

PARLIAMENT OF VICTORIA

**National Parks Amendment (Point Nepean) Bill
2009**

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PARLIAMENT OF VICTORIA

Introduced in the Assembly

**National Parks Amendment (Point
Nepean) Bill 2009**

A Bill for an Act to amend the **National Parks Act 1975** and for other purposes.

The Parliament of Victoria enacts:

1 Purposes

The purposes of this Act are—

(a) to amend the **National Parks Act 1975**—

(i) to extend Point Nepean National Park;
and

(ii) to make provision for the granting of
leases and licences in part of that park;
and

(b) to make other, minor amendments to the
National Parks Act 1975.

2 Commencement

- (1) Section 1 and this section come into operation on the day after the day on which this Act receives the Royal Assent.
- (2) Subject to subsection (3), the remaining provisions of this Act come into operation on a day or days to be proclaimed.
- (3) If a provision referred to in subsection (2) does not come into operation before 30 June 2010, it comes into operation on that day.

3 Principal Act

In this Act, the **National Parks Act 1975** is called the Principal Act.

See:
Act No.
8702.
Reprint No. 12
as at
14 February
2008
and
amending
Act Nos
38/1989,
54/2008,
61/2008 and
6/2009.
LawToday:
www.
legislation.
vic.gov.au

4 Amendments to section 30

- (1) In section 30(1) of the Principal Act **omit** "including a Minister of the Crown in right of the Commonwealth".
- (2) Section 30(3) of the Principal Act is **repealed**.

5 Insertion of new sections 30AAA to 30AAC

After section 30 of the Principal Act **insert**—

"30AAA Leases in Point Nepean National Park

- (1) After consulting the National Parks Advisory Council, the Minister may lease any area of land in the park described in Part 44 of

Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/1.

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(2) A lease under subsection (1) must be for a purpose or purposes which the Minister considers are not detrimental to the protection of the park, including its historic, indigenous, cultural, natural and landscape features.

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(3) Subject to subsection (2), the purpose of a lease under subsection (1) may be for the occupation of buildings or the construction and occupation of buildings, including buildings providing accommodation, but not for the purpose of industrial or residential use.

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(4) A lease under subsection (1)—
(a) must be granted in writing; and
(b) must not be for a term of more than 21 years; and
(c) is subject to any rent and other charges and terms and conditions determined by the Minister.

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(5) Despite subsection (4)(b), the Minister may grant a lease under subsection (1) for a term of more than 21 years but not exceeding 50 years if the Minister is satisfied that—

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(a) the proposed use, development, improvements or works that are specified in the lease are of a substantial nature and of a value which justifies a longer term lease; and
(b) the granting of a longer term lease is in the public interest.

30AAB Licences associated with lease—Point Nepean National Park

(1) Where land is leased to a person under section 30AAA, the Minister may grant a licence to that person to use any land, building, improvements or works in the area of the park described in Part 44 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/1.

(2) A licence under subsection (1)—

(a) must be for the same or a related purpose to the purpose for which the land is leased; and

(b) must be granted in writing; and

(c) may be for the whole or part of the term of the lease, but must not be for a term of more than 21 years; and

(d) is subject to any fees and other charges and terms and conditions determined by the Minister.

30AAC General licences—Point Nepean National Park

(1) The Minister may grant a licence to a person to occupy or use any land in the area of the park described in Part 44 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/1.

(2) A licence under subsection (1)—

(a) must be for a purpose or purposes which the Minister considers are consistent with the objects of the **National Parks Act 1975** in relation to the land; and

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- (b) must be granted in writing; and
 - (c) must not be for a term of more than 7 years; and
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister."

6 Schedule One A—Native Title

After clause 4 of Schedule One A to the Principal Act **insert**—

10 **"5 Native Title not affected by the National Parks Amendment (Point Nepean) Act 2009**

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- (1) The amendments made to this Act by the **National Parks Amendment (Point Nepean) Act 2009** are not intended to affect native title rights and interests.
 - (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth."
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7 Schedule Two—Part 44

In Part 44 of Schedule Two to the Principal Act—

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- (a) for "470 hectares" **substitute** "575 hectares";
 - (b) **omit** "or coloured yellow or coloured brown";
 - (c) for "N.P. 110" **substitute** "N.P. 110/1".

8 Repeal of amending Act

This Act is **repealed** on 30 June 2011.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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ENDNOTES

By Authority. Government Printer for the State of Victoria.
