any comments of the Conservator on those representations—

- (a) accept the plan without alteration or with such alterations as the Minister thinks fit; or
- (b) refer the plan to the Conservator, together with any suggestions of the Minister, for further consideration by the Conservator.

“(6) Where a plan of management has been referred to the Conservator under sub-section (5), the Conservator shall, as soon as practicable after receipt of the plan—

- (a) give further consideration to the plan, having regard to the suggestions of the Minister; and
- (b) submit to the Minister—
 - (i) the plan, with or without alterations; and
 - (ii) any comments of the Conservator on the suggestions of the Minister.

“(7) As soon as practicable after a plan of management is submitted to the Minister under sub-section (6), the Minister shall, after giving due consideration to any comments submitted under that sub-section—

- (a) accept the plan as so submitted; or
- (b) if the Minister is of the opinion that the plan as so submitted should be altered—accept the plan as so submitted and altered by the Minister in such manner as he or she thinks fit.

“(8) Where a plan of management has been accepted by the Minister under this section, the Minister shall, by notice published in the *Gazette*, adopt the plan of management.

“(9) A notice under sub-section (8) shall specify an address or addresses at which copies of the plan may be inspected or may, on payment of the determined fee, be purchased.

When plans of management take effect

“52E. A plan of management adopted under section 52A or 52D comes into force for the purposes of this Ordinance on the day on which the notice adopting the plan is published in the *Gazette*.

Amendment or revocation of plans of management

“52F. (1) The Minister may, by notice published in the *Gazette*—

- (a) amend a plan of management in force under this Division; or
- (b) revoke a plan of management in force under this Division in respect of a reserved area by a new plan of management in respect of that reserved area.

“(2) Sections 52C and 52D apply in relation to an amendment of a plan of management in the same manner as they apply in relation to a plan of management.

“(3) Where a plan of management is revoked by a new plan of management, the revocation does not take effect until the new plan comes into operation.

Revocation of declaration of reserved areas

“52G. (1) The Minister may, by notice published in the *Gazette*, revoke a declaration under sub-section 51 (1).

“(2) A notice under sub-section (1) does not take effect unless and until the notice comes into operation in accordance with sub-section 52H (3).

Notice of revocation to be laid before Parliament

“52H. (1) The Minister shall, as soon as practicable after the publication of a notice under section 52G, cause a copy of the notice to be laid before both Houses of the Parliament.

“(2) If either House of the Parliament, within 15 sitting days of that House after a copy of a notice has been laid before that House pursuant to sub-section (1), passes a resolution disallowing the revocation contained in the notice, the revocation shall not have any force or effect.

“(3) If neither House of the Parliament passes a resolution in accordance with sub-section (2), the notice comes into operation on the day immediately following the last day upon which such a resolution could have been passed by either House.

“(4) If, before the expiration of 15 sitting days of a House of the Parliament after a copy of a notice has been laid before that House—

- (a) that House is dissolved or, being the House of Representatives, expires, or the Parliament is prorogued; and
- (b) a resolution for the disallowance of the revocation contained in the notice has not been passed by that House,

the notice shall, for the purposes of this section, be deemed to have been laid before that House on the first sitting day of that House after the dissolution, expiry or prorogation, as the case may be.

Conservator to comply with plans of management

“52J. While a plan of management is in force under this Division in respect of a reserved area, the Conservator shall perform his or her functions and exercise his or her powers in relation to that area in accordance with that plan and not otherwise.”.

Insertion of Division heading

5. Before section 53 of the Principal Ordinance the following heading is inserted:

“Division 2—Restriction on activities within reserved areas and wilderness zones”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 23 October 1986.
2. No. 20, 1980 as amended by Nos. 22 and 62, 1982; No. 43, 1983; No. 72, 1984; No. 67, 1985; Act No. 74, 1981.