

Appendix C – Explanatory Statement

TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL 2019

SERIAL NO. 101

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR TOURISM, SPORT AND CULTURE

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Territory Parks and Wildlife Conservation Act 1976*.

The purpose of this Bill is to provide a new category of Aboriginal Rangers as conservation officers, to specifically recognise the role of Aboriginal Rangers in the Northern Territory and to confer greater powers for the protection and management of traditional lands.

NOTES ON CLAUSES

Clause 1. Short Title.

This is a formal clause which provides for the citation of the Bill. The Bill when passed, will be cited as the *Territory Parks and Wildlife Conservation Act 2019*.

Clause 2. Commencement.

This clause sets out how the amendment Act will be commenced. In this case this will be done by notice given by the Administrator in the Northern Territory Government Gazette.

Clause 3. Act amended

This clause identifies the Act that is amended by the Bill, namely the *Territory Parks and Wildlife Conservation Act*.

Clause 4. Section 9 amended (Interpretation)

This clause inserts seven definitions in alphabetical order to include -

- **Aboriginal ranger** means a person employed within an Aboriginal ranger group by an Aboriginal Corporation or Land Council.
- **Aboriginal Corporation** means a corporation registered under the Corporations (Aboriginal and Torres Strait Islander) Act 2006(Cth).
- **Authorising body** means a Land Council, Land Trust, Aboriginal Corporation, traditional Aboriginal owner, or other entity or person that has the legal authority to determine where an Aboriginal Ranger can exercise their powers.
- **Land Council** – has the same meaning as section 22(1).
- **Land Owner** includes a person who is a lessee of, or holds any other interest in, land.
- **Land Trust** – has the same meaning as section 22(1).
- **Traditional Aboriginal Owner** – has the same meaning as section 22(1).

Clause 5. Section 74 amended (Protection, &c., of wildlife and natural features of private land)

Clause 5 makes minor amendments to section 74 so that the Act reflects modern drafting practices and uses contemporary language.

Clause 6. Section 92 amended (Appointment of conservation officer, &c.)

Clause 6 inserts a new section 92(1)(b) to appoint an Aboriginal Ranger as a new category of conservation officer. It also makes minor amendments to section 92 so that the Act reflects modern drafting practices and uses contemporary language.

Clause 7. Section 93A amended (Functions of conservation officers and honorary conservation officers)

Clause 14 inserts a new section 93A(2) to recognise Aboriginal Rangers as being highly qualified in providing the functions of conservation officers because of their traditional, cultural and technical skills. It also makes minor amendments to section 93A so that the Act reflects modern drafting practices and uses contemporary language.

Clause 8. Section 93B amended (Powers of conservation officers and honorary conservation officers)

Clause 8 inserts a new section 93B(1A) so that prior to determining, under subsection 93B(1), the powers and conditions to be conferred on a conservation officer appointed under section 92(1)(b), the Director must consult the employer of the conservation officer and obtain written authority from that employer endorsing the powers and conditions of appointment.

Clause 8 inserts new section 93B(5) so the Director may, by written notice, place one or more conditions outlined in 93(5)(a) and 93(5)(b) on conservation officers appointed under section 92(1)(b). These conditions relate to exercising powers in a specified geographical area or in an area subject to section 73 and section 74 of the Act respectively.

Under new section 93B(6), if specifying a geographical area under 93B(5)(a), the Director must not include: - 93B(6)(a) – an area of land under the *Aboriginal Lands Rights (Northern Territory) Act 1976* as an area in which the conservation officer may exercise their powers unless the Director receives written consent from an authorising body that the conservation officer may exercise their powers on the land and, 93B(6)(b), an area of private land unless the land owner, Land Council or Land Trust has given the Director written consent.

Clause 9. Act further amended

This clause gives effect to the Schedule number of the Bill.

Clause 10. Repeal of

This standard clause provides that this Act is repealed on the day after it commences. As this is an amending Act, there is no need to retain the Act on the statute book. Once all the amendments to the *Territory Parks and Wildlife Conservation Act* have been effected.

Schedule Act further amended

The schedule outlines the provisions and amendments made so that the Act reflects modern drafting practices and uses contemporary language.

Schedule Act further amended

section 9

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
Part I, heading	Part I Preliminary	Part 1 Preliminary matters
Part II, heading	Part II	Part 2
Part III, heading	Part III	Part 3
Part IIIA, heading	Part IIIA	Part 3A
Part IV, heading	Part IA	Part 4
Part VI, heading	Part VI	Part 6
Part VIII, heading	Part VIII	Part 8
Part X, heading	Part X Miscellaneous	Part 10 Miscellaneous matters