



EXPLANATORY STATEMENT

Norfolk Island National Park and Norfolk Island Botanic Garden 2020

Overview of the Legislative Instrument

The Director of National Parks prepares management plans for Commonwealth reserves in accordance with Section 368 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The purpose of this management plan is to describe the philosophy and direction of management for Norfolk Island National Park and Norfolk Island Botanic Garden for the next 10 years in accordance with the EPBC Act. The plan enables management to proceed in an orderly way, helps to reconcile competing interests, and identifies priorities for the allocation of available resources.

The management plan is an enabling document. It allows management activities to occur that would otherwise be restricted under EPBC legislation, and enables certain management, recreational and commercial activities to occur.

The fifth management plan for Norfolk Island National Park and Norfolk Island Botanic Garden has been prepared under the EPBC Act, with minor amendments and technical corrections to the fourth management plan which came into effect on 20 April 2018.

Norfolk Island National Park and Norfolk Island Botanic Garden

Norfolk Island National Park covers 650 hectares in two sections. The Mount Pitt Section, which encompasses the slopes of Mount Pitt and Mount Bates on Norfolk Island, covers 460 hectares. The other section of the national park comprises 190 hectares on neighbouring Phillip Island. The Norfolk Island Botanic Garden covers 5.5 hectares and is located near the Mount Pitt Section of the park.

The Mount Pitt Section of the park and the Botanic Garden were first established by the *Norfolk Island National Park and Norfolk Island Botanic Garden Act 1984* (NI) when it came into force on 12 February 1985. These areas were subsequently declared a national park and botanic garden under the *National Parks and Wildlife Conservation Act 1975* (NPWC Act) by proclamation under the NPWC Act on 31 January 1986 following a request of the Norfolk Island Legislative Assembly. The Phillip Island Section of the park was proclaimed under the NPWC Act on 24 January 1996.

In July 2000, the EPBC Act came into force and replaced a number of Acts relevant to the management of the park and botanic garden including the NPWC Act. Since 16 July 2000, the park and the botanic garden have been managed under the EPBC Act.

The natural values of the park and botanic garden come from being part of the Territory of Norfolk Island. Located in the south-west Pacific Ocean, the Territory provides a link between tropical and temperate oceanic island environments. The remote location, coupled with colonisation by plants and animals dispersed over vast distances of ocean, means that the Territory of Norfolk Island is important for its values as habitat for endemic species, habitat and breeding areas for species with limited distribution and migratory species including large colonies of breeding seabirds, and for its unique vegetation assemblages.

The park and botanic garden values include historic cultural heritage values. The area which is now the Mount Pitt Section of the park has been the site of a number of significant events in the human history of the island, including its discovery and settlement by Europeans and its defence during the Second World War. Both the park and botanic garden include artefacts relating to the Second World War.

The purpose for which the botanic garden was declared is consistent with the characteristics for World Conservation Union (IUCN) protected area management category IV, habitat/species management area.

The national park is divided by this plan into two zones—the Forestry Area to be managed as IUCN category VI, managed resource protected area, reflecting the purposes for which the area is used; and the balance of the Mount Pitt Section of the park and Phillip Island are managed as IUCN category II, national park.

Consultation

Through mid-December 2018, consistent with s.368(1)(a) of the EPBC Act, notices were published in the Australian Government Gazette, the Australian newspaper, the Norfolk Islander local newspaper and placed on the then Department of the Environment and Energy website, inviting comments until 29 January 2019 on the proposal to prepare a draft management plan. No comments or responses were received in this initial process.

A new draft management plan was then prepared in accordance with s.368(1)(b) of the EPBC Act, and was released for public comment on 9 December 2019 until 29 January 2019. The draft plan corrected the errors identified by the Senate Standing Committee for the Scrutiny of Delegated Legislation, as well as making a number of minor editorial corrections in keeping with the style and standard of the most recent management plans for other Commonwealth reserves.

Invitations to comment on the draft management plan were published in the Australia Government Gazette, The Australian newspaper, the Norfolk Islander local newspaper, Norfolk Online and on the Department's website. Electronic versions of the draft plan were available from the Department's website and were attached to emails sent to key stakeholders.

Meetings with the Norfolk Island Regional Council, the Norfolk Island National Park Advisory Committee, the Administrator of Norfolk Island, the Department of Infrastructure, Transport, Regional Development and Communications and with other stakeholders occurred during the consultation period to discuss management of the park and botanic garden. Two generally supportive submissions were received, and several amendments to the draft plan were made in response.

Period of operation

This management plan will come into operation, following approval by the Minister for the Environment under s.370 of the EPBC Act, at the beginning of the day after it is registered under the *Legislation Act 2003*. The plan will cease to have effect ten years after commencement, unless revoked or amended earlier by another management plan.

Regulatory Impact

This management plan has been written to describe actions and policies which conserve and enhance the natural and cultural values of the park and botanic garden, while providing visitors with a range of recreational opportunities that enrich their visit to Norfolk Island. It does not place any new restrictions upon individuals or businesses. The Office of Best Practice Regulation (OBPR) advised that a Regulatory Impact Statement was not required for this management plan (OBPR reference: OBPRID 23689).

Free access and use

The management plan describes the natural and cultural values of the park and botanic garden, including through the use of images and maps depicting the park's landscape and natural values. This is necessary to ensure the park's landscape and features are accurately described for the benefit of the users of the park. Some of those images are copyrighted to third parties. The full terms of the management plan may be freely accessed and used by park visitors and park users to understand their obligations under law when entering or carrying out activities in the park. However the copyrighted images may not be taken from the management plan and used for other purposes.

The management plan may be freely downloaded from the Federal Register of Legislation at www.legislation.gov.au and the Parks Australia website at <http://environment.gov.au/topics/national-parks/norfolk-island-national-park>.

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