



New South Wales

# 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.



New South Wales

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

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New South Wales

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

No. , 2006

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## **A Bill for**

An Act to amend the *National Parks and Wildlife Act 1974* to provide for the establishment and operation of a National Parks Volunteer Service and to confer on it certain functions in relation to national parks.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>National Parks and Wildlife Amendment (National Parks Volunteer Service) Act 2006</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on the date of assent.	6
<b>3 Amendment of National Parks and Wildlife Act 1974 No 80</b>	7
The <i>National Parks and Wildlife Act 1974</i> is amended as set out in Schedule 1.	8 9
<b>4 Repeal of Act</b>	10
(1) This Act is repealed on the day following the day on which this Act commences.	11 12
(2) The repeal of this Act does not, because of the operation of section 30 of the <i>Interpretation Act 1987</i> , affect any amendment made by this Act.	13 14

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<b>Schedule 1</b>	<b>Amendments</b>	1
	(Section 3)	2
<b>[1]</b>	<b>Section 5 Definitions</b>	3
	Insert in alphabetical order in section 5 (1):	4
	<i>national parks volunteer</i> means a person appointed to the National Parks Volunteer Service under Division 3A of Part 2.	5 6
<b>[2]</b>	<b>Section 8 Miscellaneous functions of Director-General</b>	7
	Insert “, national parks volunteers” after “prospective honorary rangers” in section 8 (8).	8 9
<b>[3]</b>	<b>Part 2, Division 3A</b>	10
	Insert after Division 3:	11
	<b>Division 3A National Parks Volunteer Service</b>	12
<b>20A</b>	<b>Definitions</b>	13
	In this Division:	14
	<i>exercise</i> a function includes perform a duty.	15
	<i>function</i> includes a power, authority or duty.	16
<b>20B</b>	<b>Appointment of volunteers</b>	17
	The Director-General may, by instrument in writing, appoint such persons as the Director-General considers suitable to the National Parks Volunteer Service.	18 19 20
<b>20C</b>	<b>Terms of service</b>	21
	(1) A person appointed to the National Parks Volunteer Service has and may exercise the functions of a national parks volunteer for the term specified in the instrument of the person’s appointment to the National Parks Volunteer Service unless the person’s appointment is sooner revoked.	22 23 24 25 26
	(2) The Director-General may, at any time and for any reason, revoke a person’s appointment as a national parks volunteer.	27 28
<b>20D</b>	<b>Functions</b>	29
	(1) A national parks volunteer has any functions that may be determined by the Director-General from time to time, subject to the regulations.	30 31 32

(2)	Without limiting subsection (1), those functions may include any of the following activities in relation to the management of land reserved, or acquired for reservation, under this Act:	1
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(a)	the control of pests, including feral animals (not being protected fauna),	4
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(b)	the control of weeds,	6
(c)	bush fire hazard reduction,	7
(d)	the maintenance of tracks and trails,	8
(e)	the maintenance of facilities,	9
(f)	the removal of rubbish,	10
(g)	the carrying out of public relations activities, including guided tours.	11
		12
(3)	The functions of a national parks volunteer may, but need not, be exercised under the supervision of a member of staff of the Department of Environment and Conservation.	13
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<b>20E</b>	<b>Employment status</b>	16
(1)	A person appointed as a national parks volunteer is not, as a result of the appointment:	17
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(a)	a worker for the purposes of the <i>Workers Compensation Act 1987</i> or the <i>Workplace Injury Management and Workers Compensation Act 1998</i> , or	19
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(b)	an employee (however described) for the purposes of the <i>Industrial Relations Act 1996</i> or any other Act or law.	22
		23
(2)	Despite subsection (1), the <i>Law Reform (Vicarious Liability) Act 1983</i> and the <i>Occupational Health and Safety Act 2000</i> apply in relation to a national parks volunteer in the same way as those Acts apply in relation to a person who is employed in the Department of Environment and Conservation.	24
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<b>[4]</b>	<b>Section 154 Regulations</b>	29
	Insert “national parks volunteers,” after “honorary rangers,” in section 154 (a).	30
<b>[5]</b>	<b>Section 169 Impersonating, assaulting, resisting or obstructing an officer etc</b>	31
		32
	Insert after section 169 (1):	33
(1A)	A national parks volunteer is not to be regarded, for the purposes of subsection (1), as impersonating a person referred to in that subsection merely because the volunteer is exercising his or her powers, authorities, duties or functions as a volunteer.	34
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**[6] Schedule 3 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

*National Parks and Wildlife Amendment (National Parks  
Volunteer Service) Act 2006*

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