



AUSTRALIAN CAPITAL TERRITORY

Nature Conservation (Amendment) Act 1990

No. 43 of 1990

An Act to amend the *Nature Conservation Act 1980*

[Notified in ACT Gazette S 76: 7 November 1990]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Nature Conservation (Amendment) Act 1990*.

Principal Act

2. In this Act, “Principal Act” means the *Nature Conservation Act 1980*.¹

Offences in wilderness zones

3. Section 59 of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:

“(a) excavate, except in accordance with a permit;”.

Insertion

4. After section 60 of the Principal Act the following section is inserted in Part VI:

Restoration of excavation sites by permit holders

“60A. (1) A person who excavates a site in a wilderness zone in accordance with a permit shall, after completing the excavation, restore the site excavated and its surroundings as far as possible to their former state.

“(2) If, in the opinion of the Conservator based on reasonable grounds, a person fails to comply with subsection (1), that person shall pay to the Territory an amount equal to any amount incurred by the Territory in restoring the site excavated and its surroundings to their former state.”.

Applications for permits and licences

5. Section 61 of the Principal Act is amended—

(a) by omitting from subparagraph (1) (kb) (iii) “and”; and

(b) by inserting after paragraph (1) (kb) the following paragraph:

“(kc) in the case of an application for a permit to excavate in a wilderness zone, shall specify—

(i) the objectives of the relevant archaeological investigation;

(ii) the archaeological qualifications and experience of the applicant; and

(iii) each natural person or body (whether or not incorporated) sponsoring that archaeological investigation; and”.

Grant of permit

6. Section 62 of the Principal Act is amended by omitting from subsection (1) “Subject to this section, the” and substituting “The”.

Insertion

7. After section 62 of the Principal Act the following section is inserted:

Permits to excavate or to pick plants in wilderness zones

“62A. (1) The Conservator shall not grant a permit authorising excavation in a wilderness zone unless that excavation is for the purposes of an archaeological investigation.

“(2) The Conservator shall not grant a permit authorising excavation in a wilderness zone for a period exceeding 12 months.

“(3) Where a person applies for a permit to pick plants for the purposes of an archaeological investigation in a wilderness zone, the Conservator shall not grant that permit unless she or he also grants a permit to that person authorising excavation for the purposes of that investigation.”.

Grants of permits and licences—relevant considerations

8. Section 65 of the Principal Act is amended—

(a) by omitting from paragraph (n) “and”;

(b) by adding at the end the following word and paragraph:

“; and (p) in the case of an application for a permit to excavate in a wilderness zone—

(i) the objectives of the relevant archaeological investigation, including any expected contribution to the understanding of aboriginal prehistory or Australian history in general;

(ii) the archaeological qualifications and experience of the applicant; and

(iii) the nature of each natural person or body (whether or not incorporated) sponsoring the archaeological investigation”; and

(c) by adding at the end the following subsection:

“(2) Subparagraphs (1) (k) (ii) and (1) (l) (ii) do not apply in the case of an application for a permit to pick plants for the purposes of an archaeological investigation.”.

NOTE

1. Ordinance No. 20, 1980 as amended by Commonwealth Act No. 74, 1981; Ordinances Nos. 22 and 62, 1982; No. 43, 1983; No. 72, 1984; No. 67, 1985; No. 65, 1986; No. 1, 1987; Nos. 31 and 88, 1988; Nos. 21 and 38, 1989; Act No. 4, 1989.

[Presentation speech made in Assembly on 20 September 1990.]

© Australian Capital Territory 1990