NATIONAL PARKS BILL 1966

House of Assembly, 13 October 1966, page 2286

Second reading

**The Hon. J. D. CORCORAN (Minister of Lands)** moved:

That the Speaker do now leave the Chair and the House resolve itself into a Committee of the Whole for the purpose of considering the following resolution: That it is desirable to introduce a Bill for an Act to enable national parks to be established, developed and maintained for public recreation and to provide for the management, control and conservation therein of animals, plants and land in its natural state; to repeal the National Park and Wild Life Reserves Act, 1891-1960, to make other provisions in lieu thereof and for other purposes. Motion carried.

Resolution agreed to in Committee and adopted by the House. Bill introduced and read a first time.

The Hon. J. D. CORCORAN: I move:

*That this Bill be now read a second time.*

By this Bill it is intended to provide for the establishment, development and maintenance of national parks for public recreation, and to provide for the conservation and protection of animals, plants and land in their natural state. The National Park Act was first enacted in 1891 to provide for the establishment of the State’s first National Park at Belair and for many years this was the only area so set aside. However, several areas were over the years dedicated as flora and fauna reserves under the Crown Lands Act and these areas were administered by the Flora and Fauna Advisory Committee which had no statutory powers.

In 1959, the National Park Act, 1891, as it was then, was amended to incorporate within the jurisdiction of the Commissioners of the National Park the flora and fauna reserves, the new title of the Act being changed to the National Park and Wild Life Reserves Act, 1891-1959, and the title of the Commissioners of the National Park being altered to include wild life reserves. Since the transfer of these reserves to the control of the commissioners, many new areas have been added either by setting aside of suitable Crown lands or by purchase, and at this stage areas set aside as national parks and reserves comprise about 550,000 acres.

In the past six years a number of new areas has been added comprising about 120,000 acres, which includes 67,000 acres of Crown lands and 53,000 acres of land which has been repurchased. Successive Governments have provided $723,000 for the purchase of suitable lands during this period. The stage has now been reached in the expansion and development of these areas (some of which have become known as national parks and others as wild life reserves) when I believe that consideration must be given to replanning the legislation, which has been in existence for 75 years and which basically relates to the requirements of the State’s first National Park at Belair, to enable more adequate and appropriate provision for the expansion, development and management of national parks and reserves.

By this Bill it is proposed to repeal the present National Park and Wild Life Reserves Act, 1891-1960, and to establish a commission to be known as the National Parks Commission to be responsible for the care, control and management of national parks. The commission, which will consist of 15 members appointed by the Governor, will replace the body presently known as the Commissioners of the National Park and Wild Life Reserves of 13 members. The present governing body includes five members appointed by the Governor and eight members who hold office by virtue of these offices or the bodies they represent. It is considered that the expansion of activity which has already taken place and that which will inevitably follow in the years ahead make necessary a review of the constitution of the commissioners and the manner of appointment, which, in cases of ex-officio appointees, does not permit of desirable continuity of appointment.

The Government is deeply appreciative of the work of the present commissioners who have been consulted in the drafting of this Bill, and hopes that most, if not all, will continue to serve on the expanded National Parks Commission. Powers of the commission have been expanded under the Bill, and it is intended that plans will be prepared for the management of each national park which will enable suitable portions to be set aside as wilderness areas to be retained in their natural state to preserve all the natural landscape, flora and fauna, both for scientific purposes and for the benefit of the community.

Other suitable areas will be developed for public recreation and for tourism, and provision is made in the Bill to enable the commission either itself or by arrangement with other interests, to provide, under lease or other rights of facilitating, temporary accommodation and other amenities which will facilitate public enjoyment of national parks. An important feature of the Bill is the protection which is given to tenure. As presently constituted, the lands can be resumed by proclamation, and it is intended that any land declared as a national park can only be resumed pursuant to a resolution of each House of Parliament. It is further provided that the Mining Act, 1930-1962, and the Mining (Petroleum) Act shall not apply to any land comprised in a national park.

Provision is also made for the establishment of national parks to be declared a public purpose for the purposes of the Lands for Public Purposes Acquisition Act, 1914-1935. This action is taken to clarify the position in relation to the establishment of national parks. In detail the Bill provides: Clauses 1 to 5 are the usual clauses dealing with the short title, date of operation, arrangement of Parts, and definitions. Clauses 6 to 9 provide for the establishment of “The National Parks Commission” and appointment of members. The proposed name is considered a more appropriate and acceptable one than the present “The Commissioners of National Parks and Wild Life Reserves”. Members will be appointed because of their qualifications and/or interest in these matters instead of by virtue of the offices they hold.

Clause 10 abolishes the present body and the offices of commissioners. Clause 11 is consequential upon that abolition. The land referred to in subclause (3) and which is included in the schedules mentioned in clause 19 is the only land for which certificates of title are held by the present commissioners—all other lands under their control have been dedicated for that purpose. To obtain the protection provided by clause 24 it is desirable that all national parks should be Crown lands declared as national parks under this Bill. Clauses 12 and 13 deal with the meetings and business of the commission. Clause 14 allows payment of allowances and expenses to members of the commission.

Clause 15 outlines the powers of the commission. Paragraph (b) of subclause (1) covers all of the provisions of section 5 of the existing Act. Paragraph (c) allows the commission (subject to the approval of the Minister) to grant occupation of land for the purpose of erecting kiosks and buildings for the accommodation of the public. This is necessary to facilitate development of national parks and is similar to legislation proposed in New South Wales. Development on these lines will only be permitted in those areas which are suitable for the purpose and have a tourist potential. Paragraph (d) is the same as section 15a of the present Act. Paragraph (e) enables public servants to be seconded for duty with the commission or to act in an advisory capacity if and when necessary. Paragraph (f) is a normal power of delegation. Obviously, the commission cannot do everything itself and it must delegate some administrative functions to certain members or its executive officers. Paragraphs (g) and (h) empower the commission to deal with land which is not suitable for declaration as a national park. Subclauses (2) and (3) amplify the powers of delegation.

Clause 16 is similar to section 13a of the present Act and enables the commission to accept grants of land and gifts of personal property. Clause 17 enables the commission to make by-laws and is substantially the same as section 7 of the present Act. Clause 18 gives definitions needed in this Part. Clause 19 (1) declares all the land at present under the control of the commissioners to be national parks, and subclause (2) provides for the naming of those parks. The lands are described in the Second and Third Schedules. Subclause (3) revokes all existing dedications and declarations. In the past, it has been necessary to dedicate land under the Crown Lands Act and also declare the land a wild life reserve under the National Parks and Wild Life Reserves Act. In future under this Bill only one declaration will be necessary.

Clause 20 provides for the declaration of land required in future for national parks. Clause 21 vests the management of national parks in the commission. Clauses 22 to 25 are very important parts of this Bill. Except for continuing the present procedures for dealing with land for roads, land which has been declared a national park under this Bill cannot cease to be such without the consent of both Houses of Parliament. The land cannot be resumed or disposed of under the Crown Lands Act or any other Act, neither can mining operations be conducted thereon. Under existing legislation, land in national parks and wild life reserves can be resumed by proclamation and used for other purposes. This Bill therefore tightens control over the land.

Clause 26 continues the provisions of sections 13a and 14 of the present Act, exempting the commission from taxes. Clause 27 is a normal provision for audit of accounts by the Auditor-General and the submission of an annual report to Parliament. Clause 28 is substantially the same as the present Act (section 8). It requires the commission to exhibit copies of its by-laws or summaries to be exhibited in national parks. Clause 29 gives effect to clause 20. Clause 30 deals with offences against the by-laws. Clause 31 repeats the provisions of section 7a of the present Act (which were inserted by amendment in 1960). Clause 32 is a financial provision. The commission’s source of funds is Government grants and revenue derived from hire of park facilities, etc. Clause 33 makes the establishment of national parks a public purpose for the purposes of the Lands for Public Purposes Acquisition Act. I have already referred to this matter.

The Hon. D. N. BROCKMAN secured the adjournment of the debate.