

National Parks and Wildlife Amendment (National Parks Volunteer Service) Bill 2006

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 *National Parks and Wildlife Act 1974* (**the Principal Act**) to provide for the establishment of a National Parks Volunteer Service whose members are able to carry out functions conferred on them by the Director-General of the Department of Environment and Conservation. The functions concerned may include any of the following activities in relation to the management of land reserved, or acquired for reservation, under the Principal Act:

- (a) the control of pests, including feral animals,
- (b) the control of weeds,
- (c) bush fire hazard reduction,
- (d) the maintenance of tracks and trails,
- (e) the maintenance of facilities,
- (f) the removal of rubbish,
- (g) the carrying out of public relations activities, including guided tours.

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 Principal Act set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

Schedule 1 [1] inserts a definition of **national parks volunteer** for the purposes of the Principal Act.

Schedule 1 [3] inserts a new Division 3A into Part 2 of the Principal Act, which establishes the scheme for a National Parks Volunteer Service referred to in the Overview.

Under proposed section 20B, the Director-General may appoint a person to the Volunteer Service. Proposed section 20C enables such a person to exercise the functions of a national parks volunteer for the term specified in the instrument of appointment concerned unless the person's appointment is sooner revoked.

Proposed section 20D provides that a national parks volunteer has any functions determined by the Director-General. Those functions may include the activities in relation to the management of land reserved, or acquired for reservation, under the Principal Act that are referred to in the Overview.

Proposed section 20E provides that a person appointed as a national parks volunteer is not a worker for the purposes of the *Workers Compensation Act 1987* or the *Workplace Injury Management and Workers Compensation Act 1998*, and not an employee for the purposes of the *Industrial Relations Act 1996* or any other Act or law. It also provides for the application of the *Law Reform (Vicarious Liability) Act 1983*.

and the *Occupational Health and Safety Act 2000* in relation to national parks volunteers.

Schedule 1 [2] and [5] are consequential on the amendments made by Schedule 1 [3].

Schedule 1 [4] amends section 154 of the Principal Act (the general regulation-making power) to enable regulations to be made for or with respect to the powers, authorities, duties and functions of national parks volunteers.

Schedule 1 [6] amends clause 1 of Schedule 3 to the Principal Act to enable the Governor to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act.