

AUSTRALIAN CAPITAL TERRITORY

Nature Conservation (Amendment) Ordinance 1987

No. 1 of 1987

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 23 January 1987.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

G. SCHOLES
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 1987*.¹

Principal Ordinance

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

Declaration of reserved areas

3. Section 51 of the Principal Ordinance is amended by adding at the end the following sub-section:

(Ord. 4/87)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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

Declaration of wilderness zones

4. Section 52 of the Principal Ordinance is amended by adding at the end the following sub-section:

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

5. Sections 52E, 52F, 52G and 52H of the Principal Ordinance are repealed and the following sections substituted:

Commencement of plans and notices

“52E. (1) A notice under sub-section 51 (1) or (8), 52 (1) or (5), 52D (8), 52G (2) or 52I (1) does not take effect unless and until the notice comes into operation in accordance with sub-section 52H (4).

“(2) A plan of management adopted under section 52D or 52G comes into force for the purposes of this Ordinance on the day on which the notice adopting the plan comes into operation in accordance with sub-section 52H (4).

Notices and plans of management—tabling requirements

“52F. (1) The Minister shall cause a copy of a notice under sub-section 52A (1) and the plan of management to which the notice relates to be laid before each House of the Parliament within 15 sitting days of that House after the date of commencement of the *Nature Conservation (Amendment) Ordinance 1987*.

“(2) The Minister shall, as soon as practicable after the publication of a notice under sub-section 52D (8), cause a copy of the notice and the plan of management to which the notice relates to be laid before both Houses of the Parliament.

“(3) The Minister shall, as soon as practicable after publication of a notice under sub-section 51 (1) or (8), 52 (1) or (5) or 52I (1), cause a copy of the notice to be laid before both Houses of the Parliament.

“(4) Nothing in sub-section (3) applies in relation to a notice under sub-section 51 (1) or 52 (1), published in the *Gazette* before the commencement of the *Nature Conservation (Amendment) Ordinance 1987*.

Plans of management—re-tabling requirements

“52G. (1) If either House of the Parliament, within 15 sitting days of that House after a copy of a plan of management has been laid before that House pursuant to sub-section 52F (1) or (2), passes a resolution recommending amendments of the plan of management, the Minister may—

- (a) after giving due consideration to the recommendations contained in that resolution; and
- (b) having regard to the matters referred to in sub-section 52C (2),

amend the plan of management.

“(2) Where, pursuant to sub-section (1), the Minister amends a plan of management, the Minister shall, by notice published in the *Gazette*, adopt the plan as so amended.

“(3) The Minister shall, as soon as practicable after publication of a notice under sub-section (2), cause a copy of the notice and the plan to which the notice relates to be laid before both Houses of the Parliament.

Plans of management—disallowance or commencement

“52H. (1) If either House of the Parliament, within 15 sitting days of that House after a copy of a notice referred to in section 52F or sub-section 52G (3) has been laid before that House, passes a resolution disallowing the declaration, adoption, revocation or amendment, as the case may be, contained in the notice—

- (a) in the case of a notice referred to in sub-section 52F (1)—the adoption contained in the notice shall cease to have any force or effect; and
- (b) in any other case—the declaration, adoption, revocation or amendment shall not have any force or effect.

“(2) If, before the expiration of 15 sitting days of a House of the Parliament after a copy of a notice referred to in section 52F or sub-section 52G (3) 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 declaration, adoption, revocation or amendment 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.

“(3) If either House of the Parliament passes a resolution in accordance with sub-section (1) in respect of a notice adopting a plan of management, the Minister shall direct the Conservator to prepare a fresh plan of management and, for the purposes of the preparation of that plan, sub-section 52B (3) and sections 52C and 52D apply in the same manner as those provisions apply in relation to the preparation of a plan of management under sub-section 52B (1) or (2).

“(4) If neither House of the Parliament passes a resolution—

- (a) in accordance with sub-section 52G (1) in relation to a plan of management that has been laid before that House pursuant to sub-section 52F (2); or
- (b) in accordance with sub-section (1) in relation to a notice under sub-section 51 (1) or (8), 52 (1) or (5), 52D (8), 52G (2) or 52I (1),

the notice adopting that plan of management, or the notice under the sub-section referred to in paragraph (b), comes into operation on the day immediately following the last day upon which such a resolution could have been passed by either House.

Amendment or revocation of plans of management

“52I. (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, other than an amendment made pursuant to sub-section 52G (1), 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 force.”

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 January 1987.
2. No. 20, 1980 as amended by Nos. 22 and 62, 1982; No. 43, 1983; No. 72, 1984; No. 67, 1985; No. 65, 1986; Act No. 74, 1981.