**NATIONAL PARKS AND WILDLIFE (MISCELLANEOUS) AMENDMENT BILL 1995**

**Legislative Assembly, 15 November 1995, pages 735-7**

Second reading

**The Hon. S.J. Baker, for the Hon. D.C. WOTTON (Minister for the Environment and Natural Resources),** obtained leave and introduced a Bill for an Act to amend the National Parks and Wildlife Act 1972 and to make a consequential amendment to the Wilderness Protection Act 1992. Read a first time.

The Hon. S.J. BAKER: I move: That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it. Leave granted. The National Parks and Wildlife (Miscellaneous) Amendment Bill 1995 aims to substantially reform the administration of the National Parks and Wildlife Act 1972 through the replacement of the Reserves Advisory Committee with a South Australian National Parks and Wildlife Council, implementation of a mechanism to form Advisory Committees to assist the Council and the provision of statutory recognition for the Consultative Committees, sixteen of which currently exist throughout the State.

The Government made a pre-election commitment to reform administration of the National Parks and Wildlife Service.

In April 1994 the recommendations of the Review into the Management of the National Parks and Wildlife Act Reserves were released. This review recommended an expanded Advisory Body comprised of seven members.

Further consideration of the administration of the Act has led to the amendments currently before the House to replace the Reserves Advisory Committee with a South Australian National Parks and Wildlife Council with a wider range of functions.

It is proposed that the South Australian National Parks and Wildlife Council be comprised of seven members one of whom is the Director National Parks and Wildlife, who is an ex-officio member.

Four persons will be appointed on the basis of qualifications and experience in one of each of the following: conservation of animals and plants management of reserve land management of natural resources organising community involvement and two persons selected for qualifications or experience in one or more of: ecologically based tourism business management financial management and marketing

The South Australian National Parks and Wildlife Council will be responsible for the following functions: planning in relation to reserves and wildlife funding, involving sponsorship and the development and marketing of commercial activities community consultation and participation public education and promotion for conservation advice on the development of policy performance review and reporting finding allocation advice from the Wildlife Conservation Fund, and any other matters referred by the Minister.

In order to support the role of the South Australian National Parks and Wildlife Council it is proposed that specialist Advisory Committees will be formed to advise the Council and the Minister.

Without limiting the matters on which an Advisory Committee may advise the Council, an Advisory Committee may provide advice on the management of wildlife including: the harvesting and farming of wildlife the culling of wildlife the reintroduction of particular species to parts of the State once inhabited by that species issuing of permits under the Act the plan of management for a particular reserve or plans of management generally the involvement of Aboriginal people in the management of land and wildlife.

In order to complete the process for public involvement in management of the State s reserve system and biological resources, the Bill provides for statutory recognition of the very successful Consultative Committees.

It is proposed that geographically based Consultative Committees will continue to provide a forum for consultation on reserve management and the conservation of plants, animals and ecosystems.

This Bill also contains important provisions for the management and sustainable use of native plants and animals. These amendments are addressed in three parts, trial farming of native animals, commercial harvesting of native animals and to allow the taking and selling of native plants for commercial purposes.

Amendment to the farming of protected animal provisions of the Act will enable permits to be issued to allow trial farming of a species for a maximum period of up to six years. This removes the necessity to amend the Act to place a species on the llth Schedule as a species which may be farmed, when it is uncertain if the animal has commercial potential.

These amendments and existing provisions of the Act will allow a trial farming permit to be subject to such restrictions, conditions or limitations as may be necessary to safeguard the conservation interests of a species and ensure accountability by the trial farmer.

If there is a need to extend a trial farming period beyond three years, then the amendments require that a Draft Code of Management be prepared prior to the extension of a permit for a further period of up to three years.

Commercial harvesting amendments recognise that species such as the Red and Western Grey Kangaroo and the Euro which have for many years been harvested under the auspices of pest fauna destruction permits plan will now be managed by specific commercial harvesting provisions of the Act.

The proposed amendments provide for commercial harvesting of native animals where a plan of management has been prepared and adopted within a framework which addresses: impact of harvesting on species and ecosystems factors likely to impact on species other factors affecting a species as a renewable resource protection of the environment crops, stock and property methods and procedures for capture or killing consultation with the community publication and distribution of the code issue of permits for harvesting royalties for animals harvested any other matters directed by the Minister.

The trial farming and commercial harvesting of native animals amendments provide the opportunity for new sustainable industries to develop in this State. Emu and Crocodile farming are valid examples of the potential which farming of native animals provides for sustainable farming of species and economic benefit.

The successful management of the Kangaroo Industry is graphic evidence that commercial harvesting which is carried out in an ecological sustainable manner under an approved plan of management can provide economic benefit to communities. It also guarantees a commitment to ongoing monitoring of populations and research into the biology of species.

The harvesting of native plants is another area which provides opportunity to recognise the value of our natural resources. Some species such as Melaleuca uncinata (Broombush) have already been recognised for their ability to be harvested as a renewable resource. Members will be aware of this plant s popularity for brush fencing.

The amendments recognise the potential for harvesting of native plants and establish a framework for the development and adoption of standards which take into account the; effect of taking plants on the ecosystem to which the species belongs need for research in relation to species taken identification of plants and plant products public comment on draft recommendations royalty payable on plants taken, and the ability to impose restrictions and conditions on permits.

This will remove the necessity of seeking clearance approval under the Native Vegetation Act for the harvesting of a renewable resource.

It is not intended that these provisions will relate to all native plants. Where a species is in demand to the degree that harvesting has the potential to have an adverse impact on the species or the ecosystem to which it belongs, then its management can be brought under the commercial taking provisions by notice in the Gazette.

The Government will ensure through the consultative and advisory mechanism established in this Bill that consultation will occur to identify and address issues relating to the use of individual native plant and animal species.

There are a number of other consequential and machinery amendments proposed which will improve the administration of the Act.

EXPLANATION OF CLAUSES

The provisions of the Bill are as follows:

 *Clause 1: Short title*

 *Clause 2: Commencement*

 These clauses are formal.

*Clause 3: Amendment of s. 5—Interpretation*

Clause 3 amends section 5 of the principal Act.

*Clause 4: Amendment of s. 11—Wildlife Conservation Fund*

Clause 4 makes consequential amendments to section 11 of the principal Act.

*Clause 5: Amendment of s. 12—Delegation*

Clause 5 provides that the South Australian National Parks and Wildlife Council or an advisory committee can act as a delegate under section 12.

*Clause 6: Substitution of Part 2 Division 2*

Clause 6 replaces Division 2 of Part 2 (which establishes the Reserves Advisory Committee) with Divisions that establish the Council, advisory committees and consultative committees. New sections 15 to 19B provide for the establishment of the Council, its procedures and related matters. Section 19C sets out the Council’s functions. New Division 2A provides for the establishment by the Minister of advisory committees to advise the Minister or the Council. Division 2B provides for the establishment of consultative committees by the Minister to provide advice on local issues affected by the administration of the Act.

*Clause 7: Amendment of s. 22—Powers of wardens*

Clause 7 amends section 22 of the principal Act by widening slightly the power to stop vehicles. The power can only be exercised if the warden believes on reasonable grounds that an offence has been committed.

*Clause 8: Amendment of s. 23—Forfeiture*

Clause 8 amends section 23 of the principal Act. At the moment section 23(4) provides that if proceedings are not taken against the owner of an object seized within three months the object must be returned. It may be, however, that a seized object is not owned by the person who is prosecuted. These amendments address this problem. New subsection (5a) provides that where an animal, carcass, egg or plant is seized it may be sold and converted to money if it is likely to deteriorate and lose value.

*Clause 9: Amendment of s. 27—Constitution of national parks by statute*

*Clause 10: Amendment of s. 28—Constitution of national parks by proclamation*

*Clause 11: Amendment of s. 29—Constitution of conservation parks by statute*

*Clause 12: Amendment of s. 30—Constitution of conservation park by proclamation*

*Clause 13: Amendment of s. 31—Constitution of game reserves by statute*

*Clause 14: Amendment of s. 32—Constitution of game reserves by proclamation*

*Clause 15: Amendment of s. 33—Constitution of recreation parks by statutes*

*Clause 16: Amendment of s. 34—Constitution of recreation parks by proclamation*

*Clause 17: Amendment of s. 34a—Constitution of regional reserves by proclamation*

Clauses 9 to 17 make similar amendments to sections 27 to 34a of the principal Act. The purpose of the amendments is to provide a simple method for changing a reserve from one kind to another— e.g., a conservation park to a national park. To achieve this at the moment the conservation park must be abolished (which requires the approval of both Houses of Parliament) and the land reconstituted as a national park. A national park is regarded as having a higher status than a conservation park and there is therefore no need for Parliamentary approval. The amendment removes the need for Parliamentary approval in this case—see clauses 11 and 12 which amend sections 29 and 30 of the principal Act (section 29 creates conservation parks named in schedule 4 of the Act and section 30 provides for the creation of conservation parks by proclamation). The amendments enable a reserve of any one of the five kinds to be changed to any of the other kinds by proclamation. If the reserve is one that requires Parliamentary approval for its abolition the amendment requires Parliamentary approval if its status is to be reduced. Reserves are ordered in status as follows: national parks conservation parks recreation parks game reserves regional reserves. Changing a national park to any other kind of reserve will require Parliamentary approval because all the other reserves have a lower status. Conversely changing a regional reserve to any other kind of reserve will not require Parliamentary approval.

*Clause 18: Insertion of Division 4B of Part 3*

Clause 18 inserts a new division that provides that the constitution of reserves after 1 January 1994 is subject to native title. If the Government wishes land that is subject to native title to be constituted as a reserve free of native title it can acquire the native title interest in the same way as any other interest in land can be acquired by the Crown. Full compensation is of course payable on acquisition.

*Clause 19: Amendment of s. 38—Management Plans*

Clause 19 makes consequential amendments to section 38 of the principal Act.

*Clause 20: Insertion of s. 43C*

Clause 20 provides for entrance, camping and other fees to be fixed by the Director.

*Clause 21: Amendment of s. 44—Establishment of sanctuaries*

Clause 21 makes an amendment to section 44 of the principal Act that takes account of the possibility of native title existing over land declared to be a sanctuary.

*Clause 22: Amendment of s. 45f—Functions of a Trust*

Clause 22 amends section 45F of the principal Act. Paragraph (a) expands the functions of a Trust to include the management of its reserve. New subsection (2a) enables a Trust to impose charges for facilities and services that it provides.

*Clause 23: Insertion of s. 49A*

Clause 23 inserts new section 49A which provides for the preparation of recommendations in relation to the taking of certain plants for commercial purposes. Members of the public must be given the chance to comment on the draft recommendations. The recommendations must be implemented by conditions imposed by regulation on permits for taking the plants concerned for commercial purposes.

*Clause 24: Insertion of s. 51A*

Clause 24 inserts a new section that allows the taking of protected animals of common species that are causing, or likely to cause, damage to crops or other property.

*Clause 25: Amendment of s. 52—Open season*

Clause 25 makes minor amendments to section 52 of the principal Act.

*Clause 26: Amendment of s. 58—Keeping and sale of protected animals*

Clause 26 makes an amendment to section 58 of the principal Act in consequence of a shift in the High Court’s interpretation of section 92 of the Australian Constitution which deals with interstate trade.

*Clause 27: Substitution of s. 59—Export and import of protected animals and native plants*

Clause 27 replaces section 59 of the principal Act. The new section extends the operation of the section to plants of a species prescribed by regulation.

*Clause 28: Repeal of s. 60A*

*Clause 29: Amendment of s. 60b*

*Clause 30: Insertion of s. 60BA*

*Clause 31: Amendment of s. 60c—Permit for farming protected animals*

Clauses 28, 29, 30 and 31 amend provisions relating to farming of protected animals to allow for trial farming of animals.

Clause 31 removes the requirement in section 60C(4) that a permit holder must be a member of an organisation to promote the interests of farmers.

*Clause 32: Amendment of s. 60D—Code of management*

Clause 32 amends section 60D of the principal Act to enable a code of management to be prepared in relation to animals subject to trial farming and to provide that if the species of animal concerned is subsequently named in schedule 11 the code of management will serve as the code to be prepared under section 60D(1).

*Clause 33: Insertion of Division 4B in Part 5*

Clause 33 inserts new Division 4B into Part 5 of the principal Act. The new Division deals with the harvesting of species of protected animals that have been declared by the Minister by notice in the Gazette. Harvesting cannot take place until a plan of management has been prepared and adopted by the Minister.

*Clause 34: Amendment of s. 61—Royalty*

Clause 34 amends section 61 of the principal Act. Paragraph (a) requires royalties to be paid to the Wildlife Conservation Fund. Paragraphs (b) and (c) provide that royalties can be declared on plants as well as animals.

*Clause 35: Amendment of s. 62—Demand for royalty*

Clause 35 makes a consequential amendment to section 62 of the principal Act.

*Clause 36: Amendment of s. 69—Permits*

Clause 36 adds subsection (2a) to section 69 of the principal Act to enable the Minister to refuse to grant a permit in the circumstances set out in that subsection.

*Clause 37: Amendment of s. 72—False or misleading statement*

Clause 37 makes a technical amendment to section 72 of the principal Act.

*Clause 38: Amendment of s. 80—Regulations*

Clause 38 replaces subsection (2a) of section 80. The new subsection gives the option of replacing schedule 7, 8, 9 or 10 instead of amending the schedule.

*Clause 39: Amendment of Wilderness Protection Act 1992*

Clause 39 makes a consequential amendment to the Wilderness Protection Act 1992.

Ms WHITE secured the adjournment of the debate.