

EXPLANATORY STATEMENT

**AUSTRALIAN CAPITAL TERRITORY
NATURE CONSERVATION (AMENDMENT) ORDINANCE 1987
ORDINANCE NO. 1 OF 1987**

ISSUED BY AUTHORITY OF THE MINISTER OF STATE FOR TERRITORIES

The Nature Conservation Ordinance 1980 (the 'Principal Ordinance') makes provision for the protection and conservation of wildlife, and provides for the declaration of reserved areas and wilderness zones for that purpose. The Nature Conservation (Amendment) Ordinance 1987 amends the Principal Ordinance to ensure Parliamentary scrutiny of notices declaring or revoking reserved areas and wilderness zones and plans of management of reserved areas. It also enables either House of the Parliament to recommend amendments to plans of management.

The effect of each of the provisions of the Ordinance is outlined in the attachment.

NATURE CONSERVATION (AMENDMENT) ORDINANCE 1987

Section 1 cites the short title of the Ordinance as the Nature Conservation (Amendment) Ordinance 1987.

Section 2 defines the Principal Ordinance for the purpose of the Ordinance as the Nature Conservation Ordinance 1980.

Section 3 amends section 51 of the Principal Ordinance by inserting a sub-section enabling the Minister to revoke a declaration of a reserved area.

Section 4 amends section 52 of the Principal Ordinance by inserting a sub-section enabling the Minister to revoke a declaration of a wilderness zone.

Section 5 repeals sections 52E, 52F, 52G and 52H of the Principal Ordinance and inserts new sections 52E to 52I inclusive:

- New section 52E specifies by reference to new sub-section 52H(4) that a notice and plan of management does not take effect unless tabled. The new section also specifies the date such a notice and plan of management comes into force.

- New sub-section 52F(1) specifies that the Namadgi National Park Management Plan and relevant Gazette notice shall be laid before each House of the Parliament within 15 sitting days of the commencement of the Ordinance.

New sub-section 52F(2) specifies that a notice and plan of Management, other than the Namadgi National Park Management Plan, shall be laid before both Houses of the Parliament as soon as practicable after publication of the notice in the Gazette.

New sub-sections 52F(3) and (4) require the tabling in both Houses of the Parliament, as soon as practicable after publication, of notices of declaration and revocation of reserved areas and wilderness zones other than those notices published in the Gazette before the commencement of the Ordinance.

- New section 52G specifies that where either House passes a resolution recommending amendment of a plan of management the Minister may amend the plan and, by a notice in the Gazette, adopt the amended plan. The amended plan is also to be laid before both Houses of the Parliament as soon as practicable after publication of the Gazette notice.

New section 52H outlines disallowance and commencement provisions in relation to notices and plans of management.

Under new sub-section 52H(1) any notice of declaration, adoption, revocation, or amendment which is disallowed by resolution shall cease to have any force or effect.

New sub-section 52H(2) outlines the procedure to be followed where a notice has been laid before a House of the Parliament and the House is dissolved or expires, or the Parliament is prorogued.

New sub-section 52H(3) requires the Minister to direct the Conservator to prepare a fresh plan of management where either House of the Parliament passes a resolution disallowing a plan of management.

New section 52H(4) specifies that if neither House passes a resolution recommending amendment or disallowance of a notice of declaration, adoption, revocation or amendment, the plan of management or notice comes into operation on the day immediately following the last day upon which such a resolution could have been passed.

New section 52I provides for the procedure to be followed where it is desired to amend an existing plan of management. Where an existing plan is revoked by a new plan of management, the revocation does not take effect until the new plan comes into force.