

Wilderness Amendment (Procedure) Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Wilderness Act 1987* with respect to the procedure to be followed in identifying areas as wilderness, the activities that may be enjoyed in wilderness areas, and other matters.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 is a formal provision giving effect to the amendments to the *Wilderness Act 1987* set out in Schedule 1.

Schedule 1 Amendments

Activities that may be carried out in wilderness areas

Currently a wilderness area is seen as a place to which persons may resort for “solitude and appropriate self-reliant recreation” (section 6 of the *Wilderness Act 1987* (the **Principal Act**)). **Schedule 1 [2]** amends section 6 of the Principal Act to provide that land may be identified by the Director-General of National Parks and Wildlife as suitable to be designated as a wilderness area if it is capable of providing opportunities for “appropriate recreation”, and **Schedule 1 [1]** amends section 2 of the Principal Act to insert a definition of that expression. **Schedule 1 [6]** makes a consequential amendment.

Criteria for identifying land as wilderness

Section 6 of the Principal Act sets out the criteria for identifying land as wilderness. **Schedule 1 [4]** amends the section so as to specify certain matters or circumstances that are to be taken as precluding the identification of an area as wilderness. **Schedule 1 [3]** repeals so much of section 6 as currently contemplates the possibility of restoring land to a “wilderness condition” after it has ceased to be wilderness. **Schedule 1 [5]** makes a consequential amendment.

Plans of management for wilderness areas

Section 11 of the Principal Act provides for public exhibition, in a form and manner determined by the Director-General, of draft wilderness protection agreements. **Schedule 1 [7]–[9]** amend the section so as to provide that a plan of management prepared for the area must be exhibited together with the draft agreement. **Schedule 1 [10]** amends the section further so as to specify the manner and duration of the required public exhibition. **Schedule 1 [11]** makes a consequential amendment to section 17 of the Principal Act, and **Schedule 1 [12]–[15]** amend sections 17 and 18 of the Principal Act so as to provide that any subsequent plan of management drawn up for the area must be exhibited in the same way. **Schedule 1 [16]** amends section 19 of the Principal Act so as to make the same provision in relation to plans of management drawn up under the *National Parks and Wildlife Act 1974*.