

Wilderness Amendment Bill 2004

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* so as to include as a management principle for wilderness areas the reduction or control of feral animals and noxious weeds, and the amelioration of the effect of such animals and weeds on wilderness areas.

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 that gives effect to the amendments to the *Wilderness Act 1987* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [2] gives effect to the object described in the Overview to the Bill.

Schedule 1 [1] inserts definitions of *feral animal* and *noxious weed* into the *Wilderness Act 1987* (**the Principal Act**). A *noxious weed* is defined, in relation to a wilderness area, as a plant declared to be a noxious weed in respect of the State, or the part of the State in which the wilderness area is located, under the *Noxious Weeds Act 1993*. A *feral animal* is defined as a pig, dog (other than a dingo), cat, goat,

rabbit, hare or fox living in the wild.

Schedule 1 [3] provides that the new management principle is in addition to, and does not detract from, any obligations to control noxious weeds under the *Noxious Weeds Act 1993*.

Schedule 1 [4] inserts transitional provisions that deal with existing wilderness protection agreements entered into under the Principal Act, conservation agreements entered into under the *National Parks and Wildlife Act 1974* relating to wilderness areas and plans of management for wilderness areas prepared under either Act. The provisions require the Minister administering the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974* to review existing agreements to determine whether they are consistent with the new management principle. If an agreement is not consistent, the Minister is to use his or her best endeavours to reach an agreement with the other party or parties to vary the agreement to make it consistent with the new management principle.

The transitional provisions also require the Director-General of the Department of Environment and Conservation to review plans of management for wilderness areas made under the *Wilderness Act 1987* or the *National Parks and Wildlife Act 1974* to determine if the plans are consistent with the new management principle. If a plan is not consistent, the Director-General is to make recommendations about necessary changes to the relevant Minister. The Minister may amend or alter a plan of management in accordance with the procedures set out in the relevant Act (which include obtaining the consent of the other party to a wilderness protection agreement or the owner of land subject to a conservation agreement).