

Zoological Parks and Gardens Bill

EXPLANATORY MEMORANDUM

PART—PRELIMINARY

Clause 1 sets out the purposes of the Bill.

Clause 2 provides for section 1 and this section to come into operation on the date of Royal Assent, with the remainder of the Act to come into operation on a day or days to be proclaimed. Provisions not proclaimed within 6 months of the date of Royal Assent automatically come into force on the first day after the end of that period.

Clause 3 defines various terms and expressions used in the Bill.

Clause 4 sets out the objectives of the Bill.

Clause 5 binds the Crown.

PART 2—ZOOLOGICAL PARKS AND GARDENS BOARD

Clause 6 provides for the establishment of the Board as a body corporate with the usual characteristics of such a body.

Clause 7 establishes that the Board represents the Crown in carrying out its functions.

Clause 8 makes the Board subject to the general direction and control of the Minister.

Clause 9 sets out the membership of the Board, which is to have up to nine members, one to be nominated by the Secretary to the Department of Conservation and Natural Resources, the remainder to be persons who the Minister considers together represent certain skills relevant to the management of zoological parks and gardens.

Clause 10 sets out the functions of the Board.

Clause 11 provides a general power to the Board to carry out its functions.

Clause 12 establishes specific powers of the Board to undertake actions necessary for the carrying out of its functions.

Clause 13 provides power for the Board to provide or arrange for the provision of restaurant, reception or other services at a zoological park so long as the other services are consistent with the Board's functions.

Clause 14 establishes a power to limit the number of persons admitted to a zoological park for reason of public safety.

Clause 15 provides that for the purposes of the **Fences Act 1968** and the **Impounding of Livestock Act 1994** the Board is to be regarded as the occupier of land in relation to zoological parks.

Clause 16 provides for the Board to delegate its powers, except for the power of delegation, to specified persons and classes of persons.

Clause 17 establishes immunity for individual Board members from liability for actions in carrying out their functions.

Clause 18 requires the Board to prepare a corporate plan each year for consideration and approval by the Minister. In preparing the plan, the Board is required to comply with any written directions given by the Minister.

Clause 19 sets out the matters which must be included in a statement of corporate intent by the Board.

Clause 20 requires the Board to notify the Minister of any matters which significantly affect objectives or financial targets under the corporate plan.

Clause 21 requires the establishment of a General Account and defines its uses.

Clause 22 provides that other legislation relating to management and control of Crown land does not apply to zoological parks, which are to be managed under this Act.

Clause 23 specifies that the Board does not own the parks.

Clause 24 provides power for the Governor in Council by Order to declare land to be a zoological park and to vary or revoke an Order made under this section.

Clause 25 provides for Crown land other than that which is declared to be a zoological park to be placed under the management of the Board.

Clause 26 empowers the Board to enter into agreements to manage freehold land.

Clause 27 permits the Board to acquire land by gift and to manage such land in accordance with the terms of the gift.

Clause 28 sets out the manner in which acquired land may become managed land.

Clause 29 provides for notice to be given when land becomes managed land.

Clause 30 provides for notice to be given when land ceases to be managed land.

Clause 31 sets out the Board's powers over acquired land.

Clause 32 empowers the Board to dispose of any interest in land which it owns.

Clause 33 establishes a power for the Board to grant leases, licences and permits over land for which it is responsible.

PART 3—CHIEF EXECUTIVE OFFICER AND STAFF

Clause 34 empowers the Minister to appoint a Chief Executive Officer of the Board after consulting with the Board.

Clause 35 specifies the terms on which the Chief Executive Officer may be appointed.

Clause 36 sets out the way in which the Chief Executive Officer may resign or be removed from office.

Clause 37 provides for the appointment of an acting Chief Executive Officer.

Clause 38 establishes that the Chief Executive Officer is responsible for the day to day management of the property for which the Board is responsible, subject to the direction of the Board.

Clause 39 empowers the Board to employ staff which it considers necessary for the purposes of the Act.

PART 4—ENFORCEMENT AND REGULATIONS

Clause 40 specifies the persons authorised to take proceedings under the Act or regulations.

Clause 41 provides heads of power for the making of regulations.

Clause 42 requires the Board to display notices warning of penalties which may be imposed under the regulations.

PART 5—REPEALS, TRANSITIONAL PROVISIONS AND AMENDMENTS TO OTHER ACTS

Clause 43 repeals the **Zoological Parks and Gardens Act 1967** and the **Zoological Parks and Gardens (Amendment) Act 1986**.

Clause 44 defines certain terms used in Division 1 of Part 5 of the Act.

Clause 45 provides for transitional arrangements whereby the Board established under the Act replaces the Board established under the **Zoological Parks and Gardens Act 1967**.

Clause 46 provides that following commencement of Division 1 of Part 5 of the Act, any reference to the Act refers to this Act and any reference to the Board established under the 1967 Act is a reference to the Board established under this Act.

Clause 47 provides for the continuation of the Chief Executive Officer in office on commencement of this Act.

Clause 48 provides for the continuing employment of staff employed immediately prior to the commencement of the Act.

Clause 49 provides for the continuance of regulations made under the **Zoological Parks and Gardens Act 1967**.

Clause 50 provides for appropriate references to the Board to be inserted in Schedule 1 of the **Borrowing and Investment Powers Act 1987**.

Clause 51 makes consequential amendments to the **Conservation, Forests and Lands Act 1987**.

Clause 52 makes consequential amendments to the **Catchment and Land Protection Act 1994**.

Clause 53 makes a consequential amendment to the **Financial Management Act 1994**.

Clause 54 makes a consequential amendment to the **Museums Act 1983**.

Clause 55 makes consequential amendments to the **Wildlife Act 1975**.

SCHEDULES

SCHEDULE 1

Schedule 1 provides plans of survey of the zoological parks.

SCHEDULE 2

Schedule 2 provides for membership and procedures of the Board.