

National Parks (Alpine National Park) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 23 March 1989

(Brought in by Mrs Setches and Mr Roper)

A BILL

to amend the *National Parks Act 1975* to provide for an Alpine National Park and for other purposes.

National Parks (Alpine National Park) Act 1989

The Parliament of Victoria enacts as follows:

Purpose

1. The purpose of this Act is to amend the *National Parks Act 1975* to provide for an Alpine National Park and for other purposes.

5 Commencement

2. (1) Sub-section (1) of section 9 comes into operation on 31 December 1989 or on any earlier day to be proclaimed.

(2) Sub-section (2) of section 9 comes into operation on 1 July 1991 or on any earlier day to be proclaimed.

10 (3) Sub-section (3) of section 9 comes into operation on 1 July 1993 or on any earlier day to be proclaimed.

(4) Sub-section (4) of section 9 comes into operation on 1 July 1994 or on any earlier day to be proclaimed.

15 (5) Sub-section (5) of section 9 comes into operation on 1 July 1996 or on any earlier day to be proclaimed.

(6) The rest of the Act comes into operation on a day or days to be proclaimed.

Principal Act

No. 8702.
Reprinted to
No. 52/1988.

3. In this Act, the *National Parks Act 1975* is called the Principal Act.

Extraction of forest produce

4. In section 25B (1) of the Principal Act—
- (a) for “30, 31, 32 or 33” substitute “31 or 37”; and
 - (b) omit “29,”; and
 - (c) for “part 32 or 33” substitute “part 37”.

New sections 30A, 30B and 30C inserted

5. After section 30 of the Principal Act insert—

S.E.C. operations in the Alpine National Park

“30A. (1) The State Electricity Commission of Victoria for the purposes of its hydro-electric undertaking at Kiewa may—

- (a) occupy and utilize works required for the operation and maintenance of the undertaking; and
- (b) perform its functions and exercise its powers under the *State Electricity Commission Act 1958* and the regulations under that Act which relate to the undertaking and to the protection of the quality, quantity and availability of water produced for the Commission’s requirements for the undertaking; and
- (c) plan fire protection works (including construction of vehicular tracks) to protect works required for the undertaking in consultation with the Director-General of Conservation, Forests and Lands and the Director—

on or over the lands referred to in part 37 of Schedule Two.

(2) Sub-section (1) (c) only applies to those parts of part 37 of Schedule Two which are marked A16 and A18 and shown by light shading and that part marked A17 and shown by open triangle pattern on the plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.70/1f.”

Protection of access rights of freeholders in Alpine National Park

“30B. (1) If a person holds a fee simple in land abutting or surrounded by land described in part 37 of Schedule Two the Minister may grant to that person that reasonable right of access to his or her land which will in the Minister’s opinion allow that person to use his or her land.

(2) For the purpose of allowing a person to have access to his or her land the Minister may exempt that person from any regulation affecting the land described in part 37 or that right of access.”

Protection of life occupancies in Alpine National Park

5 “30C. (1) If a person was immediately before 1 June 1986 occupying a portion of the land described in part 37 of Schedule Two under an agreement with a Minister responsible for Crown lands which was an agreement which granted the person an occupancy of the land for his or her lifetime, the Minister must grant a permit to the person authorising him or her to continue to occupy that portion of the land.

(2) A permit under sub-section (1)—

- 10 (a) must be granted by the Minister on or before the date on which the land is added to part 37 of Schedule Two; and
(b) is to be for the lifetime of the person to whom it is granted and subject to the same terms and conditions including the payment of fees (if any) as are contained in the agreement.”.

Tenancy of rover scout chalet

15 6. In section 32AB of the Principal Act, for “Bogong National Park” substitute “Alpine National Park”.

Weapons and hunting

7. In section 37 of the Principal Act—

- 20 (a) in sub-section (2), before “parts 16” insert “the specified areas of part 37 of Schedule Two or”; and
(b) in sub-section (3), for “parts 8 and 33” substitute “part 8 and the specified areas of part 37”; and
(c) in sub-section (6), for “parts 8 and 33 of Schedule Two and in parts 16, 17, 18 and 19” substitute “part 8 and the specified areas of part 37 of Schedule Two and part 10 of Schedule Two B and parts 3, 6, 8 and 12”; and
25 (d) after sub-section (6) insert—

30 “(7) In sub-section (2), “specified areas” means those areas of part 37 of Schedule Two marked A1 and shown by dark shading or marked A6 or A8 and shown by light shading on the plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 70/1f.

35 (8) In sub-sections (3) and (6), “specified areas” means those areas of part 37 of Schedule Two marked A1 and shown by dark shading, marked A6, A7, A8, A9, A10, A11, A12 and A19 and shown by light shading or marked A13 and shown by light shading or cross hatching, marked A14 and shown by light hatching or open circle pattern, marked A20 and shown by light shading, herringbone pattern, diagonal hatching or open circle pattern or A21 and shown by light shading or open circle pattern on the plan lodged in
40 the Central Plan Office of the Department of Property and

Services and numbered N.P. 70/1f but excluding any areas under the *Reference Areas Act 1978*.

(9) A person who does not comply with the conditions specified in a notice given under sub-section (3) (b) is guilty of an offence and liable to a penalty not exceeding four penalty units.” 5

Amendment of Schedule Two

8. (1) In Schedule Two to the Principal Act—

(a) omit part 30; and

(b) omit part 32; and 10

(c) omit part 33.

(2) In Schedule Two to the Principal Act, after part 36 insert—

“PART 37—ALPINE NATIONAL PARK

All those pieces or parcels of land containing 6267 square kilometres, more or less, situate in the Counties of Benambra, Bogong, Croajingolong, Dargo, Delatite, Tambo, Tanjil and Wonnangatta being the land delineated and bordered red or green or coloured red excepting therefrom the roads shown as excluded also excepting therefrom land coloured blue also excepting therefrom land shown by diagonal hatching or open circle pattern or open triangle pattern or cross hatching or herringbone pattern in the plans lodged in the Central Plan Office of the Department of Property and Services and numbered N.P. 70/1a, N.P. 70/1b, N.P. 70/1c, N.P. 70/1d, N.P. 70/1e and N.P. 70/1f. 15

Notwithstanding the declaration of this land as a park, once-only logging may be carried on, subject to section 25B of the Act, during the period ending 31 December 1994, in the Little Arthur Creek area, being part of the areas indicated on Maps A and D accompanying the Final Recommendations of the Land Conservation Council for the Alpine area, June 1979 and in areas indicated on Map No. N.P. 58A lodged in the Central Plan Office of the Department of Property and Services.” 20 25

Further additions to part 37 of Schedule Two

9. (1) In the first paragraph of part 37 of Schedule Two to the Principal Act— 30

(a) after “containing” insert “980 hectares more or less and”;
and

(b) omit “diagonal hatching or”.

(2) In the first paragraph of part 37 of Schedule Two to the Principal Act— 35

(a) after “containing” insert “8 900 hectares more or less and”;
and

(b) omit “open circle pattern or”.

(3) In the first paragraph of part 37 of Schedule Two to the Principal Act— 40

(a) after “containing” insert “5 500 hectares more or less and”;
and

(b) omit “cross hatching or”.

(4) In the first paragraph of part 37 of Schedule Two to the Principal Act— 45

(a) after “containing” insert “1 800 hectares more or less and”;
and

(b) omit “open triangle pattern or”.

5 Act— (5) In the first paragraph of part 37 of Schedule Two to the Principal

(a) after “containing” insert “1 900 hectares more or less and”;
and

(b) omit “also excepting therefrom the land shown by
herringbone pattern”.

10 Amendment of Schedule Two B

10. In Schedule Two B to the Principal Act, omit part 29.

Cessation of rights over land delineated in Schedule Two

15 11. (1) The lands delineated and coloured yellow in the plan referred to in part 37 of Schedule Two to the Principal Act as amended by this Act, on the date on which those lands become part of the park, cease to be roads or parts of roads and all rights easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or fiction of law cease.

20 (2) The lands delineated by a green border in the plan referred to in part 37 of Schedule Two to the Principal Act as amended by this Act, on the date on which those lands become part of the park, cease to be reserved forest.

Continuation of mining rights

25 12. (1) The application for mining lease 1289 made by Dargo Gold N.L. under the *Mines Act* 1958 which is in force on the coming into operation of section 8 of this Act continues in force until a decision is made to grant or refuse the application and the land which is the subject of the application is to be treated as being excluded from part 37 of
30 Schedule Two to the Principal Act until the decision is made.

(2) If a lease or licence under the *Mines Act* 1958 is granted pursuant to an application to which sub-section (1) applies the lease or licence which is granted—

(a) continues in force; and

35 (b) the land which is the subject of the lease or licence is to be treated as being excluded from part 37 of Schedule Two to the Principal Act—

until—

40 (c) the lease or licence is cancelled, suspended, revoked, avoided or forfeited; or

(d) the lease or licence has expired and not been renewed.

Continuation of lease

13. (1) Upon the coming into operation of section 8, the lease made on 24 March 1976 in which a portion of the land described in part 37 of Schedule Two to the Principal Act was leased by the State Electricity Commission to the Commonwealth of Australia continues in force despite anything to the contrary in the Principal Act or any other Act. 5

(2) The terms and conditions set out in the lease continue to operate except that the Minister becomes the lessor and any reference in the lease to the lessor or its representatives is to be taken to be a reference to the Minister. 10

Land purchased under terms contract

14. Upon the coming into operation of section 8 the land identified by vertical hatching on the plan lodged in the Central Plan Office of the Department of Property and Services and numbered N.P.70/1f is to be taken to be not included as part of the land described in part 37 of Schedule Two to the Principal Act, until the title to the land is surrendered to the Crown. 15

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