

TASMANIA

NATIONAL PARKS AND RESERVES MANAGEMENT AMENDMENT (PARKS AND RESERVES AUTHORITY) BILL 2013

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NATIONAL PARKS AND RESERVES MANAGEMENT AMENDMENT (PARKS AND RESERVES AUTHORITY) BILL 2013

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
12 November 2013

*(Brought in by the Minister for Environment, Parks and
Heritage, the Honourable Brian Neal Wightman)*

A BILL FOR

An Act to amend the *National Parks and Reserves Management Act 2002* and related legislation

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *National Parks and Reserves Management Amendment (Parks and Reserves Authority) Act 2013*.

2. Commencement

This Act commences on a day to be proclaimed.

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and Reserves Authority) Act 2013*
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**PART 2 – NATIONAL PARKS AND RESERVES
MANAGEMENT ACT 2002 AMENDED**

3. Principal Act

In this Part, the *National Parks and Reserves
Management Act 2002** is referred to as the
Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as
follows:

- (a) by inserting the following definition after
the definition of *authorised officer*:

Authority means the Parks and
Reserves Authority established
under section 12;

- (b) by inserting the following definition after
the definition of *biological diversity*:

Board means the Board of the Parks
and Reserves Authority
established under section 13;

- (c) by inserting the following definition after
the definition of *business licence*:

Chief Executive means the Chief
Executive, Parks and Reserves

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and Reserves Authority) Act 2013*
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Authority appointed under
section 6;

- (d) by omitting the definition of *Council*;
- (e) by omitting the definition of *Director*;
- (f) by inserting the following definition after
the definition of *owner*:

parks and reserves strategic plan
means a strategic plan prepared
and approved under sections 18A
and 18B, and amended, if
applicable, under section 18D;

5. Part 2, Division 1: Heading amended

Division 1 of Part 2 of the Principal Act is
amended by omitting “***Director of National
Parks and Wildlife***” from the heading to that
Division and substituting “***Chief Executive,
Parks and Reserves Authority***”.

6. Sections 6 and 7 substituted

Sections 6 and 7 of the Principal Act are
repealed and the following sections are
substituted:

**6. Chief Executive, Parks and Reserves
Authority**

The Governor may appoint a State
Service officer or State Service employee

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to be Chief Executive, Parks and Reserves Authority and that person holds office in conjunction with State Service employment.

7. Functions of Chief Executive

The Chief Executive has the functions and powers specified in this Act or any other Act, including responsibility for the implementation of the parks and reserves strategic plan and approved management plans.

7A. Arrangements relating to staff

The Secretary is to arrange for the services of State Service officers and State Service employees employed in the Department to be made available to the Chief Executive for the purpose of enabling the functions of the Chief Executive and the Board under this or any other Act to be performed.

**7. Section 8 amended (Arrangements in respect of
Nature Conservation Act 2002)**

Section 8(1) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

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and Reserves Authority) Act 2013*
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8. Section 10 amended (Rangers)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Secretary” and substituting “Chief Executive”;
- (b) by omitting from subsection (2) “Secretary” and substituting “Chief Executive”;
- (c) by omitting from subsection (3) “Secretary” and substituting “Chief Executive”;
- (d) by omitting subsection (5) and substituting the following subsection:
 - (5) If the managing authority for any reserved land is not the Minister, that authority, with the approval of the Chief Executive, may appoint a ranger in respect of that reserved land.

9. Section 11 amended (Adoption of emblem for use by Minister)

Section 11 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Minister”;

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- (b) by omitting from subsection (2) “Director” and substituting “Chief Executive”.

10. Part 2, Division 2: Heading amended

Division 2 of Part 2 of the Principal Act is amended by omitting “*National Parks and Wildlife Advisory Council, &c.*” from the heading to that Division and substituting “*Parks and Reserves Authority*”.

11. Sections 12, 13, 14, 15 and 16 substituted

Sections 12, 13, 14, 15 and 16 of the Principal Act are repealed and the following sections are substituted:

12. Establishment of Parks and Reserves Authority

- (1) The Parks and Reserves Authority is established.
- (2) The Authority consists of the Board of the Parks and Reserves Authority and the Chief Executive.
- (3) The Authority is part of the State’s resource management and planning system, the objectives of which are set out in Schedule 2.

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- (4) The Authority is to further the objectives for management of reserved land specified in Schedule 1.

13. Board of Parks and Reserves Authority

The Board of the Parks and Reserves Authority is established.

13A. Membership of Board

- (1) The Board consists of –
 - (a) the Chief Executive; and
 - (b) seven members appointed by the Governor on the nomination of the Minister.
- (2) The persons nominated for membership of the Board are to include, but are not limited to, persons who, in the opinion of the Minister, have skills and experience in board governance, management of natural and cultural values, reserve management, and management of reserve use including commercial and recreational use.
- (3) The Board is to include at least one person of each sex.
- (4) The Governor, on the nomination of the Minister, may appoint a member referred to in subsection (1)(b) as chairperson of the Board.

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- (5) The Governor, on the nomination of the Minister, may appoint a member referred to in subsection (1)(b) as the deputy chairperson of the Board.
- (6) Schedules 2A and 2B have effect with respect to the membership and meetings of the Board.

14. Functions and powers of Board

- (1) The functions of the Board are as follows:
 - (a) to undertake, upon direction from the Minister, strategic planning and management, specifically via –
 - (i) development of a draft parks and reserves strategic plan; and
 - (ii) development of draft management plans in respect of reserved land; and
 - (iii) monitoring, review and evaluation, in meeting the objectives in Schedule 1, of the approved parks and reserves strategic plan and management plans in accordance with

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ministerial statements of
expectations;

- (b) to advise the Minister on policy issues and other strategic matters;
 - (c) to report to the Minister on the implementation of the parks and reserves strategic plan and other functions;
 - (d) to perform such other functions as are conferred on it by or under this Act or any other Act.
- (2) The Board has such powers as are necessary to enable it to perform its functions.

15. Ministerial statements of expectation

- (1) The Minister must provide the Board with ministerial statements of expectation with respect to –
- (a) the parks and reserves strategic plan; and
 - (b) any management plans –
- by 31 March in each even-numbered year.
- (2) The Minister may at any time, at his or her discretion or on receipt of an application by the Board –

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- (a) amend a ministerial statement of expectation; or
 - (b) revoke a ministerial statement of expectation and substitute another ministerial statement of expectation –

by providing the amendment or substituted ministerial statement of expectation to the Board.
- (3) In preparing a ministerial statement of expectation, the Minister must consult with the Board.
- (4) A ministerial statement of expectation or any amendment to a ministerial statement of expectation is to be in writing and signed by the Minister.
- (5) A ministerial statement of expectation or an amendment to a ministerial statement of expectation takes effect on a day specified in it, being a day not earlier than the day on which it is issued to the Board.
- (6) The Board is to make all ministerial statements of expectation available to the public in the manner determined by the Board.

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and Reserves Authority) Act 2013*
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15A. Contents of ministerial statements of expectation

- (1) A ministerial statement of expectation is to specify the objectives of the Minister on any matter relating to the functions of the Board including, but not limited to –
 - (a) the scope of the parks and reserves strategic plan, including mission, objectives and strategies; and
 - (b) the scope of management plans including nature conservation, research, wildlife management, historic and Aboriginal heritage, recreation, tourism, fire management, carbon management, access and other uses; and
 - (c) timeframes and objectives with respect to the plans; and
 - (d) adequate measures for review with respect to the plans.
- (2) A ministerial statement of expectation –
 - (a) may not prevent the Board from performing a function it is required to perform; and
 - (b) may not extend the functions and powers of the Board.

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and Reserves Authority) Act 2013*
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15B. Conduct to be consistent with ministerial statements of expectation

The Board is to conduct its business and affairs in a manner that is consistent with all ministerial statements of expectation.

15C. Audit of functions of Board, &c.

- (1) Not later than 4 years after the commencement of the *National Parks and Reserves Management Amendment (Parks and Reserves Authority) Act 2013* and subsequently at intervals of not less than 4 years, the Minister is to arrange for an audit of the functions of the Board, including an assessment of the furthering of the objectives for management of reserved land specified in Schedule 1, to be conducted by an independent person.
- (2) The person conducting the audit is to provide the Minister with a report of the audit.
- (3) The Minister is to make the report of the audit publicly available.

16. Delegation

- (1) The Board may, by resolution, delegate any of its functions or powers other than this power of delegation.
- (2) If any services are provided by a delegate employed in any Agency or State

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authority, any fee payable in respect of those services is payable to the Agency or State authority in which that person is employed.

(3) For the purposes of subsection (2) –

State authority has the same meaning
as in the *State Service Act 2000*.

12. Section 17 amended (Special advisory committees)

Section 17 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(b) “Director” and substituting “Chief Executive”;
- (b) by omitting from subsection (2)(b)(iii) “Director” twice occurring and substituting “Chief Executive”.

13. Section 17A inserted

After section 17 of the Principal Act, the following section is inserted in Division 2:

17A. Committees

The Board may establish committees, which may include persons who are not members of the Board, for the purpose of advising it on any matter arising in

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relation to the performance of its
functions.

14. Sections 18A, 18B, 18C and 18D inserted

After section 18 of the Principal Act, the
following sections are inserted in Part 3:

**18A. Draft strategic plan for parks and reserved
land**

The Board must –

- (a) prepare a draft parks and reserves
strategic plan for parks and other
reserved land, in accordance with
any relevant ministerial statement
of expectation; and
- (b) provide an opportunity for public
comment on the draft parks and
reserves strategic plan; and
- (c) submit the draft parks and
reserves strategic plan to the
Minister.

**18B. Final approval of draft parks and reserves
strategic plan**

- (1) The Minister, after receipt of a draft
parks and reserves strategic plan, may –
 - (a) approve the draft parks and
reserves strategic plan; or

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- (b) refer the draft parks and reserves strategic plan back to the Board, with advice on any matter the Minister considers may require further action; or
 - (c) approve the draft parks and reserves strategic plan subject to such alterations as the Minister, on his or her own motion, considers necessary or expedient.
- (2) The Minister is to notify the Board, in writing, of the approval or, if subsection (1)(b) applies, the relevant alterations required.

18C. Notification of approval of draft parks and reserves strategic plan

If the Minister approves a draft parks and reserves strategic plan, the Board, by public notice, must notify –

- (a) that the parks and reserves strategic plan has been approved; and
- (b) the date on which the parks and reserves strategic plan takes effect; and
- (c) the period during which the parks and reserves strategic plan is in force; and

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- (d) the place at which a copy of the parks and reserves strategic plan may be obtained; and
- (e) the cost, if any, of obtaining a copy of the parks and reserves strategic plan; and
- (f) any other information the Board considers relevant to the parks and reserves strategic plan.

18D. Amendment of parks and reserves strategic plan

- (1) The Minister may, on his or her own motion, or on the recommendation of the Board, amend a parks and reserves strategic plan at any time, if the Minister is satisfied that it is necessary or desirable to do so.
- (2) If the Minister amends a parks and reserves strategic plan of his or her own motion and not on the recommendation of the Board, the Minister is to advise the Board of the reasons for the amendment.

15. Section 19 amended (Management plans)

Section 19 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (9) “Director” twice occurring and substituting “Board”;
- (b) by omitting from subsection (10) “Director” and substituting “Board”.

16. Section 20 amended (Formulation of management plans)

Section 20 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “Director” and substituting “Board”;
- (b) by omitting from subsection (3) “Director” and substituting “Board”;
- (c) by omitting from subsection (4) “Director” three times occurring and substituting “Board”;
- (d) by omitting from subsection (5) “Director” twice occurring and substituting “Board”;
- (e) by omitting from subsection (9) “Director” and substituting “Board”;
- (f) by omitting from subsection (11) “Director” and substituting “Board”;
- (g) by omitting from subsection (12) “Minister” first occurring and substituting “Board”;

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- (h) by omitting paragraph (a) from subsection (12) and substituting the following paragraph:
 - (a) provide the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002* with a copy of the draft management plan; and
- (i) by omitting subparagraphs (iii) and (iv) from subsection (12)(b) and substituting the following subparagraph:
 - (iii) stating that representations in relation to that draft management plan may be made to the Board by any person, including the Secretary of the responsible Department in relation to the *Nature Conservation Act 2002*, before a day specified in the notice that is not earlier than 30 days after the date of publication of the notice or any further period the Board allows.
- (j) by omitting from subsection (13) “Director” and substituting “Board”.

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17. Sections 21 and 22 substituted

Sections 21 and 22 of the Principal Act are repealed and the following sections are substituted:

21. Consideration by Board of representations

Within 30 days after the specified day referred to in section 20(12)(b)(iii) or within any further period the Board allows under that section, the Board is to consider any representations made under section 20(12)(b)(iii) with reference to the draft management plan.

22. Review by Board

Within 30 days after the specified day referred to in section 20(12)(b)(iii) or within any further period the Board allows under that section, the Board is to prepare a report containing –

- (a) a summary of the representations; and
- (b) the Board's opinion on the merits of the representations, including whether or not it believes the representations to be of sufficient merit to warrant modification of the draft management plan; and

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- (c) a summary of any proposed modification to the draft management plan; and
- (d) any additional information the Board considers relevant.

18. Section 23 amended (Public exhibition)

Section 23 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) The Board, as soon as practicable after preparation of the report under section 22, is to notify by public notice –
 - (a) the places at which copies of the report and any representations made under section 20(12)(b)(iii) are to be exhibited; and
 - (b) the period during which they are to be exhibited; and
 - (c) any other information the Board considers relevant.
- (b) by omitting subsection (3) and substituting the following subsection:

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- (3) The Board may make available, at the places referred to in subsection (1)(a), any information that may assist public consideration of the representations and the report of the Board.

19. Section 24 substituted

Section 24 of the Principal Act is repealed and the following sections are substituted:

24. Report of Board

The Board, within a period determined by the Minister, is to provide the Minister with –

- (a) a report of its review under section 22; and
- (b) copies of the representations submitted under section 20(12)(b)(iii).

24A. Minister may seek further information, &c.

The Minister may, on receipt of the report of the Board under section 24, seek and have regard to information or advice from the Commission or any other person.

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Part 2 – National Parks and Reserves Management Act 2002 Amended

20. Section 25 amended (Submission of management plan)

Section 25(1) of the Principal Act is amended by omitting paragraphs (a), (b) and (c) and substituting the following paragraphs:

- (a) the report of the Board provided to the Minister under section 24; and
- (b) copies of the representations provided to the Minister under that section.

21. Section 28 amended (Notification and taking effect of management plans)

Section 28(6) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

22. Section 29 amended (Managing authorities for reserves)

Section 29 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Minister”;
- (b) by omitting from subsection (5) “Director” and substituting “Minister”;
- (c) by omitting from subsection (9) “Director” twice occurring and substituting “Minister”.

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23. Section 30 amended (Functions and powers of managing authority in relation to reserved land)

Section 30(3)(d) of the Principal Act is amended by inserting “the Chief Executive or” after “with”.

24. Section 33 amended (Membership of Conservation Management Trust)

Section 33(1)(g) of the Principal Act is amended by omitting “Director” twice occurring and substituting “Chief Executive”.

25. Section 35 amended (Dealings with reserved lands)

Section 35(4) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

26. Section 36 amended (Prohibition on destroying trees)

Section 36 of the Principal Act is amended by omitting “managing authority” and substituting “Chief Executive”.

27. Section 40 amended (Granting of business licence)

Section 40 of the Principal Act is amended by inserting after subsection (1) the following subsection:

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s. 28 Part 2 – National Parks and Reserves Management Act 2002 Amended

- (1A) Before granting an application for a business licence under subsection (1), the Minister must be satisfied that the granting of the application is consistent with the parks and reserves strategic plan for parks and other reserved land, and the objectives, which apply to that class of reserved land.

28. Section 47 substituted

Section 47 of the Principal Act is repealed and the following section is substituted:

47. Delegation to Chief Executive or managing authority declared by order

The Minister may delegate any of his or her functions or powers in relation to a business licence to –

- (a) the Chief Executive; or
- (b) a prescribed body; or
- (c) a Conservation Management Trust declared under section 29 to be the managing authority for the reserved land, or part of the reserved land, in respect of which the business licence applies.

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29. Section 48 amended (Minister may grant leases and licences)

Section 48 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

- (1A) Subject to subsections (5) and (6), before granting a lease of, or licence to occupy, reserved land that is Crown land under subsection (1), the Minister must be satisfied that the granting of the lease or licence is consistent with the parks and reserves strategic plan for parks and other reserved land.

- (b) by omitting from subsection (8) “Director” and substituting “Chief Executive”.

30. Section 52 amended (Cancellation of lease where land required for public or other purposes)

Section 52 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3)(b) “Director” and substituting “Chief Executive”;

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(b) by omitting from subsection (5) “Director” first occurring and substituting “Chief Executive”;

(c) by omitting from subsection (5)(b) “Director” and substituting “Chief Executive”.

31. Section 54 amended (Compensation payable on non-renewal of certain leases)

Section 54(3)(a) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

32. Section 55 amended (Improvements on land held under licence)

Section 55(2)(a) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

33. Section 56 amended (Community service contributions payable by holders of private rights within reserved lands)

Section 56(2) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

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and Reserves Authority) Act 2013*
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34. Section 57 amended (Fencing of reserved Crown land)

Section 57 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Chief Executive”;
- (b) by omitting from subsection (2) “Director” three times occurring and substituting “Chief Executive”;
- (c) by omitting from subsection (3) “Director” and substituting “Chief Executive”.

35. Section 59 amended (Notable buildings and places)

Section 59 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Chief Executive”;
- (b) by omitting from subsection (2) “Director” and substituting “Chief Executive”;
- (c) by omitting from subsection (3) “Director” and substituting “Chief Executive”.

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and Reserves Authority) Act 2013*
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36. Section 60 amended (Regulations for reserved land)

Section 60(4)(a) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

37. Section 64 amended (Powers and functions of seizure)

Section 64(7) of the Principal Act is amended by omitting “Director” twice occurring and substituting “Chief Executive”.

38. Section 69 amended (Production and cancellation of licences, &c., in offence proceedings)

Section 69(5)(b) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

39. Section 72 amended (Forfeiture of articles, &c., on conviction)

Section 72(5) of the Principal Act is amended by omitting “Director” and substituting “Chief Executive”.

40. Section 73 amended (Compensation on conviction for offences)

Section 73(1) of the Principal Act is amended by omitting “Director” from paragraph (a) of the

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and Reserves Authority) Act 2013*
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definition of *appropriate authority* and
substituting “Chief Executive”.

41. Section 85 amended (Assistance to officers)

Section 85(1) of the Principal Act is amended by
omitting “Director” from the definition of *officer*
and substituting “Chief Executive”.

**42. Section 86 amended (Compensation for injury or
death occurring in the course of official duty, &c.)**

Section 86 of the Principal Act is amended as
follows:

- (a) by omitting “Director” from the
definition of *officer* in subsection (1) and
substituting “Chief Executive”;
- (b) by omitting from subsection (5)
“Director” and substituting “Chief
Executive”;
- (c) by omitting from subsection (7)
“Director” three times occurring and
substituting “Chief Executive”.

43. Section 88 amended (Expenses of Act)

Section 88 of the Principal Act is amended as
follows:

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and Reserves Authority) Act 2013*
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- (a) by omitting from subsection (2) “Director” and substituting “Chief Executive”;
- (b) by omitting from subsection (3) “Director” and substituting “Minister”;
- (c) by omitting from subsection (4)(a) “Director” and substituting “Minister”;
- (d) by omitting from subsection (5) “Director” and substituting “Minister”.

44. Section 89 substituted

Section 89 of the Principal Act is repealed and the following section is substituted:

89. Delegation by Chief Executive

- (1) The Chief Executive may delegate any of his or her functions or powers under this Act, other than this power of delegation, to a State Service officer or State Service employee.
- (2) Despite subsection (1), the Chief Executive may not delegate any of his or her functions or powers under this Act to a State Service officer or State Service employee employed in a State Service Agency other than the Department unless the Head of that Agency has consented to that delegation.

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and Reserves Authority) Act 2013*
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45. Section 90A inserted

After section 90 of the Principal Act, the following section is inserted in Part 6:

90A. Further amendment of regulations not prevented

If an Act amending this Act also amends a provision of any regulations made under any other Act, the amendment of the provision of the regulations does not prevent that provision or any other provision of the regulations from being amended or rescinded by a subsequent regulation made under the other Act.

46. Section 91 amended (Regulations)

Section 91 of the Principal Act is amended as follows:

(a) by inserting the following subsection after subsection (3):

(3A) Without limiting subsection (1), regulations may be made in relation to the process to be undertaken in the preparation of the draft parks and reserves strategic plan, the preparation of the plan and the form of the plan.

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and Reserves Authority) Act 2013*
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s. 47 Part 2 – National Parks and Reserves Management Act 2002 Amended

- (b) by omitting from subsection (4)(c) “Director” and substituting “the Board or the Chief Executive”.

47. Schedules 2A and 2B inserted

After Schedule 2 to the Principal Act, the following Schedules are inserted:

**SCHEDULE 2A – PROVISIONS WITH RESPECT TO
MEMBERSHIP OF BOARD**

Section 13A

1. Interpretation

In this Schedule –

appointed member means a member
of the Board referred to in
section 13A(1)(b).

2. Term of appointment

- (1) An appointed member is to be appointed for such term, not exceeding 3 years, as is specified in the member’s instrument of appointment and, if otherwise qualified, is eligible for re-appointment.
- (2) Despite subclause (1), if an appointed member has served consecutively 2 terms in office as an appointed member of the Board, the appointed member may not be

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appointed for a further consecutive term
of office.

**3. Provisions requiring devotion of whole of
time to other duties**

Where, by or under any Act, provision is
made requiring the holder of an office to
devote the whole of his or her time to the
duties of office under that Act, that
provision does not operate to disqualify
that person from holding that office and
also the office of a member of the Board.

4. Terms and conditions of appointment

- (1) Subject to subclause (2), a member of the
Board is entitled to be paid such
remuneration and allowances as the
Governor may from time to time
determine.
- (2) The Chief Executive is not entitled to
remuneration under subclause (1) except
with the approval of the Minister
administering the *State Service Act 2000*.
- (3) An appointed member holds office on
such terms and conditions not provided
for in this Act as are determined by the
Governor.

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and Reserves Authority) Act 2013*
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5. Disclosure of interests

- (1) If a member of the Board has or acquires an interest (whether pecuniary or otherwise) that would conflict with the proper performance of the member's functions in relation to a matter being considered or about to be considered by the Board, the member must disclose the nature of that interest at a meeting of the Board.
- (2) A disclosure under subclause (1) is to be recorded in the minutes of the meeting of the Board and the member must not, unless the Board otherwise determines –
 - (a) be present during any deliberation of the Board with respect to that matter; or
 - (b) take part in any decision of the Board with respect to that matter.
- (3) For the purpose of making a determination by the Board under subclause (2) in relation to a member who has made a disclosure under subclause (1), a member who has a direct or indirect pecuniary interest in the matter to which the disclosure relates must not take part in the making by the Board of the determination.

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6. Deputies of members

- (1) The Governor may appoint a deputy of a member of the Board other than the chairperson.
- (2) The deputy of –
 - (a) the Chief Executive must be nominated by the Chief Executive; and
 - (b) a member referred to in section 13A(1)(b) must be a person nominated by the Minister who, in the opinion of the Minister, has the appropriate knowledge and experience necessary to enable the Authority to perform its functions.
- (3) If a member of the Board is unable for any reason to perform the duties of a member, the member's deputy may perform those duties and, when doing so, is taken to be a member.
- (4) If the chairperson is unable for any reason to perform the duties of chairperson –
 - (a) the deputy chairperson may perform the duties of chairperson and, when doing so, is taken to be the chairperson; and

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- (b) the deputy of the deputy chairperson may perform the duties of the deputy chairperson and, when doing so, is taken to be the member of the Board holding the office of deputy chairperson.
- (5) A deputy member of the Board holds office for such term, not exceeding 3 years, and on such conditions, as are specified in his or her instrument of appointment.

7. Resignation

An appointed member may resign by signed notice given to the Governor.

8. Termination of appointment

- (1) The Governor may terminate the appointment of an appointed member if the member –
 - (a) becomes mentally or physically incapable of performing satisfactorily the duties of office; or
 - (b) is convicted in Tasmania, or elsewhere, of an offence punishable by imprisonment for 2 years or longer; or

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- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration or estate for their benefit; or
 - (d) fails, without reasonable excuse, to comply with clause 5.
- (2) An appointed member may be removed from office only in accordance with this clause.

9. Validity of proceedings, &c.

All acts and proceedings of the Board or of any person acting pursuant to any direction of the Board are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Board or that any person was disqualified from acting as, or incapable of being, a member of the Board, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Board had been fully constituted.

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Part 2 – National Parks and Reserves Management Act 2002 Amended

10. Presumptions

In any proceedings by or against the Board, unless evidence is given to the contrary, no proof is required of –

- (a) the constitution of the Board; or
- (b) any resolution of the Board; or
- (c) the appointment of any member of the Board; or
- (d) the presence of a quorum at any meeting of the Board.

SCHEDULE 2B – PROVISIONS WITH RESPECT TO MEETINGS OF BOARD

Section 13A

1. Convening of meetings of the Board

Meetings of the Board may be convened by the chairperson of the Board or by any two members of the Board.

2. Procedure at meetings

- (1) Five members of the Board of whom one must be the chairperson or deputy chairperson form a quorum at any duly convened meeting of the Board.
- (2) Any duly convened meeting of the Board at which a quorum is present is

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competent to transact any business of the Board.

- (3) Questions arising at a meeting of the Board are to be determined by a majority of votes of the members of the Board present and voting.
- (4) In the case of an equality of votes, the chairperson of the Board or, in the absence of the chairperson, the deputy chairperson of the Board has a casting vote.

3. General procedure

The procedure for the calling of, and for the conduct of business at, meetings of the Board is, subject to any procedure that is specified in this Act, to be as determined by the Board.

48. Schedule 6 inserted

After Schedule 5 to the Principal Act, the following Schedule is inserted:

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and Reserves Authority) Act 2013*
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Part 2 – National Parks and Reserves Management Act 2002 Amended

**SCHEDULE 6 – TRANSITIONAL AND SAVINGS
PROVISIONS CONSEQUENT ON NATIONAL PARKS
AND RESERVES MANAGEMENT AMENDMENT
(PARKS AND RESERVES AUTHORITY) ACT 2013**

1. First ministerial statement of expectation

Despite section 15(1), in the financial year commencing 1 July 2013 the Minister is to provide the Board with a ministerial statement of expectation with respect to the parks and reserves strategic plan within 3 months after the commencement of the *National Parks and Reserves Management Amendment (Parks and Reserves Authority) Act 2013*.

2. Appointment of rangers

A person appointed by the Secretary of the Department, and holding office immediately before the commencement of the *National Parks and Reserves Management Amendment (Parks and Reserves Authority) Act 2013*, as a ranger under section 10 is taken to have been appointed by the Chief Executive as a ranger under that section on the same terms and conditions and for a term expiring on the same day.

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and Reserves Authority) Act 2013*
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Part 3 – Aboriginal Relics Act 1975 Amended

s. 49

PART 3 – ABORIGINAL RELICS ACT 1975 AMENDED

49. Principal Act

In this Part, the *Aboriginal Relics Act 1975** is referred to as the Principal Act.

50. Section 2 amended (Interpretation)

Section 2(1) of the Principal Act is amended as follows:

- (a) by omitting the definition of *Director*;
- (b) by inserting the following definition after the definition of *protected site*:

Secretary means the Secretary of the Department;

51. Section 3 amended (Establishment and functions of the Aboriginal Relics Advisory Council)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(c) “Director” and substituting “Secretary”;
- (b) by omitting from subsection (2)(d) “Director” and substituting “Secretary”;

*No. 81 of 1975

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

s. 52

Part 3 – Aboriginal Relics Act 1975 Amended

(c) by omitting from subsection (3)
“Director” twice occurring and
substituting “Secretary”;

(d) by omitting from subsection (5)
“Director” and substituting “Secretary”.

52. Section 6 amended (Proceedings of the Council)

Section 6(4) of the Principal Act is amended by
omitting “Director” and substituting “Secretary”.

53. Section 7 amended (Declaration of protected sites)

Section 7 of the Principal Act is amended as
follows:

(a) by omitting from subsection (1)
“Director” and substituting “Secretary”;

(b) by omitting from subsection (2)
“Director” and substituting “Secretary”.

54. Section 8 amended (Management, &c., of protected sites)

Section 8 of the Principal Act is amended as
follows:

(a) by omitting from subsection (1)
“Director” and substituting “Secretary”;

(b) by omitting from subsection (2)
“Director” and substituting “Secretary”;

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and Reserves Authority) Act 2013*
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Part 3 – Aboriginal Relics Act 1975 Amended

s. 55

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- (c) by omitting from subsection (3)(d) “Director” and substituting “Secretary”;
 - (d) by omitting from subsection (4) “Director” and substituting “Secretary”;
 - (e) by omitting from subsection (6) “Director” twice occurring and substituting “Secretary”;
 - (f) by omitting from subsection (7) “Director” and substituting “Secretary”;
 - (g) by omitting from subsection (8) “Director” and substituting “Secretary”;
 - (h) by omitting from subsection (9) “Director” twice occurring and substituting “Secretary”;
 - (i) by omitting from subsection (10) “Director” and substituting “Secretary”;
 - (j) by omitting from subsection (11) “Director” twice occurring and substituting “Secretary”;
 - (k) by omitting from subsection (12) “Director” twice occurring and substituting “Secretary”;
 - (l) by omitting from subsection (13) “Director” and substituting “Secretary”.

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

s. 55

Part 3 – Aboriginal Relics Act 1975 Amended

55. Section 9 amended (Protection of protected sites)

Section 9 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Secretary”;
- (b) by omitting from subsection (2) “Director” and substituting “Secretary”.

56. Section 10 amended (Duties of persons owning or finding, &c., relics)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Secretary”;
- (b) by omitting from subsection (2) “Director” twice occurring and substituting “Secretary”;
- (c) by omitting from subsection (3) “Director” and substituting “Secretary”;
- (d) by omitting from subsection (4) “Director” and substituting “Secretary”;
- (e) by omitting from subsection (6) “Director” and substituting “Secretary”.

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and Reserves Authority) Act 2013*
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Part 3 – Aboriginal Relics Act 1975 Amended

s. 57

57. Section 12 amended (Acquisition of relics by the Crown)

Section 12(1) of the Principal Act is amended by omitting “Director” and substituting “Secretary”.

58. Section 13 amended (Dealing with relics vested in the Crown)

Section 13 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “Director” and substituting “Secretary”;
- (b) by omitting from subsection (2) “Director” and substituting “Secretary”;
- (c) by omitting from subsection (4) “Director” and substituting “Secretary”.

59. Section 14 amended (Protection of relics)

Section 14(1) of the Principal Act is amended by omitting “Director” and substituting “Secretary”.

60. Section 19 amended (Procedure on seizure of objects)

Section 19(2) of the Principal Act is amended by omitting “Director” and substituting “Secretary”.

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and Reserves Authority) Act 2013*
Act No. of

s. 61

Part 3 – Aboriginal Relics Act 1975 Amended

61. Section 22 amended (Expenses of Act)

Section 22(1) of the Principal Act is amended by omitting “Director” and substituting “Secretary”.

62. Section 25 amended (Regulations)

Section 25(4)(a) of the Principal Act is amended by omitting “Director” and substituting “Secretary”.

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and Reserves Authority) Act 2013*
Act No. of

Part 4 – Crown Lands (Shack Sites) Act 1997 Amended

s. 63

**PART 4 – CROWN LANDS (SHACK SITES) ACT 1997
AMENDED**

63. Principal Act

In this Part, the *Crown Lands (Shack Sites) Act 1997** is referred to as the Principal Act.

**64. Section 6 amended (Factors relevant to assessment
and determination)**

Section 6(1)(f)(iii) of the Principal Act is amended by omitting “Director of National Parks and Wildlife” and substituting “Board of the Parks and Reserves Authority”.

**65. Section 37 amended (Shack site determination
process not impeded by other laws)**

Section 37(3) of the Principal Act is amended by omitting “Director of National Parks and Wildlife” and substituting “Board of the Parks and Reserves Authority”.

*No. 87 of 1997

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

s. 66

Part 5 – Explosives Regulations 2012 Amended

**PART 5 – EXPLOSIVES REGULATIONS 2012
AMENDED**

66. Principal Regulations

In this Part, the *Explosives Regulations 2012**
are referred to as the Principal Regulations.

**67. Schedule 7 amended (Standard conditions of
fireworks display permits)**

Clause 3(1)(f) of Schedule 7 to the Principal
Regulations is amended by omitting “Director of
National Parks and Wildlife” and substituting
“Chief Executive, Parks and Reserves
Authority”.

*S.R. 2012, No. 128

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

Part 6 – Firearms Act 1996 Amended

s. 68

PART 6 – FIREARMS ACT 1996 AMENDED

68. Principal Act

In this Part, the *Firearms Act 1996** is referred to as the Principal Act.

69. Section 39 amended (Requirements relating to recreational hunting or vermin control)

Section 39(c) of the Principal Act is amended by omitting “Director of National Parks and Wildlife” and substituting “Chief Executive, Parks and Reserves Authority”.

*No. 23 of 1996

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

s. 70

Part 7 – Fire Service Act 1979 Amended

PART 7 – FIRE SERVICE ACT 1979 AMENDED

70. Principal Act

In this Part, the *Fire Service Act 1979** is referred to as the Principal Act.

71. Section 14 amended (State Fire Management Council)

Section 14(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (f) “Director of National Parks and Wildlife” and substituting “Chief Executive, Parks and Reserves Authority”;
- (b) by omitting from paragraph (g) “Director of National Parks and Wildlife” and substituting “Chief Executive, Parks and Reserves Authority”.

72. Section 45 amended (Powers of authorized national park officers)

Section 45(2) of the Principal Act is amended by omitting “Director of National Parks and Wildlife” and substituting “Chief Executive, Parks and Reserves Authority”.

*No. 35 of 1979

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

Part 7 – Fire Service Act 1979 Amended

s. 73

**73. Section 67 amended (Revocation, suspension or
variation of permits to light fires)**

Section 67(3)(a)(i) of the Principal Act is amended by omitting “Director of National Parks and Wildlife” and substituting “Chief Executive, Parks and Reserves Authority”.

74. Section 68 amended (Area of extreme fire hazard)

Section 68(4)(b) of the Principal Act is amended by omitting “Director of National Parks and Wildlife” and substituting “Chief Executive, Parks and Reserves Authority”.

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

s. 75

Part 8 – Historic Cultural Heritage Act 1995 Amended

**PART 8 – HISTORIC CULTURAL HERITAGE ACT
1995 AMENDED**

75. Principal Act

In this Part, the *Historic Cultural Heritage Act 1995** is referred to as the Principal Act.

76. Section 6 amended (Constitution of Heritage Council)

Section 6(1)(b) of the Principal Act is amended by omitting “Director of National Parks and Wildlife” and substituting “Secretary of the Department”.

*No. 117 of 1995

**PART 9 – NATIONAL PARKS AND RESERVED LAND
REGULATIONS 2009 AMENDED**

77. Principal Regulations

In this Part, the *National Parks and Reserved Land Regulations 2009** are referred to as the Principal Regulations.

78. Regulation 6 amended (Protection of fauna)

Regulation 6(3)(a)(i) of the Principal Regulations is amended by omitting “Director” and substituting “Minister”.

79. Regulation 26 amended (Who may authorise in certain circumstances)

Regulation 26 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2) “Director” and substituting “Minister”;
- (b) by omitting from subregulation (3) “Director” and substituting “Minister”.

80. Regulation 38 amended (Authorised persons)

Regulation 38(1) of the Principal Regulations is amended by omitting “Director” and substituting “Minister”.

*S.R. 2009, No. 169

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

s. 81

Part 10 – Nature Conservation Act 2002 Amended

**PART 10 – NATURE CONSERVATION ACT 2002
AMENDED**

81. Principal Act

In this Part, the *Nature Conservation Act 2002** is referred to as the Principal Act.

82. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *biological diversity*:

Board means the Board of the Parks and Reserves Authority established under the *National Parks and Reserves Management Act 2002*;

- (b) by inserting the following definition after the definition of *cat*:

Chief Executive means the Chief Executive, Parks and Reserves Authority appointed under section 6 of the *National Parks and Reserves Management Act 2002*;

- (c) by omitting the definition of *Director*.

*No. 63 of 2002

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

Part 10 – Nature Conservation Act 2002 Amended

s. 83

**83. Section 7 amended (Arrangements in respect of
National Parks and Reserves Management Act 2002)**

Section 7(1) of the Principal Act is amended by
omitting “Director” and substituting “Chief
Executive”.

**84. Section 10 amended (Secretary to consult with
Director)**

Section 10 of the Principal Act is amended by
omitting “Director” and substituting “Chief
Executive”.

**85. Section 32 amended (Prohibition on introduction,
&c., of certain animals)**

Section 32(11) of the Principal Act is amended
by omitting “Director” and substituting “Chief
Executive”.

s. 86 Part 11 – Port Arthur Historic Site Management Authority Act 1987
Amended

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
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Part 11 – Port Arthur Historic Site Management Authority Act 1987
Amended

s. 87

*National Parks and Reserves
Management Act 2002” and substituting
“Sections 18, 18A, 18B, 18C, 18D, 19,
20, 21, 22, 23, 24, 25, 26, 27, 28(1), 34,
35, 36 and 55 of the National Parks and
Reserves Management Act 2002”;*

- (c) by omitting from subsection (4)
“Director of National Parks and
Wildlife” and substituting “Minister or
the Chief Executive, Parks and Reserves
Authority”.

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

s. 88

Part 12 – Wellington Park Act 1993 Amended

PART 12 – WELLINGTON PARK ACT 1993 AMENDED

88. Principal Act

In this Part, the *Wellington Park Act 1993** is referred to as the Principal Act.

89. Section 10 amended (Constitution of Trust)

Section 10 of the Principal Act is amended as follows:

- (a) by omitting paragraph (c) from subsection (1) and substituting the following paragraph:
 - (c) the Chief Executive, Parks and Reserves Authority or a person nominated by the Chief Executive; and
- (b) by omitting from subsection (3) “Director of National Parks and Wildlife” and substituting “Chief Executive, Parks and Reserves Authority”.

*No. 59 of 1993

*National Parks and Reserves Management Amendment (Parks
and Reserves Authority) Act 2013*
Act No. of

Part 13 – Repeal of Act

s. 90

PART 13 – REPEAL OF ACT

90. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.