

Draft National Parks and Wildlife Regulation 2009

Why is the Regulation being changed?

All Regulations are reviewed or remade every five years to ensure that they have continuing relevance and provide the best way to meet the objectives of relevant legislation.

What are the objectives?

The objectives of the proposed Regulation are to support the *National Parks and Wildlife Act 1974*, principally regarding the care, control and management of all lands acquired or reserved under the Act, as well as the protection and care of native fauna, including marine mammals, and various administrative provisions relating to boards of management of Aboriginal lands, advisory committees and trustees.

What is the purpose of the regulatory impact statement?

Before a new Regulation may be made, a regulatory impact statement (RIS) must be prepared and publicly exhibited with the proposed Regulation. The purpose of the RIS is to ensure that the Regulation provides the best approach – the greatest net benefit and least cost to the community compared with its alternatives – to achieve the objectives.

How will the changes to the Regulation affect the community?

Alternative options to the proposed Regulation were considered as part of the review. These include having no Regulation, retaining the existing Regulation with no changes, adopting the proposed Regulation, or an alternative means to the Regulation such as utilising other existing legislation or plans of management.

What is the process for adoption of the proposed Regulation?

Following the public exhibition of the proposed Regulation and RIS, submissions will be considered and a final version of the Regulation will be submitted to the Minister. It will become law on or before 1 September 2009 when the existing Regulation will be automatically repealed.

What are the changes in the new Regulation?

The majority of the Regulation remains the same. There are, however, some changes, many of which are minor or administrative, and these include:

- 1 changes to definitions and minor clarifications, for example:
 - adding chainsaws to the list of cutting devices for which it is an offence to carry, possess or use in a park (clause 11(1)(j)); however, the existing defence under this clause will apply, that is, it is not an offence to have a chainsaw in a vehicle which does not stop in a park
 - inclusion of a definition of community development relating to plans of management for Aboriginal lands that are co-managed under Part 4A of the *National Parks and Wildlife Act 1974* (clause 80)
 - improving the definition of camping (clause 10(6))
 - clarifying the definition of a hunting collar (clause 12(2)).
- 2 updating provisions to ensure the Regulation adequately addresses management issues, for example karst management

3 additional offences, for example:

- provisions relating to horses and camels to apply to all hoofed animals (clauses 4, 5 and 7)
- a new offence of parking in a space set aside for disabled drivers unless the vehicle displays a valid mobility parking scheme authority (clause 7(1)(j))
- new offences relating to caves, such as entering a karst cave without consent (clause 24(1)) and cave diving without consent (clause 22(2))
- bringing any vegetation, not just exotic vegetation, into a park (clause 18(1)(c)).

4 provisions to assist with law enforcement, for example:

- making it an offence to have caving or cave diving equipment (without consent) in a karst conservation reserve or karst environment in a park (clause 24(3)); this is intended to discourage illegal caving and does not impose additional restrictions on those legitimately undertaking caving activities
- making it an offence to have false vehicle registration plates on a vehicle in a park (clause 7(1)(f)(iii)–(iv))
- allowing the park authority to tow a vehicle without notice if it is parked dangerously or in case of an emergency (clause 7(3))
- allowing the park authority to declare a park, or any part of a park, to be an alcohol free area (clause 14), which will assist DECC to target problem areas where groups may congregate with the intention of consuming large amounts of alcohol.

5 other amendments, for example:

- reducing the time from seven days to 72 hours (clause 68) to report or give sick, injured or orphaned fauna to a licensed carer
- updating the conditions for caging protected fauna to be consistent with current practice (Schedule 1).

6 review of penalty notice offence amounts (Schedule 2); of the 160 penalties in the current Regulation, it is proposed to increase only 12 of these, including:

- driving or parking a vehicle without a valid park entry pass displayed
- having an unregistered vehicle in a park
- taking or releasing an animal into a park.

It is further proposed to reduce four penalties, including those for:

- driving a vehicle without a valid registration label
- parking in a place not set aside for parking.

Further detail on which penalties will change can be found in the RIS (Appendix 2, Table 2).