

Tasmanian Parks and Wildlife Service Reserve System

categories, definitions & primary objectives

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Preface

The Tasmanian Parks and Wildlife Service currently manages over 340 individual reserves, set aside under three Acts of Parliament. In order to clarify the composition of the reserve system, the following document explains the different reserve categories administered by the Service. This is divided in three parts which outlines definitions and primary objectives for the reserve types under the three Acts. The first part outlines the nature and structure of reserve types under the *National Parks and Wildlife Act 1970*. Part II describes the reserve types under section 8 of the *Crown Lands Act 1976*, and part III deals with reserves declared under the *Aboriginal Relics Act 1975*.

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PART I

The National Parks and Wildlife Act 1970

Introduction

The *National Parks and Wildlife Act 1970* repealed the *Scenery Preservation Act 1915* and the *Animals and Birds Protection Act 1928*. The Act provides a legal framework for the establishment and management of a reserve system for conservation in Tasmania. By virtue of Section 13, land may be set aside for a variety of "conservation purposes", including the management and maintenance of reserves for: public recreation, preservation of natural and scenic features, preservation or protection of cultural heritage, preservation or protection of flora and fauna, and taking of game. Under s. 14, land set aside for these purposes is designated as a conservation area. Additionally, conservation areas may be given a higher degree of protection by declaring them (under s. 15(1)) as a State reserve or game reserve, thereby creating three major legal reserve categories: conservation area, State reserve and game reserve.

State reserves may be assigned a title according to their primary management objective as either a national park, State reserve, nature reserve, historic site or Aboriginal site (s. 15 (1A), (1B), (1C)). Similarly, reserves that remain classified as conservation areas may also be given a title according to their primary management objective; usually as a wildlife sanctuary or muttonbird reserve. Private land may also be reserved, through proclamation as a conservation area (usually wildlife sanctuary) but only with the consent of the owner (s. 14(1)). However, private land cannot be reserved as a State reserve unless the land is leased to the Crown for conservation purposes, and game reserves cannot be created over private land.

Conservation area regulations (as prescribed by the *National Parks and Reserves Regulations 1971*) apply to all reserves under the NPW Act 1970. Additional specific regulations also apply to State reserves and game reserves. Muttonbird reserves also have one additional regulation to general conservation areas.

Therefore, provisions under the *National Parks and Wildlife Act 1970* effectively create a system of reserves comprising a total of nine reserve categories or types (refer Table 1).

The following section outlines provisions under the Act for each major legal reserve category and defines the reserve types and their **primary** management objectives. Finally, it should be noted that in the context of this paper the term "conserve" is also taken to include the terms maintain, manage, preserve, protect or restore.

Table 1. Overview of Reserve Categories under the National Parks and Wildlife Act 1970

Major Conservation Category	Designated or Prescribed Reserve Title	Land Type that can be Reserved
I STATE RESERVE	National Park	Crown land*
	State Reserve	Crown land*
	Nature Reserve	Crown land*
	Historic Site	Crown land*
	Aboriginal Site	Crown land*
II GAME RESERVE	Game Reserve	Crown land
III CONSERVATION AREA	Conservation Area	Any land
	Wildlife Sanctuary	Any land
	Muttonbird Reserve †	Crown land

Crown land means any land vested in the Crown but does not include land vested in a public authority (for example, Local Government).

Any land means any Crown land, land vested in a public authority (with authority's approval) and private land (with owner's approval).

* The Minister, may on behalf of the Crown, lease private land for conservation purposes.

The leased areas are regarded as State reserves. In no other circumstances can private land be declared a State reserve.

† expression designated by regulation only, and not a prescribed reserve title under the Act.

1. STATE RESERVES

State reserves are afforded the highest level of protection under the Act, exempt from the operations of other Statutory powers, and requiring the approval of both Houses of Parliament for proclamation and revocation. No rights to exploit may be granted unless such rights are provided for in a statutory management plan approved by both Houses of Parliament. State reserves are assigned titles according to their principle management objective.

1.1 National Park

Definition

An extensive area of land and/or water managed for the protection and maintenance of natural and cultural values with the provision for ecologically sustainable recreation consistent with the conservation of the area's values.

* generally greater than 3,000 hectares.

Primary Objectives

- to conserve biodiversity, including ecosystems, communities, species and genetic diversity;
- to conserve earth heritage, including geological, geomorphological, pedological, hydrological, scenic and landscape values;
- to conserve cultural heritage values;
- to provide opportunities for education based on the area's values;
- to provide for scientific research directed at conserving natural and cultural resources;
- to provide for appropriate and ecologically sustainable recreational use and enjoyment consistent with the conservation of the area's values;

- to provide opportunities for remote recreational experiences in a natural environment by maintaining areas largely undisturbed by human intervention so as to preserve its natural character;
- to maintain biophysical processes so that communities, species and genetic diversity may continue to evolve with minimal human disturbance or intervention.

1.2 State Reserve

Definition	An area of land and/or water managed for the protection and maintenance of specific natural features or landscapes, with the provision for ecologically sustainable recreation consistent with the conservation of the area's values.
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* generally less than 3,000 hectares

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| Primary Objectives | <ul style="list-style-type: none"> • to conserve specific outstanding natural features because of their natural significance, uniqueness or representativeness; • to conserve earth heritage, including geological, geomorphological, pedological, hydrological, scenic and landscape values; • to conserve biodiversity, including ecosystems, communities, species and genetic diversity; • to conserve cultural heritage values; • to provide opportunities for education based on the area's values; |
|--------------------|---|

- to provide for scientific research directed at conserving natural and cultural resources;
- to provide for appropriate and ecologically sustainable recreational use and enjoyment consistent with the conservation of the area's values.

1.3 Nature Reserve

Definition

An area of land and/or water managed for the protection and maintenance of a particular flora or fauna community, species or habitat, or other natural feature of interest which is unique, important or has representative value, and where recreation is neither encouraged nor actively provided for.

* generally less than 3000 hectares.

Primary Objectives

- to conserve biodiversity, including ecosystems, communities, species and genetic diversity;
- to conserve earth heritage, including geological, geomorphological, pedological, hydrological, scenic and landscape values;
- to protect the area's natural resources and values so as to ensure that the area's natural condition is maintained.
- to provide opportunities for education based on the area's values;
- to provide for scientific research directed at benefiting management.

1.4 Historic site

Definition

An area of land and /or water significant in terms of non-Aboriginal cultural heritage.

Primary Objectives

- to conserve non-Aboriginal cultural heritage;
- to provide opportunities for education based on the area's values;
- to provide for scientific research directed at benefiting management of sites.

1.5 Aboriginal Site

Definition

An area of land and /or water managed for the protection and maintenance of Aboriginal relics and sites of significance.

Primary Objectives

- to conserve Aboriginal relics and sites of Aboriginal significance.
- to provide opportunities (in consultation with the Aboriginal community)for education based on the area's values;
- to provide for scientific research (in consultation with the Aboriginal community) directed at benefiting management.

2. GAME RESERVE

Game reserves are similar to State reserves in that they are exempt from the operation of other statutory powers. However, they may be proclaimed by the Governor without approval by both Houses of Parliament, but, require the approval of both Houses for their revocation. They also differ from State reserves in that special provisions are made for the hunting and taking of prescribed game species, through the provisions of the *National Park and Reserves Regulations 1971*.

2.1 Game Reserve

Definition

An area of land and/or water, essentially the same status as a nature reserve, except provision is made for controlled sustainable hunting of game species.

Primary Objectives

- to conserve biodiversity, including ecosystems, communities, species and genetic diversity;
- to conserve earth heritage, including geomorphological, pedological, geological, hydrological, scenic and landscape values;
- to protect the area's natural resources and values so as to ensure that the area's natural condition is maintained;
- to provide for the sustainable taking of designated game species;
- to provide for scientific research directed at benefiting management.

3. Conservation Areas

Conservation area status confers the lowest level of protection under the Act as it does not prohibit the operation of other statutory powers. For example, the status does not prohibit extractive or exploitative developments, unless specifically prohibited in a management plan. Conservation areas can be proclaimed by the Governor, however, require the approval of both Houses of Parliament for revocation except where they occur on private land. If they occur on private land the consent of the owner is required, for both proclamation or revocation but Parliamentary approval is not required.

Conservation areas may be assigned the title conservation area, wildlife sanctuary or muttonbird reserve, depending on whether they are general management areas or set aside to fulfil particular wildlife conservation objectives.

Under the Act, conservation areas which are declared over private land become "*private reserves*". Similarly, any land vested in a public authority (i.e. local government) which is proclaimed a conservation area becomes a "*local reserve*." However, both these terms only describe the underlying land tenure of the reserve and are not used in reserve titles.

3.1 Conservation Area

Definition An area of land and/or water predominately comprising unmodified natural systems, where provision is made for the protection and maintenance of biophysical and cultural heritage while providing at the same time potential for the use of the area's resources.

* generally greater than 3,000 hectares.

- Primary Objectives**
- to conserve biodiversity and other natural and cultural values of the area in the long term;
 - to ensure that use of the area's natural resources is ecologically sustainable.

3.2 Wildlife Sanctuary

Definition A conservation area where management emphasis is specifically on species and habitat protection.

* generally less than 3000 hectares..

- Primary Objective**
- to conserve wildlife species;
 - to ensure that use of the area's natural resources is ecologically sustainable.

3.3 Muttonbird Reserve

Definition A conservation area for which special provision is made for commercial and private muttonbirding.

* generally less than 1500 hectares.

- Primary Objectives**
- to manage the sustainable harvesting of short-tailed shearwater populations;
 - to ensure that use of the area's natural resources is ecologically sustainable.

PART II

Section 8 Reserves under the Crown Lands Act 1976

Introduction

The *Crown lands Act 1976* makes provision for the management, sale, and disposal of lands of the Crown. Under section 8, the Minister may, by order, reserve any Crown land for a variety of public purposes, including:

- public roads or streets;
- the preservation of water-supply and land conservation;
- places for the purposes of public recreation and amusement.

Specific reserve titles are not prescribed under the Act but assigned on the basis of the reserve's primary objective. Examples of reserves declared under section 8 include: State recreation areas, protected areas, coastal reserves, river reserves and lakeside reserves. In addition, there are numerous other reserve categories under this section of the Act as well as other reserves declared for public purposes under section 12 of the Act. All reserve categories have the same legislative status, being declared or revoked by a Ministerial order. The approval of parliament is not required for either declaration or revocation, making section 8 reserves less secure than reserves under the *National Parks and Wildlife Act 1970*. Similarly, all reserves are subject to the same regulations, as prescribed in the *Crown Lands (Public Reserves) Regulations 1979* (except Crown land reserved for public roads and streets). These regulations are based on the regulations of the *National Park and Wildlife Act 1970*.

In this section, the definitions and primary objectives for the major reserve types relating to conservation under the *Crown Lands Act 1976* are outlined.

4. SECTION 8 RESERVES

4.1 Protected Area

Definition	An area of land and/or water predominately comprising unmodified natural systems, where provision is made for the protection and maintenance of biophysical and cultural heritage while providing at the same time potential for the use of the area's resources.
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- Primary Objectives
- to conserve biodiversity and other natural and cultural values of the area in the long term;
 - to ensure that use of the area's natural resources is ecologically sustainable.
 - to provide for appropriate and ecologically sustainable recreational use and enjoyment consistent with the conservation of the area's natural values.

4.2 State Recreation Area

Definition	An area of land and /or water set aside for public recreation and controlled resource utilisation and development while protecting the natural environment.
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- Primary objectives:
- to provide recreational opportunities consistent with the conservation of the area's natural and cultural values;
 - to conserve biodiversity and other natural and cultural values of the area in the long term;
 - to ensure that use of the area's natural resources is ecologically sustainable.

4.3 Coastal Reserve, River Reserve and Lakeside Reserve

Definition

An area of land and/or water declared to conserve either coastal areas, or the borders of rivers or lakes with provision for public access and controlled recreational opportunities and resource utilisation and development.

- Primary Objectives:
- to conserve biodiversity and other natural and cultural values of the area in the long term;
 - to provide public access to coastal areas, rivers and lakes;
 - to provide for appropriate and ecologically sustainable recreational use and enjoyment consistent with the conservation of the area's natural values;
 - to ensure that use of the area's natural resources is ecologically sustainable.

PART III

The Aboriginal Relics Act 1975

Introduction

The *Aboriginal Relics Act 1975* makes provision for the management, maintenance and preservation of Aboriginal cultural heritage. Under the Act the Minister administering the Act may declare an area of land as a “*protected site*” (often referred to as a Protected Archaeological Site) and all relics and objects of Aboriginal cultural significance, contained within a protected site, as “*protected objects*”. In addition, all Aboriginal relics found within the State, irrespective of land tenure, are protected under the Act.

A relic is defined under the Act as:

- “*any artefact, painting, carving, engraving, arrangement of stones, midden, or other object made or created by any of the original inhabitants of Australia or the descendants of any such inhabitants*”;
- “*any object, site or place that bears signs of activities of any such original inhabitants or their descendants*”; or
- “*the remains of the body of such an original inhabitant or of a descendant of such a inhabitant who died before the year 1876*”.

Both the *Aboriginal Relics Act 1976* and the *National Parks and Wildlife Act 1970* are currently used to protect and preserve Aboriginal cultural heritage. However, Aboriginal site status (under the *National Parks and Wildlife Act 1970*) is considered to offer stronger legislative protection for Aboriginal heritage than does protected site status (under the *Aboriginal Relics Act 1976*), principally because the proclamation of an Aboriginal site can only be revoked through agreement by both Houses of Parliament whereas revocation of protected sites only requires Ministerial approval. Further, Aboriginal site status also prevents other statutory authorities from exercising their powers within the site, unlike protected sites where some statutory authorities can exercise their powers.

The following section defines the reserve category of protected site, and outlines the primary management objectives.

5. PROTECTED SITE A protected site may be declared by Ministerial Order to protect or preserve Aboriginal relics. This category of reserve cannot be declared over land which is not Crown land unless the owner or occupier gives their consent in writing to the Minister. Protected site status does not prevent the operation of other statutory powers. A protected site can be revoked by the approval of the Minister administering the Act.

5.1 Protected Site

Definition An area of land and /or water managed for the protection and maintenance of Aboriginal relics and sites of significance.

- Primary Objectives**
- to conserve Aboriginal relics and sites of Aboriginal significance.
 - to provide opportunities (in consultation with the Aboriginal community) for education based on the area's values;
 - to provide for scientific research (in consultation with the Aboriginal community) directed at benefiting management.