New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. 80, 1974.

An Act to consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal relics; to repeal the Wild Flowers and Native Plants Protection Act, 1927, the Fauna Protection Act, 1948, the National Parks and Wildlife Act, 1967, and certain other enactments; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 27th November, 1974.]

BE

77337—A [$1.60]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "National Parks and Wildlife Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act.

3. This Act is divided as follows :—

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Repeals, amendments, savings, transitional and other provisions.

4. (1) Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2.

(3) Schedule 3 has effect.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— **Interpretation.**

"Aboriginal area" means lands dedicated as an Aboriginal area under this Act;

"Aboriginal place" means any place declared to be an Aboriginal place under section 84;

"Act of 1967" means the National Parks and Wildlife Act, 1967;

"advisory committee" means an advisory committee constituted under this Act;

"animal" means any animal, whether vertebrate or invertebrate, and at whatever stage of development, but does not include fish within the meaning of the Fisheries and Oyster Farms Act, 1935, other than aquatic or amphibious mammals or aquatic or amphibious reptiles;

"Architects Committee" means the National Parks Advisory Committee of Architects constituted under this Act;

"bird" means any bird, whether native, introduced or imported, and includes the eggs and the young thereof and the skin, feathers or any other part thereof, but does not include any domestic bird;

"by-laws" means by-laws under this Act;

"commencement day" means the day appointed and notified under section 2 (2);

"community service" includes the supply, provision or maintenance of access roads, parking areas or mooring areas, an electricity, gas or water service and a sewerage or garbage disposal service;

"Council"

"Council" means the National Parks and Wildlife Advisory Council constituted under this Act;

"Crown lands" means—

(a) Crown lands within the meaning of the Crown Lands Consolidation Act, 1913; and

(b) those parts of the seabed and of the waters beneath which it is submerged that are within the territorial jurisdiction of New South Wales and not within the Eastern Division described in the Second Schedule to the Crown Lands Consolidation Act, 1913;

"Director" means the Director of National Parks and Wildlife appointed under this Act;

"endangered fauna" means protected fauna of a species named in Schedule 12;

"ex-officio ranger" means a person who, by the operation of section 16, is a ranger by virtue of his office;

"explosive" means an explosive within the meaning of the Explosives Act, 1905;

"fauna" means any mammal, bird or reptile;

"fauna dealer" means a person who exercises or carries on the business of dealing in fauna, whether by buying or selling or by buying and selling, and whether on his own behalf or on behalf of any other person, and whether or not he deals in other things, and whether or not he exercises or carries on any other business;

"flora reserve" means a flora reserve within the meaning of the Forestry Act, 1916;

"Forestry Commission" means the Forestry Commission of New South Wales constituted under the Forestry Act, 1916;

"Fund" means the National Parks and Wildlife Fund referred to in section 137;

"game

"game reserve" means lands declared to be a game reserve under this Act;

"historic site" means lands reserved as a historic site under this Act;

"honorary ranger" means a person appointed as an honorary ranger under this Act;

"lands of the Crown" means lands vested in a Minister of the Crown or in a public authority;

"mammal" means any mammal, whether native, introduced or imported, and includes an aquatic or amphibious mammal, the eggs and the young of a mammal, and the skin or any other part of a mammal, but does not include any introduced or imported domestic mammal or any rat or mouse not native to Australia;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

"national park" means lands reserved as a national park under this Act;

"native plant" means any tree, shrub, fern, creeper, vine, palm or plant that is native to New South Wales, and includes the flower and any other part thereof;

"nature reserve" means lands dedicated as a nature reserve under this Act;

"officer of the Service" means a person referred to in section 6;

"owner"

"owner", in relation to lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to the lands for any estate of freehold in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, or any other Act relating to the alienation of lands of the Crown; or

(c) is entitled to receive, or is in receipt of, or if the lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"pastures protection board" means a pastures protection board within the meaning of the Pastures Protection Act, 1934;

"pick", in relation to a native plant, means gather, pluck, cut, pull up, destroy, take, dig up, remove or injure the plant or any part thereof;

"plan of management" means a plan of management under Part V;

"premises" includes building, store, shop, tent, hut or other structure, or place, whether built upon or not, or any part thereof;

"prescribed" means prescribed by this Act or the regulations;

"prohibited weapon" means—

(a) a gun, rifle, weapon or other article—

(i) from which a bullet, shot or other hurtful thing or material may be discharged, whether by an explosive or by any other means whatever; or

(ii)

(ii) that is designed to be used to discharge, whether by an explosive or by any other means whatever, a dart or other thing or material containing, coated or impregnated with a drug or other substance, for the purpose of tranquillising or immobilising an animal by means of the administration to the animal of the drug or other substance,

and any telescopic sight, silencer or other accessory attached to the gun, rifle, weapon or article;

(b) any other weapon prescribed for the purposes of this paragraph; and

(c) an article or device that, but for the absence of, or a defect in, some part thereof, or some obstruction therein, would be a gun, rifle, weapon or article referred to in paragraph (a) or a weapon prescribed for the purposes of paragraph (b);

"protected archaeological area" means lands declared to be a protected archaeological area under this Act;

"protected fauna" means fauna of a species not named in Schedule 11;

"protected native plant" means a native plant of a species named in Schedule 13;

"regulations" means regulations under this Act;

"relic" means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the

area

area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction;

"Relics Committee" means the Aboriginal Relics Advisory Committee constituted under this Act;

"reptile" means a snake, lizard, crocodile, tortoise, turtle or other member of the class reptilia (whether native, introduced or imported), and includes the eggs and the young thereof and the skin or any other part thereof;

"sell" includes—

(a) auction, barter, exchange or supply;

(b) offer, expose, supply or receive for sale;

(c) send, forward or deliver for sale or on sale;

(d) dispose of under a hire-purchase agreement;

(e) cause, permit or suffer the doing of an act referred to in paragraph (a), (b), (c) or (d);

(f) offer or attempt to do an act so referred to;

(g) cause, permit or suffer to be sold;

(h) attempt to sell or offer to sell; or

(i) have in possession for sale;

"Service" means the National Parks and Wildlife Service constituted by this Act;

"skin",

"skin", in relation to fauna, means the whole or part of the integument of any fauna, whether dressed or tanned or otherwise processed, but does not include any manufactured article;

"skin dealer" means a person who exercises or carries on—

(a) the business of dealing in the skins of protected fauna, whether by buying or selling or by buying and selling, and whether or not he deals in other things; or

(b) the business of tanning the skins of protected fauna, whether or not he tans other skins,

or both, and whether on his own behalf or on behalf of any other person, and whether or not he exercises or carries on any other business;

"species" includes order, class or description;

"specified", in relation to a licence or other instrument under this Act, means specified in the licence or other instrument;

"State forest" means a State forest within the meaning of the Forestry Act, 1916;

"take or kill", in relation to any fauna, includes hunt, shoot, poison, net, snare, spear, pursue, capture, disturb, lure or injure;

"timber reserve" means a timber reserve within the meaning of the Forestry Act, 1916;

"vehicle" includes—

(a) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(b) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(c) a motor vehicle;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed;

"wilderness area" means lands declared to be a wilderness area under this Act;

"wildlife" means fauna and native plants;

"wildlife district" means lands declared to be a wildlife district under this Act;

"wildlife refuge" means lands declared to be a wildlife refuge under this Act.

(2) In this Act, a reference to the Minister administering the Crown Lands Consolidation Act, 1913, is—

(a) in relation to lands that are not within an irrigation area within the meaning of that Act—a reference to the Minister for Lands; or

(b) in relation to lands that are within such an irrigation area—a reference to the Minister for the time being administering the Irrigation Act, 1912.

(3) In this Act, a reference to a licence or certificate under Part IX is a reference to such a licence or certificate that is valid and in force.

(4) Without affecting the generality of any of the definitions in subsection (1), a reference in this Act to protected fauna includes fauna in New South Wales that is of a species not named in Schedule 11 and that has been imported, or is being imported, into New South Wales.

(5) In Schedule 5, a reference to a national park or historic site includes a reference to the lands for the time being comprised in the national park or historic site.

(6)

(6) Nothing in this Act shall be construed as operating to affect the law from time to time in force with respect to the navigation of the waters referred to in paragraph (b) of the definition of "Crown lands" in subsection (1).

PART II.

ADMINISTRATION.

DIVISION 1.—*National Parks and Wildlife Service.*

The Service.

6. There shall be a National Parks and Wildlife Service, which shall be constituted by—

(a) the Director;

(b) the officers and employees, referred to in section 10, for the time being engaged in the administration of this Act; and

(c) the persons in respect of whom any arrangements under section 11 are for the time being in force.

Director.

7. (1) The Governor may appoint a Director of National Parks and Wildlife.

(2) Schedule 4 has effect.

Miscellaneous powers and functions of Director.

8. (1) The Director shall consider and may investigate proposals for the addition of areas to any national park, historic site, nature reserve or Aboriginal area or for the reservation of any new national park or historic site or for the dedication of any new nature reserve or Aboriginal area.

(2) For the purpose of any such proposals as are referred to in subsection (1), the Director shall have regard to the following principles :—

(a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural phenomena;

(b) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance or areas in which relics, or Aboriginal places, of special significance are situated;

(c) the areas to be dedicated as nature reserves are areas of special scientific interest containing wildlife or natural environments or natural phenomena; and

(d) the areas to be dedicated as Aboriginal areas are areas in which relics, or Aboriginal places, of significance are situated.

(3) The Director shall in the case of every nature reserve and Aboriginal area and any national park or historic site the care, control and management of which have been vested in him and may in the case of any other national park or historic site—

(a) promote such educational activities as he considers necessary in respect thereof;

(b) arrange for the carrying out of such works as he considers necessary for or in connection with the management and maintenance thereof; and

(c) undertake such scientific research as he considers necessary for or in connection with the preservation, protection, management and use thereof.

(4) The Director may promote such educational activities, and undertake such scientific research, in respect of relics and Aboriginal places as he thinks fit, either separately or in conjunction with other persons or bodies.

(5) As soon as practicable after a relic is discovered in a national park, historic site, nature reserve or Aboriginal area, the Director shall, after such consultation with The Trustees of the Australian Museum as he thinks necessary or expedient, assess the scientific importance of the relic.

(6) The Director may consider and investigate proposals in relation to existing or proposed Aboriginal places, wilderness areas, protected archaeological areas, wildlife districts, wildlife refuges and game reserves.

(7) The Director—

(a) may promote such educational activities as he considers necessary to awaken and maintain an appreciation of the value of animal and plant life;

(b) may enter into arrangements for the carrying out of such works as he considers necessary for or in connection with the protection and care of fauna and the protection of native plants;

(c) may undertake such scientific research as he considers necessary for or in connection with the preservation, protection and care of fauna and the protection of native plants and other flora, either separately or in conjunction with other persons or bodies; and

(d) shall co-operate with the trustees of any lands dedicated or reserved under the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, in connection with—

(i) the preservation of, the protection and care of, and the promotion of the study of, fauna; and

(ii) the protection of, and the promotion of the study of, native plants and other flora,

and generally shall co-operate with any other persons or bodies in the establishment, care and development of areas of lands set apart for the conservation and preservation of wildlife.

(8) The Director may promote such educational activities as he considers necessary for the instruction and training of ex-officio rangers, honorary rangers and prospective honorary rangers.

(9) Without affecting the generality of any other provision of this Act conferring powers on the Director, he may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or performance by the Director or the Service of his or its responsibilities, powers, authorities, duties or functions conferred or imposed by or under this Act.

(10) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions under this Act, the regulations and the by-laws, be subject to the control and direction of the Minister.

Acting Director.

9. (1) The Minister may, by writing under his hand, appoint any officer referred to in section 6 (b) as Acting Director to act in the office of the Director while the Director is absent from his office through illness or any other cause or where the Director is deemed to have vacated his office, and the person so appointed, while so acting, shall have and may exercise or perform the powers, authorities, duties and functions of the Director vested in the Director by or under this or any other Act, and shall be subject to the control and direction of the Minister.

(2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Acting Director to act in the office of the Director and all acts or things done or omitted by the Acting Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

Officers and employees.

10. The Governor may, under and subject to the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for the administration of this Act.

11.

Use of services of officers, etc., of Departments, etc.

11. (1) For the purposes of this Act, the Minister or the Director may, with the approval of the Minister administering the Department concerned, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(2) For the purposes of this Act, the Minister or the Director may, with the approval of the statutory corporation or council concerned, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of a statutory corporation or of the council of an area or county district under the Local Government Act, 1919.

(3) For the purposes of this Act, the Minister or the Director may, with the approval of the trustees of any national park or historic site named in Schedule 5, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of those trustees.

Powers and functions of Service.

12. The Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks and historic sites, for the conservation and protection of nature reserves and wildlife, for the preservation and protection of, and prevention of damage to, relics and Aboriginal places in national parks, historic sites, nature reserves, Aboriginal areas and protected archaeological areas and for the exploration of lands with the object of discovering relics.

DIVISION 2.—*Trustees of certain areas.*

Trustees of national parks and historic sites named in Schedule 5.

13. (1) The persons who, immediately before the commencement day, held office as trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 shall, subject to this Act, hold office as trustees of the national park or historic site.

(2) Schedule 6 has effect.

Powers and functions of trustees.

14. The powers, authorities, duties and functions of the trustees of a national park or historic site shall be those conferred or imposed by or under this Act.

15.

Corporate nature of trustees.

15. (1) Where the trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 were constituted a body corporate under section 18 (2) of the Act of 1967, the body corporate continues in existence and its members are the trustees for the time being of the national park or historic site.

(2) The powers, authorities, duties and functions of the trustees of a national park or historic site shall be deemed to be conferred or imposed on the body corporate constituted in relation to those trustees.

(3) Section 38 (subsection (II) excepted) of the Interpretation Act, 1897, applies to and in respect of a body corporate referred to in subsection (1) in the same way as it would have applied had the body corporate been constituted by this Act, but section 38 (I) (d) of that Act does not so apply in relation to real property or leasehold interests.

(4) The corporate name of a body corporate constituted in relation to the trustees of a national park or historic site shall be the name specified in Column 2 of Schedule 5 opposite the name of the park or site.

(5) The Governor may, from time to time, by order published in the Gazette, amend Schedule 5 by omitting from Column 2 the corporate name of a body corporate opposite the name of a national park or historic site and by inserting instead a new corporate name for the body corporate.

(6) The common seal of a body corporate constituted in relation to the trustees of a national park or historic site shall, except in so far as the by-laws applicable to the national park or historic site otherwise provide, be kept by such trustee or officer of the trustees as the trustees from time to time determine.

(7) No matter or thing done, and no contract entered into, by the trustees of a national park or historic site in their corporate capacity, and no matter or thing done by a trustee or by any other person acting under the direction of the trustees in their corporate capacity, shall, if the matter or thing was done, or the contract was entered into, bona fide

for the purpose of executing this or any other Act in so far as it confers or imposes powers, authorities, duties or functions on the trustees, subject a trustee, or other person so acting, personally to any action, liability, claim or demand.

(8) Where a notification relating to a national park or historic site is published under section 32, the body corporate constituted in relation to the trustees of the park or site is dissolved on the date stated, under section 32 (3) (a), in the notification.

DIVISION 3.—*Ex-officio and honorary rangers.*

Ex-officio rangers.

16. (1) Unless removed from office under this Division, each member of the police force and each inspector within the meaning of the Fisheries and Oyster Farms Act, 1935, shall, by virtue of his office, be a ranger.

(2) Unless removed from office under this Division, each officer or employee of the Forestry Commission who belongs to a class or description prescribed for the purposes of this subsection shall, by virtue of his office, be a ranger.

Honorary rangers.

17. (1) The Director may, by instrument in writing, appoint honorary rangers.

(2) Where the term for which an honorary ranger is to hold office is specified in the instrument of his appointment, he shall, unless he is sooner removed from office under this Division, cease to hold office upon the expiration of that term.

(3) An honorary ranger shall, unless he is sooner removed from office under this Division, cease to hold office if he resigns his office by writing under his hand addressed to the Director.

Removal or suspension of ex-officio and honorary rangers.

18. (1) The Director may, by instrument in writing, remove or suspend from office any ex-officio ranger or honorary ranger.

(2) An ex-officio ranger or honorary ranger who is suspended from office under this section shall not exercise any of the powers, authorities, duties and functions of an ex-officio ranger or honorary ranger, as the case may be, during the period of his suspension.

(3) The Director may, by instrument in writing, reinstate any ex-officio ranger or honorary ranger suspended from office under this section.

19.

Powers and functions of ex-officio rangers.

19. (1) In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an ex-officio ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the regulations or the by-laws for the purposes of this subsection, but subject to such limitations and restrictions (if any) as are specified or described therein.

(2) Without affecting the generality of section 156 (2), a regulation or by-law made in relation to any matter referred to in subsection (1) may apply generally or to any ex-officio ranger or class of ex-officio rangers specified or described therein.

Powers and functions of honorary rangers.

20. In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an honorary ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the instrument of his appointment, but subject to such limitations and restrictions (if any) as are specified or described therein.

DIVISION 4.—*Delegation.*

Delegation.

21. (1) Subject to this section—

(a) the Minister may, by instrument in writing, delegate to—

(i) the Director;

(ii) any other officer of the Service;

(iii) the holder of any office in the Service; and

(b) the Director, with the approval of the Minister, may, by instrument in writing, delegate to—

(i) any officer of the Service; or

(ii) the holder of any office in the Service,

any

any power (other than this power of delegation), authority, duty or function conferred or imposed on him by this Act, the regulations, the by-laws or any other instrument under this Act.

(2) The exercise of any such delegation shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

(3) Any act or thing done or suffered by the delegate, when acting in the exercise of any such delegation and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(4) Any delegation under this section shall remain in force notwithstanding that the person who made or approved of the delegation has ceased to hold office as Minister or Director, as the case may be.

(5) The person for the time being occupying the office of Minister or Director, as the case may be, may revoke either wholly or in part any such delegation of powers, authorities, duties or functions, whether made by him or by a predecessor in that office, but no act or thing done or suffered by the delegate within the terms of any such delegation during the period in which the delegation was in force shall be invalidated by reason of that revocation.

(6) Subject to any stipulation to the contrary contained in the instrument, any instrument of delegation made under this section shall, so far as concerns any act or thing done or suffered thereunder in good faith, operate and continue in force until notice of the revocation thereof has been received by the delegate.

(7) Every act or thing within the scope of the delegation done or suffered in good faith by the delegate after revocation of the delegation and before notice thereof has been received by him shall be as effectual in all respects as if that revocation had not been made.

(8) A statutory declaration by the delegate, stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered

suffered or at any time after, shall be taken to be conclusive proof of non-revocation at the time when that act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of revocation.

(9) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may require, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

PART III.

COUNCIL AND COMMITTEES.

DIVISION 1.—*National Parks and Wildlife Advisory Council.*

The Council.

22. (1) There shall be a National Parks and Wildlife Advisory Council.

(2) Schedule 7 has effect.

Functions and duties of Council.

23. (1) The Council shall—

(a) advise the Minister on matters relating to the care, control and management of national parks, historic sites and nature reserves, and to the preservation and protection of wildlife, and on such other matters as the Minister may refer to the Council; and

(b) have such other functions and duties as are conferred on it by or under this Act.

(2) Subject to section 8 (10), the Director shall furnish to the Council full information in relation to any matters arising out of the administration of this Act which the Council may require.

DIVISION 2.—*Advisory committees.*

Advisory committees.

24. (1) An advisory committee may be constituted for each national park and historic site under the care, control and management of the Director.

(2) Schedule 8 has effect.

Dissolution of advisory committee.

25. An advisory committee for a national park or historic site that becomes part of some other national park or historic site shall be deemed to have been dissolved, but a member thereof shall be eligible for appointment to any other advisory committee.

Functions of advisory committee.

26. An advisory committee may make recommendations to the Council or the Director or to the superintendent of the national park or historic site for which the advisory committee was constituted in respect of measures to improve the care, control and management of the national park or historic site.

DIVISION 3.—*Aboriginal Relics Advisory Committee.*

Relics Committee.

27. (1) There shall be an Aboriginal Relics Advisory Committee.

(2) Schedule 9 has effect.

Functions of Relics Committee.

28. The Relics Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the preservation, control of excavation, removal and custody of relics or Aboriginal places.

DIVISION 4.—*National Parks Advisory Committee of Architects.*

Architects Committee.

29. (1) There shall be a National Parks Advisory Committee of Architects.

(2) Schedule 10 has effect.

30.

Functions of Architects Committee.

30. The Architects Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, historic sites, nature reserves, Aboriginal areas, protected archaeological areas, wildlife refuges and game reserves which may be referred to the Architects Committee by the Minister or the Director.

PART IV.

RESERVED, DEDICATED AND DECLARED LANDS.

DIVISION 1.—*National parks and historic sites.*

Care, control and management of existing parks and sites.

31. The care, control and management of such lands as are, on the commencement day, comprised within—

(a) a national park or historic site (other than a national park or historic site named in Column 1 of Schedule 5)—are vested in the Director; and

(b) a national park or historic site named in Column 1 of Schedule 5—are, subject to this Act, vested in the trustees of the park or site.

Vesting of care, etc., of areas in Schedule 5 in Director.

32. (1) Where it is proposed to vest the care, control and management of a national park or historic site named in Column 1 of Schedule 5 in the Director, the Minister shall lay before each House of Parliament notice of the proposal.

(2) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after the notice has been laid before it under subsection (1) (whether or not those sitting days occur during the same session) that it does not assent to the vesting in the Director of the care, control and management of the national park or historic site, the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection (2) or if, where notice has been so given, the resolution has been withdrawn or defeated or has lapsed, the Minister may, by notification published in the Gazette—

(a) declare that, as from the date stated in the notification, the care, control and management of the national park or historic site specified in the notification shall be vested in the Director; and

(b) amend Schedule 5 by omitting the name of the national park or historic site in Column 1 and the matter in Column 2 opposite that name.

(4) Where any such notification has been published in the Gazette, the persons who, immediately before the date stated in the notification under subsection (3) (a), held office as trustees of the national park or historic site specified therein shall cease to hold office and the care, control and management of the national park or historic site shall thereafter be vested in the Director.

(5) An amendment made by a notification under subsection (3) shall take effect on and from the date stated therein under subsection (3) (a).

Reservation of parks or sites.

33. (1) In this section, "prescribed lands" means—

(a) Crown lands;

(b) lands of the Crown; or

(c) lands acquired under section 145, 147 or 148.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as a national park or historic site, any prescribed lands described in the proclamation.

(3) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as part of a national park or historic site specified in the proclamation, any prescribed lands described in the proclamation.

(4) Upon the publication of a proclamation under subsection (2) or (3)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest—

(i) in the case of lands that are reserved as part of a national park or historic site named in Column 1 of Schedule 5—in the trustees of the national park or historic site; or

(ii) in any other case—in the Director,

for the purposes of this Act.

(5)

(5) Upon the publication of a proclamation under subsection (2) effecting the reservation, as a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as "the described lands")—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to all of the described lands and not to any other lands—

(i) shall continue to apply to the described lands; and

(ii) shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to—

(i) part only of the described lands; or

(ii) all of the described lands and also to any other lands,

shall cease to apply to the described lands.

(6) Upon the publication of a proclamation under subsection (3) effecting the reservation, as part of a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as "the described lands")—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to that national park or historic site shall apply to the described lands; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the described lands shall cease to apply to the described lands.

(7) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws or rules and regulations that cease to apply to any lands by virtue of subsection (5) or (6) shall, in so far as they applied to those lands, be deemed to have been repealed.

(8)

(8) To the extent to which a dedication, reservation (other than a reservation under this Division), Crown grant or vesting affects lands described in a proclamation published under subsection (2) or (3), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(9) A proclamation under subsection (2) or (3) may be made in relation to—

(a) one or more national parks or one or more historic sites; or

(b) one or more national parks and one or more historic sites.

(10) In this section, a reference to by-laws does not include a reference to by-laws under the Metropolitan Water, Sewerage, and Drainage Act, 1924, or the Hunter District Water, Sewerage and Drainage Act, 1938.

Limitations on power to reserve under s. 33.

34. (1) Notwithstanding section 33, no lands that are Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) Notwithstanding section 33, no lands that are lands of the Crown shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister or public authority in whom they were vested immediately before the reservation.

Tabling of proclamation of reservation, and disallowance.

35. (1) In this section, "prescribed time", in relation to a House of Parliament, means fourteen sitting days of that House, whether or not they occur during the same session.

(2) A copy of a proclamation published under section 33 (2) or (3) shall be laid before each House of Parliament within the prescribed time after publication thereof.

(3)

(3) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after a copy of a proclamation has been laid before it under subsection (2) (whether or not those sitting days occur during the same session) and the resolution disallows the reservation effected by the proclamation of any lands as, or as part of, a particular national park or historic site—

(a) the reservation thereupon ceases to have effect; and

(b) those lands cease to be, or to be part of, a national park or historic site.

(4) Notwithstanding section 31, where any lands cease to be, or to be part of, a national park or historic site by virtue of the disallowance of a reservation under this Division—

(a) any person holding office as trustee thereof immediately before the disallowance shall cease to be trustee thereof and shall cease to have the care, control and management thereof;

(b) where the Director had the care, control and management thereof immediately before the disallowance, he shall cease to have the care, control and management thereof;

(c) any by-laws applicable thereto immediately before the disallowance shall cease to apply to those lands;

(d) those lands may, except in the case of lands acquired under section 147 or 148, be dealt with as if they had been acquired under the Closer Settlement Acts or as Crown lands; and

(e) in the case of lands acquired under section 147 or 148, the lands shall vest in the Minister for the estate or interest held by him immediately before the reservation.

(5) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws that cease to apply to any lands by virtue of subsection (4) shall, in so far as they applied to those lands, be deemed to have been repealed.

Name of park or site.

36. The Governor—

(a) by a proclamation published under section 33 (2) or (3) or by another proclamation published in the Gazette, may assign a name to a national park or historic site; and

(b) by proclamation published in the Gazette, may from time to time—

(i) alter the name of a national park or historic site; and

(ii) in the case of a national park or historic site named in Column 1 of Schedule 5—amend that Schedule by omitting from Column 1 the name of that park or site, as so appearing, and by inserting instead the name as altered in pursuance of subparagraph (i).

Revocation, resumption or appropriation of park or site.

37. (1) Notwithstanding anything in any Act—

(a) the reservation of lands as, or as part of, a national park or historic site shall not be revoked; or

(b) lands within a national park or historic site shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Limitation on use of name "national park".

38. The word "national" shall not be used either alone or in conjunction with other words as the name of a park within New South Wales unless the park is a national park under this Act.

39.

Existing interests.

39. (1) In this section, "existing interest" means any authority, authorisation, permit, lease, licence or occupancy.

(2) Except as provided in this Act, the reservation of lands as, or as part of, a national park or historic site does not affect—

(a) the terms and conditions of any existing interest in respect of those lands from the Crown or the trustees, current and in force at the time of the reservation; or

(b) the use permitted of those lands under the interest.

(3) Subject to subsection (4), no such interest shall be renewed nor shall the term of any such interest be extended except with the approval of the Minister and subject to such conditions as the Minister determines.

(4) The provisions of subsection (3) do not apply to any authority, authorisation, lease or licence under the Mining Act, 1973, the Coal Mining Act, 1973, the Fisheries and Oyster Farms Act, 1935, or the Petroleum Act, 1955, or any permit or licence under the Petroleum (Submerged Lands) Act, 1967.

(5) Upon the termination, surrender, forfeiture or determination of any existing interest (otherwise than for the purpose of renewing it or extending its term) referred to in subsection (2), the lands the subject of the interest are, to the extent to which they would not, but for this subsection, be lands reserved as part of the national park or historic site within which they are situated, hereby so reserved.

Restrictions on disposal of or dealing with lands within parks or sites.

40. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a national park or historic site shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2)

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a national park or historic site, shall be granted except with the concurrence in writing of the Minister.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Minister determines.

Provisions relating to mining.

41. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a national park or historic site to the extent to which those Acts are in force at that time.

(3) A mining interest granted in respect of lands within a national park or historic site granted after the commencement day shall have no force or effect unless, before the interest was granted, notice of the application therefor was laid before both Houses of Parliament and—

(a) no notice was given in either House of Parliament within fifteen sitting days of that House after notice of the application was laid before it (whether or not those sitting days occurred during the same session) of a motion that the application be refused; or

(b) where notice of such a motion was so given, the motion pursuant thereto was withdrawn or defeated or lapsed.

(4) A renewal of, or extension of the term of, a mining interest in respect of lands within a national park or historic site (other than a mining interest current and in force at the time of the reservation of the park or site) shall not be granted under the Mining Act, 1973, the Coal Mining Act, 1973, or the Petroleum Act, 1955, without the concurrence in writing of the Minister.

(5) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of a mining interest specified in the certificate shall be conclusive evidence of compliance with those requirements.

(6) Except as provided in this section, nothing in this Act affects the right, title or interest of any person (other than a person who is or was trustee of the lands comprised in a national park or historic site) in respect of minerals in any such lands.

(7) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a national park or historic site.

Application of Forestry Act, 1916.

42. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a national park or historic site.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a national park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Application of Soil Conservation Act, 1938.

43. The Soil Conservation Act, 1938, applies to and in respect of lands within a national park or historic site, but any experimental or research work conducted pursuant to section 6 of that Act upon those lands shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

Application of Fisheries and Oyster Farms Act, 1935.

44. (1) Subject to subsection (2), nothing in this Act affects the operation of the Fisheries and Oyster Farms Act, 1935, in relation to lands within a national park or historic site.

(2) A lease under the Fisheries and Oyster Farms Act, 1935, shall not, without the concurrence in writing of the Minister, be granted in respect of lands within a national park or historic site or in respect of any waters beneath which those lands are submerged.

Provisions respecting animals in parks and sites.

45. (1) A person shall not—

(a) take or kill any animal that is within a national park or historic site; or

(b) discharge a prohibited weapon in a national park or historic site.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person, being a lessee or occupier of any lands within a national park or historic site, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any animal that is within those lands, other than fauna.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

Transfer of rights, liabilities and property.

46. (1) Where upon the taking effect of a notification under section 32 or a proclamation under section 33 any persons cease to hold office as trustees of lands reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the following provisions have effect:—

(a) all property and all right and interest therein (in this section referred to as "the trust property") and all management and control of any thing which immediately before that notification or proclamation took effect was vested in or belonged to the trustees and was held or used by them for or in connection with the park or site shall vest in and belong to the Director;

(b) all money and liquidated and unliquidated claims that, immediately before that notification or proclamation took effect, were payable to or recoverable by the trustees or their predecessors in relation to the park or site or the trust property or any part thereof shall be money and liquidated and unliquidated claims payable to or recoverable by the Director;

(c)

(c) all proceedings pending immediately before that notification or proclamation took effect at the suit of the trustees in relation to the park or site or the trust property or any part thereof shall be deemed to be proceedings pending at the suit of the Director and all proceedings so pending at the suit of any person against the trustees shall be deemed to be proceedings pending at the suit of that person against the Director;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the trustees or their predecessors in relation to the park or site or the trust property or any part thereof, and in force immediately before that notification or proclamation took effect, shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Director;

(e) the Director may, in addition to pursuing any other remedies or exercising any other powers that may be available to him, pursue the same remedies for the recovery of money and claims referred to in this subsection and for the prosecution of proceedings so referred to as the trustees or their predecessors might have done had they continued to be trustees of the park or site after that notification or proclamation took effect;

(f) the Director may enforce and realise any security or charge existing immediately before that notification or proclamation took effect in favour of the trustees in connection with the care, control and management of the park or site, and may exercise any powers thereby conferred on the trustees as if the security or charge were a security or charge in favour of the Director;

(g) all debts, money and claims, liquidated and unliquidated, that, immediately before that notification or proclamation took effect, were due or payable by, or recoverable against, the trustees or their predecessors in connection with the care, control and management of the park or site or the trust property or any part thereof shall be debts due and money payable by, and claims recoverable against, the Director; and

(h) all liquidated and unliquidated claims in connection with the care, control and management of the park or site for which the trustees would, but for the notification or proclamation, have been liable shall be liquidated and unliquidated claims for which the Director shall be liable.

(2) Where part only of the lands vested in trustees is, by a proclamation under section 33, reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the Director and the trustees shall, as soon as practicable after publication of that proclamation, arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the park or site and to the lands retained by the trustees may be determined, and if any difference arises between the Director and the trustees, the difference shall be determined in such manner as the Minister may direct.

(3) The provisions of subsections (1) and (2) apply also where, upon the publication of a proclamation under section 33, the care, control and management of lands are vested in the trustees of a national park or historic site named in Column 1 of Schedule 5 and so apply as if references in those provisions to the Director were references to those trustees.

Transfer of employees.

47. (1) Where any lands are reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, every person who, immediately before the vesting in the Director, was an employee, other than a casual employee, of the trustees of those lands, and was employed by them solely in connection with those lands, shall upon the vesting in the Director become and be an employee under the Public Service Act, 1902.

(2) The following provisions apply to a person referred to in subsection (1) : —

(a) that person shall, unless the Public Service Board approves of employment on some other basis, be employed under section 44 of the Public Service Act, 1902;

(b) notwithstanding anything in that Act, the Public Service Board's approval to employ that person otherwise than under section 44 of that Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided those conditions are not inconsistent with this section;

(c) the period of service with the trustees or their predecessors of that person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or extended leave, but, unless the Public Service Board otherwise approves, the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if that person had continued to be an employee of the trustees or their predecessors;

(d) that person shall be paid a salary or wages at a rate not less than the rate that was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

(e) where any condition of employment of that person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue to be so regulated until a determination in relation to that condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating that condition is made by a competent tribunal or that condition is regulated by an industrial agreement;

(f) if that person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for that person upon the same terms and subject to the same conditions as it was paid by the trustees; and

(g) if that person, while employed in the Public Service, becomes a contributor to the State Superannuation Fund as so constituted, any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for that person shall cease, but that person may elect to continue the policy on his own account or to cancel the policy and receive any money refunded by the insurer.

DIVISION 2.—*Nature reserves.*

Care, control and management of existing nature reserves.

48. The care, control and management of such lands as are, on the commencement day, comprised in a nature reserve are vested in the Director.

Dedication of nature reserves.

49. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as a nature reserve—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as part of a nature reserve specified in the proclamation—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(3) Lands within a nature reserve shall be deemed to be dedicated for the purposes of—

(a) the care, propagation, preservation and conservation of wildlife;

(b) the care, preservation and conservation of natural environments and natural phenomena;

(c) the study of wildlife, natural environments and natural phenomena; and

(d) the promotion of the appreciation and enjoyment of wildlife, natural environments and natural phenomena.

(4)

(4) Upon the publication of a proclamation under subsection (1) or (2)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest in the Director for the purposes of this Act.

(5) To the extent to which a dedication (other than a dedication under this Division), reservation, Crown grant or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(6) A proclamation under subsection (1) or (2) may be made in relation to one or more nature reserves.

Limitation on power to dedicate under section 49.

50. Notwithstanding section 49, no lands that are Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be dedicated under section 49 (1) or (2) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Name of nature reserve.

51. The Governor—

(a) by a proclamation published under section 49 (1) or (2) or by another proclamation published in the Gazette, may assign a name to a nature reserve; and

(b) by proclamation published in the Gazette, may, from time to time, alter the name of a nature reserve.

52.

Revocation, resumption or appropriation of nature reserve.

52. (1) Notwithstanding anything in any Act, but subject to section 8 of the Public Roads Act 1902—

(a) the dedication of lands as, or as part of, a nature reserve shall not be revoked; or

(b) lands within a nature reserve shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Restrictions on disposal of or dealing with lands within nature reserves.

53. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a nature reserve shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a nature reserve, shall be granted except with the concurrence in writing of the Director.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Director determines.

Provisions relating to mining.

54. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2)

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a nature reserve to the extent to which those Acts are in force at that time.

(3) No mining interest shall be granted in respect of lands within a nature reserve except with the concurrence of the Director and subject to such conditions as he determines.

(4) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a nature reserve.

55. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a nature reserve. **Application of Forestry Act, 1916.**

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a nature reserve shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

56. (1) A person shall not— **Provisions respecting animals in nature reserves.**

(a) take or kill any animal that is within a nature reserve;

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any animal that is within a nature reserve;

(c) carry, discharge or have in his possession any prohibited weapon in a nature reserve;

(d) carry or have in his possession any explosive, net, trap or hunting device in a nature reserve; or

(e) be accompanied by a dog in a nature reserve.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the carrying or having in his possession of a net if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of an animal that is within those lands, other than fauna.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

57. (1) Subject to section 55 (2), a person shall not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a nature reserve. Restrictions as to timber, vegetation, plants, etc., in nature reserves.

(2) A person shall not have in his possession any native plant within a nature reserve.

(3) A person who commits an offence arising under subsection (1) or (2) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(4) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX; or

(b) in pursuance of a duty imposed on him by or under any Act.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) or (2) in respect of the felling, cutting, destroying, injuring, picking, removing of, or setting fire to any tree, timber, plant, flower or vegetation, or the possession of a native plant, that is or was growing within those lands.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

Application of certain provisions to nature reserves.

58. The provisions of—

By-laws, rules and regulations.

(a) section 33 (5), (6), (7) and (10);

Tabling of proclamation of dedication, and disallowance.

(b) section 35;

Existing interests.

(c) section 39;

Application of Soil Conservation Act, 1938, and Fisheries and Oyster Farms Act, 1935.

(d) sections 43 and 44;

Transfer of rights, liabilities and property.

(e) section 46 (1) and (2); and

Transfer of employees.

(f) section 47,

apply to and in respect of a nature reserve in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference in those provisions to—

(g) a proclamation under section 33 (2) or (3) were a reference to a proclamation under section 49 (1) or (2); and

(h)

(h) a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 3.—*Wilderness areas.*

Declaration of wilderness areas.

59. (1) Subject to section 60, the Director may, by notification published in the Gazette, declare any area of lands within a national park or nature reserve to be a wilderness area.

(2) The Director may, by notification published in the Gazette, revoke wholly or in part a declaration under this section.

Declaration of wilderness area to be in accordance with plan of management.

60. Where a plan of management is in force with respect to any lands within a national park or nature reserve, a declaration shall not be made under section 59 with respect to those lands except in accordance with the plan.

Effect of declaration of wilderness area.

61. (1) Where an area of lands is declared to be a wilderness area—

(a) the area shall be kept and maintained in a wilderness condition; and

(b) subject to subsection (2) but notwithstanding any other provisions of this Act, no structures shall be erected or constructed within the area.

(2) Notwithstanding subsection (1), the Director may—

(a) set apart any part of a wilderness area for the purpose of scientific research and authorise—

(i) scientific research to be carried out in that part; and

(ii) the erection of apparatus or of a structure in that part for the purpose of enabling that research to be carried out;

(b)

(b) authorise the erection of apparatus or of a structure in a wilderness area where, in his opinion, it is essential that the apparatus or structure be provided for the protection or preservation of the area or the national park or nature reserve in which the area is situated; and

(c) authorise the erection of a simple survival hut in a wilderness area where, in his opinion, it is essential that the hut be provided in the interests of safety.

(3) In—

(a) subsection (1), "structure" includes building, hut, ski tow or ski tow mooring; and

(b) subsection (2), "structure" includes building or hut, but does not include ski tow or ski tow mooring.

DIVISION 4.—*Aboriginal areas.*

Dedication of Aboriginal areas.

62. (1) The Governor may, with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by proclamation published in the Gazette, dedicate, as an Aboriginal area, any unoccupied Crown lands described in the proclamation.

(2) The Governor may, with the like concurrence, by proclamation published in the Gazette, dedicate, as a part of an Aboriginal area specified in the proclamation, any unoccupied Crown lands described in the proclamation.

(3) The Governor may, with the like concurrence, by a proclamation published in the Gazette, revoke wholly or in part a dedication under this section.

(4) Lands within an Aboriginal area shall be deemed to be dedicated for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein.

Care, control and management of Aboriginal areas.

63. The care, control and management of Aboriginal areas are vested in the Director.

64.

64. The provisions of— Application of certain provisions to Aboriginal areas.

(a) section 41; and Provisions relating to mining.

(b) section 42, Application of Forestry Act, 1916.

apply to and in respect of an Aboriginal area in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference to a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 5.—*Protected archaeological areas.*

65. (1) Subject to this section, the Minister may, by order published in the Gazette, declare any lands described in the order, being lands on which a relic or Aboriginal place is situated, to be a protected archaeological area. Declaration of protected archaeological areas.

(2) An order under subsection (1)—

(a) shall not be made in respect of unoccupied Crown lands;

(b) shall not be made—

(i) where the lands are Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier; or

(ii) where the lands are not Crown lands—without the consent of the owner and the occupier; and

(c) may be revoked at any time, and shall be revoked at the request of any person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area.

Control of protected archaeological area.

66. (1) Subject to this section, the Director may, in relation to lands declared to be a protected archaeological area, give directions prohibiting or regulating the entry on and use of the lands by specified persons or classes of persons or all persons other than specified persons or classes of persons.

(2) The Director—

(a) shall not exercise the powers conferred on him by subsection (1) without the consent of the person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area; and

(b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction.

(3) A person shall not enter, remain on or use, contrary to a direction given under this section, lands to which the direction relates.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves.*

Wildlife districts.

67. (1) The Governor may, by proclamation published in the Gazette, declare—

(a) any lands described in the proclamation to be a wildlife district; or

(b) any lands described in the proclamation to be part of a wildlife district specified in the proclamation.

(2)

(2) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a wildlife district either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the district.

(3) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife districts specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(4) The Governor may, by proclamation published in the Gazette, vary, amend or revoke a proclamation under this section.

(5) A proclamation shall not be made under this section with respect to any lands within a State forest, timber reserve or flora reserve without the consent of the Forestry Commission.

68. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a wildlife refuge. Wildlife refuges.

(2) Lands within a wildlife refuge shall be deemed to be dedicated for the purposes of—

(a) preserving, conserving, propagating and studying wildlife;

(b) conserving and studying natural environments; and

(c) creating simulated natural environments.

(3) A proclamation under subsection (1)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii)

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest—without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a wildlife refuge, be required for their declaration as such a refuge.

(4) A person who is a holder or occupier of Crown lands shall be deemed, for the purposes of this section, to have given his consent, referred to in subsection (3), if, within thirty days of his being given notice that his consent is sought, he does not inform the Minister or the Director that he gives or withholds his consent.

(5) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife refuges specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (3) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

Game reserves.

69. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a game reserve.

(2)

(2) Lands within a game reserve shall be deemed to be dedicated for the purposes of—

(a) propagating fauna for taking or killing as game;

(b) providing suitable land for the taking or killing of fauna as game;

(c) conserving and studying natural environments; and

(d) creating simulated natural environments.

(3) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a game reserve either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the reserve.

(4) A proclamation under subsection (1) or (3)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest— without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a game reserve, be required for their declaration as such a reserve.

(5)

(5) A proclamation under this section may be made so as—

(a) to relate to one or more game reserves specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (4) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

Provisions respecting fauna in wildlife districts, wildlife refuges and game reserves.

70. (1) A person shall not—

(a) take or kill any fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any fauna,

being fauna within a wildlife district, wildlife refuge or game reserve.

(2) A person shall not—

(a) carry, discharge or have in his possession any prohibited weapon;

(b) carry or have in his possession any explosive, net, trap or hunting device; or

(c) be accompanied by a dog,

in a wildlife refuge or game reserve.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (2) in respect of the carrying or having in his possession of a net in a wildlife refuge or game reserve if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any fauna in a wildlife district, being fauna that is not native to Australia and that is either—

(a) not protected fauna; or

(b) locally unprotected fauna under section 96.

(6) A person, being an owner, lessee or occupier of any lands within a wildlife refuge or game reserve, or a person authorised by him in that behalf, shall not be convicted of—

(a) an offence arising under subsection (1) in respect of the taking or killing of any fauna within those lands, being fauna that is not native to Australia and that is either—

(i) not protected fauna; or

(ii) locally unprotected fauna under section 96; or

(b) an offence arising under subsection (2) in relation to those lands.

(7) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

Prohibition on picking or possessing native plants within wildlife refuges.

71. (1) A person shall not pick or have in his possession any native plant within a wildlife refuge.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX or a licence issued under the Forestry Act, 1916; or

(b) in pursuance of a duty imposed on him by or under any Act.

(3) A person, being an owner, lessee or occupier of any lands within a wildlife refuge, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the picking or the possession of a native plant that is or was growing within those lands.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

PART V.

Plans of Management.

Plans of management.

72. (1) The Director—

(a) shall cause a plan of management to be prepared for each national park and historic site in existence on the commencement day, as soon as practicable after that day, unless a plan of management was adopted with respect thereto under the Act of 1967;

(b) shall cause a plan of management to be prepared for each nature reserve in existence on the commencement day, as soon as practicable after that day, unless a scheme of operations was approved with respect thereto under the Fauna Protection Act, 1948;

(c) shall cause a plan of management to be prepared for each national park or historic site reserved, or nature reserve dedicated, after the commencement day, as soon as practicable after the reservation or dedication, as the case may require; and

(d) may from time to time cause a plan of management to be prepared for any Aboriginal area, wildlife refuge or game reserve.

(2) The plan of management for a national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve shall contain a written scheme of the operations which it is proposed to undertake therein or in relation thereto to carry out the purpose and objects of this Act.

(3) The plan of management for a national park, historic site or nature reserve may relate to lands acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(4) In the preparation of a plan of management referred to in this section, regard shall be had to the following objectives :—

(a) the conservation of wildlife;

(b) the preservation of each national park, nature reserve, wildlife refuge or game reserve and the protection of the special features of the park, reserve or refuge;

(c) the prohibition of the execution of any works adversely affecting the natural condition or special features of each national park or nature reserve;

(d) the preservation of each historic site and the preservation of any historic structure or object or any relic or Aboriginal place on each national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve;

(e) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park and historic site by the public;

(f) the regulation of the appropriate use of each nature reserve and Aboriginal area;

(g) the appropriate use of each national park, historic site or nature reserve by any lessee, licensee or occupant of land therein;

(h) the preservation of each national park, historic site or nature reserve as a catchment area;

(i) the protection of each national park, historic site, nature reserve or Aboriginal area against fire and erosion;

(j) the setting apart of the whole or part of a national park or nature reserve as a wilderness area; and

(k) the utilisation of land acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(5) This section does not apply to or in respect of a wildlife refuge or game reserve that is comprised wholly or partly of lands within a State forest.

State forests.

73. (1) The Director may, from time to time, with the concurrence in writing of the Forestry Commission, cause a plan of management to be prepared for any State forest.

(2) The plan of management for a State forest shall contain a written scheme of operations which it is proposed to undertake in or in relation to that forest, consistent with the purpose and objects of this Act and the Forestry Act, 1916.

(3)

(3) This section applies to and in respect of a State forest that is comprised wholly or partly of lands within a wildlife refuge or game reserve or that is not comprised of any such lands.

Catchment areas.

74. Where any lands reserved as a national park or historic site or dedicated as a nature reserve or Aboriginal area are wholly or partly within a catchment area of The Metropolitan Water Sewerage and Drainage Board, The Hunter District Water Board or The Broken Hill Water Board, or where the waters from any lands so reserved or so dedicated drain into a catchment area or structure of any of those Boards—

(a) the Director shall, before submitting a plan of management for that national park, historic site, nature reserve or Aboriginal area to the Minister, refer it to the Board responsible for that catchment area or structure for its information; and

(b) the Minister shall before adopting that plan of management consider any representations made by the Board responsible for that catchment area or structure.

Adoption, etc., of plan of management for national park or historic site.

75. (1) Where a plan of management has been prepared for a national park or historic site, the Director shall give notice as prescribed that the plan of management has been prepared and shall, in that notice—

(a) specify the address of the place at which copies of the plan of management may be inspected; and

(b) specify the address to which representations in connection with the plan of management may be forwarded.

(2) Any person interested may, within one month or such longer period as may be specified in the notice, make representations to the Director in connection with the plan of management.

(3)

(3) The Director shall, upon the expiration of the period referred to in subsection (2), refer the plan of management, and any representations forwarded to him, to the Council for its consideration and advice.

(4) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(5) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(6) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(7) The Minister may—

(a) amend or alter a plan of management for a national park or historic site from time to time; or

(b) cancel the plan and substitute a new plan.

(8) Where the Minister proposes to amend or alter a plan of management for a national park or historic site or to cancel a plan of management for a national park or historic site and substitute a new plan of management, he shall instruct the Director to cause the amendment or alteration or the new plan of management to be prepared, and the Director shall proceed to do so as soon as practicable after being so instructed.

(9) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (6), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (8) in the same way as they apply to and in respect of a plan of management for a national park or historic site, as the case may require.

76. (1) Where a plan of management has been prepared for a nature reserve, the Director shall refer the plan to the Council for its consideration and advice. Adoption, etc., of plan of management for nature reserve.

(2) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(3) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(4) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(5) Where the Minister refers a plan of management for a nature reserve back to the Director and the Council for further consideration, the Director shall resubmit the plan to the Minister together with any further comments and suggestions of the Council.

(6) The Minister may—

(a) amend or alter a plan of management for a nature reserve from time to time; or

(b) cancel the plan and substitute a new plan.

(7) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (5), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (6) in the same way as they apply to and in respect of a plan of management for a nature reserve.

77. (1) Where a plan of management has been prepared for an Aboriginal area, the Minister may, on the recommendation of the Director, adopt the plan of management. Adoption of plan of management for Aboriginal area.

(2) The Minister may, on the recommendation of the Director—

(a) amend or alter a plan of management for an Aboriginal area from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of sections 72 (2) and (4) and 74 apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for an Aboriginal area.

Adoption, etc., of plan of management for wildlife refuge or game reserve.

78. (1) Where a plan of management for a wildlife refuge or game reserve has been prepared, the Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which the plan of management relates, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which a plan of management for a wildlife refuge or game reserve relates—

(a) amend or alter the plan from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of section 72 (2) and (4) apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for a wildlife refuge or game reserve, as the case may require.

Adoption, etc., of plan of management for State forest.

79. (1) Where the Director has prepared a plan of management for a State forest, the Minister may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission, adopt the plan of management.

(2)

(2) The Minister—

(a) may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission—

(i) amend or alter a plan of management for a State forest from time to time;

(ii) cancel the plan; or

(iii) cancel the plan and substitute a new plan; or

(b) shall, at the request in writing of the Forestry Commission, cancel the plan.

Lands submerged by water.

80. (1) Where lands submerged by water are lands that are the subject of any part of a plan of management for a national park, historic site, nature reserve or Aboriginal area, the Director shall, before submitting to the Minister for adoption by him the plan of management, refer it to the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) A plan of management referred to in subsection (1)—

(a) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (a) of the definition of "Crown lands" in section 5 (1), until he has considered any representations made with respect to the plan of management by the Minister administering the Fisheries and Oyster Farms Act, 1935; and

(b) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1), without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Operations under plan of management.

81. (1) Where the Minister has adopted a plan of management for a national park or historic site, it shall, subject to subsection (5), be carried out and given effect to by the trustees of the park or site or by the Director where the care, control and management thereof have been vested in the Director.

(2) Where the Minister has adopted a plan of management for a nature reserve, Aboriginal area, wildlife refuge or game reserve, it shall, subject to subsection (5), be carried out and given effect to by the Director.

(3) Where the Minister has adopted a plan of management for a State forest, it shall be carried out and given effect to by the Director by arrangement with the Forestry Commission.

(4) Notwithstanding anything in any other Act, where the Minister has adopted a plan of management for a national park, historic site, nature reserve or Aboriginal area, no operations shall be undertaken on or in relation to the park, site, reserve or area unless the operations are in accordance with that plan of management.

(5) Where any lands to which a plan of management relates are—

(a) lands acquired or proposed to be acquired under section 145 or 147 for any purpose referred to in section 145—operations under the plan shall not be undertaken on or in relation to the lands until they have been reserved or dedicated as, or as part of, the park, site or reserve, as the case may require, to which the plan relates; or

(b) lands proposed to be acquired or occupied under section 146 or 147 for any purpose referred to in section 146—operations under the plan shall not be undertaken on or in relation to the lands until they have been so acquired or occupied.

82. Where the concurrence of the Forestry Commission is required under this Part, the concurrence shall not be given without the approval of the Minister administering the Forestry Act, 1916. Concurrence of Forestry Commission.

PART VI.

Relics and Aboriginal Places.

83. (1) Subject to this section— Certain relics to be Crown property.

(a) a relic that was, immediately before the commencement day, deemed to be the property of the Crown by virtue of section 33D of the Act of 1967; and

(b) a relic that is abandoned on or after that day by a person other than the Crown,

shall be, and shall be deemed always to have been, the property of the Crown.

(2) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(3) No compensation is payable in respect of the vesting of a relic by this section or section 33D of the Act of 1967.

84. The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act. Aboriginal places.

85. The Director shall be responsible— Protection of certain relics and restoration of certain areas.

(a) for the proper care, preservation and protection of any relic or Aboriginal place in a national park, historic site, nature reserve or Aboriginal area; and

(b) subject to section 87, for the proper restoration of a national park, historic site, nature reserve or Aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Offences relating to relics.

86. A person, other than the Director or a person authorised by him in that behalf, who—

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

(b) disturbs or moves on any land a relic that is the property of the Crown, other than a relic that is in the custody or under the control of The Trustees of the Australian Museum;

(c) takes possession of a relic that is in a national park, historic site, nature reserve or Aboriginal area;

(d) removes a relic from a national park, historic site, nature reserve or Aboriginal area; or

(e) erects or maintains, in a national park, historic site, nature reserve or Aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

except in accordance with the terms and conditions of an unrevoked permit issued to him under section 87, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, is guilty of an offence against this Act.

Permits relating to relics.

87. (1) Subject to section 88, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in section 86 (a), (b), (c), (d) or (e).

(2) Terms and conditions imposed by the Director under subsection (1) may include terms and conditions relating to the proper restoration of land disturbed or excavated.

(3)

(3) A failure to comply with a term or condition authorised by subsection (2) shall be deemed to be a contravention of section 86.

(4) The Director may, at any time—

(a) revoke a permit issued under this section; or

(b) vary the terms and conditions of such a permit.

The Trustees of the Australian Museum to have custody of certain relics.

88. (1) Nothing in section 87 shall be construed as authorising the Director to permit a relic to be removed from a national park, historic site, nature reserve or Aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum, except where—

(a) the relic remains in the custody or under the control of the Director; or

(b) the relic is being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area.

(2) A relic that is the property of the Crown, other than a relic—

(a) in a national park, historic site, nature reserve or Aboriginal area;

(b) being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area;

(c) in the custody or under the control of the Director; or

(d) acquired by the Minister or the Director pursuant to section 89 or by the Minister pursuant to Part XI,

shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

(3)

(3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, historic site, nature reserve or Aboriginal area and, where a relic is so deposited or exhibited, section 86 does not apply to The Trustees of the Australian Museum in relation to that relic.

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

Preservation or exhibition of certain relics.

89. (1) Subject to this section, the Minister or the Director may, by agreement with a person having the ownership or possession of—

(a) a relic that is not the property of the Crown; or

(b) an Aboriginal place,

acquire the relic or take such other action as he thinks is practicable for the preservation or exhibition of the relic or Aboriginal place.

(2) A relic acquired under this section shall be the property of the Crown.

(3) A relic that is real property shall not be acquired under this section, but nothing in this section affects anything contained in Part XI.

(4) Any relic acquired by the Minister or the Director prior to the commencement day shall be deemed to have been acquired under this section.

Destruction, etc., of relics or Aboriginal places.

90. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic or Aboriginal place is guilty of an offence against this Act.

Penalty : $1,000 or imprisonment for six months or both, and, in addition, $100 for each day during which the offence continues.

(2)

(2) The Director may give his consent for the purposes of subsection (1) subject to such conditions and restrictions as are specified therein.

(3) A person whose application for consent is refused, or who is dissatisfied with any condition or restriction subject to which the consent is given, may appeal to the Minister.

(4) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(5) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(6) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(7) Where the Director fails to grant an application for his consent, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—seven days after the application was received by the Director; or

(b) where the regulations prescribe some other period —that other period.

Notification of sites of relics.

91. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof within a reasonable time after he first becomes aware of that location is guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

PART VII.

FAUNA.

Director's responsibilities as to fauna.

92. The Director shall be the authority for the protection and care of fauna.

Amendment of Schedule 11 (unprotected fauna).

93. (1) The Governor may, by order published in the Gazette, amend Schedule 11—

(a) by omitting therefrom the name of any species of fauna; or

(b) by inserting therein the name of any species of fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 11 and by inserting instead a Schedule containing the names of species of fauna.

Amendment of Schedule 12 (endangered fauna).

94. (1) The Governor may, by order published in the Gazette, amend Schedule 12—

(a) by omitting therefrom the name of any species of protected fauna; or

(b) by inserting therein the name of any species of protected fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 12 and by inserting instead a Schedule containing the names of species of protected fauna.

95.

Open seasons.

95. (1) The Minister may, by order published in the Gazette, declare, for the purposes of section 122, an open season for protected fauna of the species named therein.

(2) An order under subsection (1) may refer to the whole of New South Wales or to a part of, or locality in, New South Wales specified or described therein, and may prescribe conditions or restrictions relating to the taking or killing of any fauna referred to therein or to the use of any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purposes of taking or killing any fauna so referred to.

(3) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to—

(a) any endangered fauna;

(b) any national park, historic site, nature reserve or wildlife refuge; or

(c) any State forest, timber reserve or flora reserve except with the concurrence in writing of the Forestry Commission.

Locally unprotected fauna.

96. (1) The Governor may, by order published in the Gazette, declare any protected fauna within a locality specified or described in the order, being fauna of a species named in the order, to be fauna to which this section applies.

(2) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to any lands within a national park, historic site or nature reserve.

(3) Any protected fauna declared to be fauna to which this section applies are, for the purposes of sections 70 (5) and (6) and 98, locally unprotected fauna.

Certain protected fauna to be the property of the Crown.

97. (1) In this section, "prescribed fauna" means—

(a) an animal that is protected fauna and that is, at the time of birth, in the lawful possession of any person other than the Crown;

(b) protected fauna, being fauna imported into New South Wales;

(c) protected fauna that was, before the commencement day, lawfully taken or in the lawful possession of any person other than the Crown and that had not been liberated before that day; or

(d) any protected fauna of a class or description prescribed for the purposes of this paragraph.

(2) Any protected fauna, other than prescribed fauna, shall, until captured or killed in accordance with this Act, be deemed to be the property of the Crown.

(3) Any prescribed fauna shall, when liberated in New South Wales, be deemed to be the property of the Crown.

Taking or killing protected fauna, other than endangered fauna.

98. (1) In this section, "protected fauna" does not include endangered fauna or locally unprotected fauna under section 96.

(2) A person shall not—

(a) take or kill any protected fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking any protected fauna.

(3) A person shall not be convicted of an offence arising under subsection (2) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

Taking or killing endangered fauna.

99. (1) A person shall not—

(a) take or kill any endangered fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any endangered fauna.

Penalty : $1,000 or imprisonment for six months or both.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by a general licence under section 120.

(3) Where the provisions of any other Act or instrument under any other Act authorise or require anything to be done that would constitute an offence arising under subsection (1)—

(a) the provisions of this section prevail; and

(b) a person shall not be convicted of an offence against that other Act or instrument by reason of his failure to comply therewith in so far as compliance therewith would constitute an offence arising under subsection (1).

Further provisions respecting taking or killing protected fauna (including endangered fauna).

100. (1) A person shall not be convicted of an offence arising under section 98 (2) or 99 (1) if he proves—

(a) that the animal concerned was in some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for promoting the welfare of the animal; or

(b) that the animal concerned had strayed or escaped from some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for securing the return of the animal.

(2) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of section 98 (2) or 99 (1) or both.

Buying, selling or possessing protected fauna.

101. (1) A person shall not buy, sell or have in his possession or control any protected fauna.

(2) A person who commits an offence arising under subsection (1) is liable to a penalty not exceeding—

(a) $200 in respect of each of the protected fauna (other than endangered fauna); or

(b) $400 in respect of each of the protected fauna being endangered fauna,

in respect of which the offence was committed, with a maximum total penalty under this subsection in respect of any offence of $1,000.

(3) The Governor may, by order published in the Gazette, exempt from subsection (1) protected fauna of a species named in the order, subject to such conditions and restrictions relating to the buying, selling or having in possession of any such protected fauna as may be prescribed in the order.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the buying or selling of any protected fauna if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed, under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or an aviary registration certificate under section 128.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the having in his possession of any protected fauna, if he proves—

(a) that the state of affairs constituting the offence existed under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or that he otherwise obtained the fauna lawfully;

(b) that the fauna is the progeny of any fauna lawfully obtained, being progeny born after the lastmentioned fauna was so obtained; or

(c) that—

(i) the animal concerned was incapable of fending for itself in its natural habitat;

(ii) he notified the Director, in the prescribed manner and within the prescribed time, that the animal came into his possession, and

(iii) he complied with any direction given to him with respect to the animal by the Director.

(6) A reference in this section to a person's having protected fauna in his possession includes a reference to his having protected fauna in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the fauna is then had or placed for his own use or the use of another.

Directions respecting protected fauna in confinement.

102. (1) The Director, or an officer of the Service duly authorised by the Director in that behalf, may, by notice given to a person who keeps protected fauna in confinement or in a domesticated state, give such directions respecting food, drink and shelter for, and the welfare of, the fauna as appear to the Director or officer to be proper.

(2) A person shall not fail to comply with any direction given to him under subsection (1).

(3) A person shall not be convicted of an offence arising under subsection (2) in respect of a failure to comply with a direction if he satisfies the court that he so failed with reasonable excuse.

Taking or killing fauna for sale.

103. (1) A person shall not take or kill fauna for the purpose of sale.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123.

(3) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing for the purposes of sale of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (4).

(4) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order, not being endangered fauna.

Fauna dealers.

104. (1) A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the business of a fauna dealer, unless he does so under and in accordance with the authority conferred—

(d) by a fauna dealer's licence under section 124; or

(e) in so far as the act constituting the offence forms part of the business of a skin dealer—by a skin dealer's licence under section 125.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (3).

(3) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order.

Skin dealers.

105. A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the

the business of a skin dealer, unless he does so under and in accordance with the authority conferred—

(d) by a skin dealer's licence under section 125; or

(e) in so far as the act constituting the offence forms part of the business of a fauna dealer—by a fauna dealer's licence under section 124.

Importing or exporting protected fauna.

106. (1) A person shall not import into or export from New South Wales any protected fauna.

(2) Subsection (1) does not apply to any protected fauna of a species prescribed for the purposes of this subsection.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by an import licence or an export licence under section 126.

Exhibiting protected fauna.

107. A person shall not exhibit any protected fauna, unless he does so under and in accordance with the authority conferred by a general licence under section 120.

Possessing 20 or more birds.

108. A person shall not have more than nineteen birds, being protected fauna, in his possession or under his control in or upon a structure, building, store, shop or other premises, unless—

(a) an aviary registration certificate under section 128 is in force with respect to that structure, building, store, shop or other premises; or

(b) that person is a fauna dealer licensed under section 124 and the structure, building, store or shop is, or the other premises are, registered under section 124.

109.

Liberation in New South Wales of exotic fauna.

109. A person shall not, in New South Wales, liberate fauna not native to New South Wales, unless he does so under and in accordance with a licence under section 127.

Use of certain substances for taking or killing fauna.

110. (1) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any protected fauna (other than birds).

Penalty : $400 or imprisonment for six months or both.

(2) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any bird (whether or not protected fauna).

Penalty : $400 or imprisonment for six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done under and in accordance with the regulations.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

(5) In this section, "substance" includes mixture or preparation.

Method of shooting fauna.

111. A person shall not, for the purpose of taking or killing any protected fauna, use any firearm of a kind other than the kind habitually raised at arm's length and fired from the shoulder without other support.

Penalty : $200.

112.

Taking or killing snakes.

112. A person shall not be convicted of an offence against this Act in respect of the taking or killing of a snake unless it is proved that there were no grounds on which he could reasonably have believed at any relevant time that the snake was endangering, or was likely to endanger, any person or property.

PART VIII.

NATIVE PLANTS.

Interpretation: Pt. VIII.

113. In this Part—

"Christmas Bush" means the native plant named *Ceratopetalum gummiferum*;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

Director's responsibilities as to native plants.

114. The Director shall be the authority for the protection of native plants.

Amendment of Schedule 13 (protected native plants).

115. (1) The Governor may, by order published in the Gazette, amend Schedule 13—

(a) by omitting therefrom the name of any species of native plant; or

(b) by inserting therein the name of any species of native plant.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 13 and by inserting instead a Schedule containing the names of species of native plants.

Restriction as to licences under Forestry Act, 1916.

116. (1) Notwithstanding anything in this Act or the Forestry Act, 1916, but subject to subsection (2)—

(a) the Forestry Commission shall not issue a licence for the removal of any protected native plant from any State forest, timber reserve or Crown land; and

(b)

(b) any such licence shall cease to be operative while it relates to any protected native plant.

(2) Where, in the opinion of the Forestry Commission, any protected native plant, if not removed, would be damaged or destroyed in the taking of timber, products or forest materials under, or in the carrying on of any activity authorised by, the Forestry Act, 1916, subsection (1) does not operate to prevent the Forestry Commission from issuing a licence authorising removal of the native plant or from reinstating, to the extent necessary to authorise removal of the native plant, a licence that has, pursuant to that subsection, ceased to be operative.

Restriction on picking or possession of native plant.

117. (1) A person shall not pick or have in his possession a protected native plant.

(2) Without affecting the operation of section 57 or 71, subsection (1) does not apply in relation to the picking or possession of a protected native plant in a nature reserve or wildlife refuge.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that—

(a) the protected native plant was grown upon private land and was picked by or with the consent of the owner, lessee or occupier of that land; or

(b) the protected native plant was picked by him—

(i) under and in accordance with or by virtue of the authority conferred by a licence issued under section 131 or a licence issued under the Forestry Act, 1916; or

(ii) in pursuance of a duty imposed on him by or under any Act,

or was in his possession after having been so picked.

(4) In any prosecution for an offence arising under subsection (1), proof that a protected native plant was found in the possession of the defendant shall be prima facie evidence that the defendant picked the native plant or had the native plant in his possession in contravention of this section and the onus of proof to the contrary shall be upon the defendant.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

(6) A reference in this section to a person's having a protected native plant in his possession includes a reference to his having a protected native plant in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the plant is then had or placed for his own use or the use of another.

Restriction on selling of native plant.

118. (1) A person shall not sell a protected native plant.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of—

(a) Christmas Bush that has been grown on private land and picked by or with the consent of the owner or lessee of that land;

(b) any protected native plant that has been picked for commercial purposes in pursuance of a licence issued under section 131; or

(c) any protected native plant that has been grown in pursuance of a licence issued under section 132 and picked by or with the consent of the holder of the licence.

PART

PART IX.

LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS.

DIVISION 1.—*Preliminary.*

Interpretation: Pt. IX.

119. In this Part—

"authorised officer" means—

(a) the Director; or

(b) in relation to a provision of this Part—

(i) an officer of the Service, or any other person, duly authorised by the Director; or

(ii) any person holding an office, position or rank prescribed,

for the purposes of that provision;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

DIVISION 2.—*Fauna.*

General licence.

120. (1) An authorised officer may issue a licence (in this Act referred to as a "general licence"), authorising a person to do any or all of the following :—

(a) to take or kill or obtain any protected fauna—

(i) for the purpose of providing specimens of natural history for any scientific institution or museum;

(ii) for the purpose of carrying on any scientific investigation;

(iii) for the purpose of exhibiting the fauna; or

(iv) for any other specified purpose;

(b) to exhibit protected fauna;

(c) to dispose of, whether by sale or otherwise, any fauna taken or killed, obtained or exhibited under the authority of the licence;

(d) to sell any fauna in his lawful possession, otherwise than as a fauna dealer or skin dealer.

(2) A general licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Occupier's licence.

121. (1) An authorised officer may issue a licence (in this Act referred to as an "occupier's licence"), authorising an owner or occupier of specified lands—

(a) to take or kill; or

(b) to permit a person, holding a general licence issued to him under section 120 or a trapper's licence issued to him under section 123, to take or kill,

a specified number of fauna of a specified class found on those lands and the licence may authorise the disposal, whether by sale or otherwise, of fauna taken or killed under the authority of the licence.

(2) An occupier's licence shall not be issued unless the licensee has been supplied by the Service with labels, tags, slips or other objects sufficient in number to affix or attach, in compliance with any condition of the licence, to the skin or carcase of fauna taken or killed under the authority of the licence.

(3) An occupier's licence shall not be issued with respect to endangered fauna.

122.

Game licence.

122. (1) An authorised officer may issue a licence (in this Act referred to as a "game licence"), authorising a person—

(a) to take or kill any protected fauna of the species named in an order declaring an open season, under section 95, in the whole of New South Wales or the part of New South Wales or the locality referred to in the order, subject to the conditions and restrictions (if any) prescribed in the order; or

(b) to take or kill any fauna of the species specified in a proclamation under section 67 or 69 in a wildlife district or game reserve to which the proclamation relates, subject to the conditions and restrictions (if any) prescribed in the proclamation.

(2) A game licence does not authorise a person—

(a) to take or kill any endangered fauna;

(b) to take or kill any fauna in a national park, historic site, nature reserve or wildlife refuge; or

(c) to take or kill any fauna for the purpose of sale.

Trapper's licence.

123. (1) An authorised officer may issue a licence (in this Act referred to as a "trapper's licence"), authorising a person to take or kill fauna of a species named therein for the purposes of sale.

(2) A trapper's licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Fauna dealer's licence.

124. (1) An authorised officer may issue a licence (in this Act referred to as a "fauna dealer's licence"), authorising a person to buy or sell fauna as a fauna dealer and otherwise to exercise or carry on the business of a fauna dealer.

(2)

(2) A person licensed under subsection (1) shall not exercise or carry on business as a fauna dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a fauna dealer in New South Wales.

Skin dealer's licence.

125. (1) An authorised officer may issue a licence (in this Act referred to as a "skin dealer's licence"), authorising a person to buy or sell skins as a skin dealer and otherwise to exercise or carry on the business of a skin dealer.

(2) A person licensed under subsection (1) shall not exercise or carry on business as a skin dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a skin dealer in New South Wales.

Import and export licences.

126. (1) An authorised officer may issue a licence (in this Act referred to as an "import licence"), authorising a person to import protected fauna into New South Wales.

(2) An authorised officer may issue a licence (in this Act referred to as an "export licence"), authorising a person to export protected fauna from New South Wales.

(3) Where an application for an import licence or an export licence has been made in accordance with the regulations, the application shall not be refused except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Licence to liberate fauna.

127. An authorised officer may issue a licence authorising a person to liberate, in New South Wales, fauna not native to New South Wales.

Aviary registration certificates.

128. (1) An authorised officer may issue to any person a certificate (in this Act referred to as an "aviary registration certificate") in respect of specified premises.

(2) An aviary registration certificate authorises the person to whom it is issued—

(a) to sell any bird, being protected fauna, to a prescribed person; or

(b) to buy any bird, being protected fauna, from a prescribed person.

(3) In subsection (2), "prescribed person" means a person who—

(a) is licensed to exercise or carry on the business of a fauna dealer under section 124; or

(b) is the holder of an aviary registration certificate issued to him under this section.

Certain licences authorise shooting, etc., in national parks, etc.

129. Except in so far as the conditions and restrictions attaching thereto otherwise provide—

(a) a licence, being a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123, that authorises a person to take or kill any animal in a national park, historic site or nature reserve, also authorises that person to do, in connection with the taking or killing of any such animal, any act referred to in section 45 (1) or 56 (1); and

(b) a licence, being a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence

under

under section 123, that authorises a person to take or kill any fauna in a wildlife district, wildlife refuge or game reserve, also authorises that person to do, in connection with the taking or killing of any such fauna, any act referred to in section 70 (1) or (2).

Certain licences and certificates deemed to authorise possession.

130. Except in so far as the licence or certificate otherwise provides, a licence or certificate under this Division that authorises a person to take or kill or to obtain any fauna also authorises him to keep and have the fauna in his possession.

DIVISION 3.—*Native plants.*

Licence to pick native plants for scientific or commercial purposes.

131. An authorised officer may issue a licence authorising a person to pick the protected native plants specified therein for scientific or commercial purposes.

Licence to grow native plants for sale.

132. An authorised officer may issue a licence authorising an owner or occupier of private land to grow upon that private land, or part thereof specified in the licence, protected native plants for the purposes of sale.

DIVISION 4.—*General.*

Conditions and restrictions attaching to licences and certificates and variation of licences and certificates.

133. (1) A licence or certificate issued under this Part shall be subject to such conditions and restrictions (if any) as are for the time being prescribed in relation to licences or certificates of the class to which the licence or certificate belongs.

(2) An authorised officer may, if he thinks fit, attach any conditions or restrictions to a licence or certificate upon its issue.

(3) An authorised officer may, by notice in writing served on the holder of a licence or certificate—

(a) attach any conditions or restrictions to the licence or certificate after its issue;

(b)

(b) vary or remove any conditions or restrictions attached by any authorised officer to the licence or certificate; or

(c) otherwise vary the licence or certificate.

(4) The holder of a licence or certificate shall not contravene or fail to comply with any condition or restriction attached to the licence or certificate.

(5) Subsections (2) and (3) do not apply to an import licence or export licence under section 126.

Cancellation of licence or certificate.

134. (1) Subject to subsection (2), a licence or certificate issued under this Part may be cancelled by the Minister or the Director.

(2) An import licence or export licence under section 126 shall not be cancelled under this section except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Appeal.

135. (1) A person whose application for a licence or certificate under this Part is refused, or whose licence or certificate has been cancelled by the Director, or who is dissatisfied with any condition or restriction which an authorised officer has attached to his licence or certificate, may appeal to the Minister.

(2) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(3) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(4) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(5) Where the Director fails to grant an application for a licence or certificate under this Part, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—one month after the application was received by the Director; or

(b) where the regulations prescribe some other period—that other period.

Licences do not authorise entry, etc.

136. Where, had this Act not been enacted—

(a) the consent or permission of any person would have been required for entering any lands or doing any act on or in respect of any lands, the issue of a licence under this Part does not authorise the entering of those lands, or the doing of that act on those lands, without that consent or permission; or

(b) the doing of an act on or in respect of any lands would have been unlawful, the issue of a licence under this Part does not authorise the doing of that act.

PART X.

FINANCE.

National Parks and Wildlife Fund.

137. The National Parks and Wildlife Fund established under the Act of 1967 shall continue in existence and shall be kept at the Treasury in the Special Deposits Account.

Payments into the Fund.

138. (1) There shall be paid into the Fund—

(a) all money provided by Parliament for the purposes of this Act;

(b) all money received in respect of—

(i) leases, licences, permits or occupancies within a national park, historic site, nature reserve or Aboriginal area;

(ii) leases and licences granted under section 151 (2);

(iii) royalties, fees and charges under this Act, the regulations or the by-laws;

(iv) franchises granted under section 152;

(v) easements or rights of way granted under section 153;

(vi) community service contributions;

(vii) penalties recovered pursuant to this Act, the regulations or the by-laws;

(viii) property forfeited pursuant to this Act, the regulations or the by-laws;

(ix) costs paid pursuant to an order under section 176 (3);

(x) amounts paid pursuant to an order under section 177; and

(xi) policies of insurance under which money is paid to the Minister or the Director with respect to any national park, historic site, nature reserve or Aboriginal area, or any property in the custody or under the control of the Director;

(c) any money acquired by the Minister pursuant to section 148;

(d) any money received by the Minister pursuant to section 149;

(e) any other money received in connection with any national park, historic site, nature reserve or Aboriginal area or any proposed national park, historic site, nature reserve or Aboriginal area;

(f) any money received in connection with any wildlife refuge or game reserve; and

(g) any other money received in connection with the administration of this Act, other than money received in the prescribed circumstances (if any).

(2) Where any money acquired by the Minister pursuant to section 148 is subject to any condition to which the Minister has agreed, the money shall be carried to a separate account in the Fund and shall be applied in accordance with the condition.

(3) Any money referred to in subsection (2) may, pending application in accordance with the condition so referred to, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

139. (1) No money shall be paid out of the Fund except under the authority of this Act. **Payments out of the Fund.**

(2) There may be paid out of the Fund—

(a) all charges, costs and expenses incurred by the Minister or the Director in exercising and performing his powers, authorities, duties and functions under this Act;

(b) all money allocated by the Minister for expenditure by trustees on any national park or historic site;

(c) the fees and travelling and other expenses payable to the members of the Council or any committee under this Act;

(d) the cost of acquiring land for national parks, historic sites or nature reserves;

(e) the cost of improvement of any land adjoining or in the vicinity of a national park, historic site, nature reserve or Aboriginal area, where in the opinion of the Minister this is desirable to provide or improve access to the park, site, reserve or area, or to provide or improve facilities or amenities for persons visiting the park, site, reserve or area;

(f) all money which the Minister directs shall be set aside to provide a reserve for insurance;

(g) all money allocated by the Minister for expenditure on Aboriginal areas;

(h) the cost of acquiring relics or land in which relics or Aboriginal places are situated;

(i) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic;

(j) the cost of entering into, and giving effect to, agreements under sections 145 and 146;

(k) the cost of carrying out the purposes for which land is acquired or occupied under section 146;

(l) all costs incurred under sections 147 and 149;

(m) all money allocated by the Minister for use in connection with a wildlife refuge or game reserve; and

(n) all money to be paid to a pastures protection board under section 141.

(3) Any money set aside, as referred to in subsection (2) (f), may be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

(4) Where—

(a) any lands are purchased under section 147 out of money wholly or partly provided by Parliament; and

(b) those lands, or any part thereof, are sold under section 149,

there shall be paid from the Fund to the Treasurer, out of the proceeds of the sale referred to in paragraph (b), such amount as the Treasurer may determine.

Community service contribution.

140. (1) The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or licence to occupy or use lands within a national park, historic site or nature reserve for the cost of providing or maintaining any community service in the park, site or reserve.

(2) The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the contribution on the holder of the lease or licence.

(3)

(3) If the contribution is not paid by the due date the amount due shall be increased by an amount calculated at the rate of nine per centum per annum simple interest until it has been paid.

(4) The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution or part thereof or the payment of any such interest or part thereof.

Payment of rates to pastures protection boards in Western Division.

141. (1) In this section, "board" means a pastures protection board for a pastures protection district within the Western Division within the meaning of the Pastures Protection Act, 1934.

(2) There shall, subject to this section, be payable to a board an amount equal to the amount that would have been payable to the board under Part III of the Pastures Protection Act, 1934, by way of rates for any period, in respect of all lands within its district reserved as national parks or historic sites or dedicated as nature reserves, had those lands been ratable lands under that Act at all relevant times after they were so reserved or dedicated.

(3) No amount is payable under subsection (2) except upon an application—

(a) made to the Director in the prescribed manner and within the prescribed time; and

(b) containing the prescribed particulars.

(4) Any dispute between the Director and a board with respect to the particulars contained in an application or the amount payable under this section shall be determined in accordance with such directions as the Minister, after consultation with the Minister for Agriculture, may give.

(5) Nothing in this section requires or authorises the payment of an amount in relation to any period before the commencement day.

Royalty.

142. (1) Royalty shall, in accordance with the regulations, be payable to the Crown at the prescribed rates upon such species of fauna and the skins of such species of fauna as may be prescribed.

(2) Notwithstanding subsection (1), royalty shall not be payable under this section in respect of a skin or carcase to which there has been affixed or attached in compliance with a condition of a licence issued under Division 2 of Part IX a label, tag, slip or other object for which a charge or fee has been paid pursuant to regulations made under section 154 (e).

Charges and fees.

143. Where the Director—

(a) supplies any service, product or commodity;

(b) grants any licence to carry on a trade, business or occupation;

(c) gives any permission or issues any licence, registration certificate or permit; or

(d) furnishes any information,

under this Act or in connection with any national park, historic site, nature reserve or Aboriginal area, he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him, subject to the maximum (if any) prescribed.

Exemption from rates.

144. Lands within a national park, historic site or nature reserve shall be exempt from rates under the Local Government Act, 1919, and that exemption shall not be affected by any lease, licence, occupancy or use of the lands.

PART

PART XI.

ACQUISITION AND DISPOSAL OF PROPERTY.

Acquisition of lands for national park, etc.

145. Where the Minister is of the opinion that it is desirable to acquire any lands—

(a) for reservation as, or as part of, a national park or historic site;

(b) for dedication as, or as part of, a nature reserve; or

(c) for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein,

he may, on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of the lands.

Acquisition or occupation of lands for certain purposes.

146. (1) For the purpose of—

(a) improving access to a national park, historic site or nature reserve;

(b) the management, maintenance or improvement of a national park, historic site or nature reserve; or

(c) carrying out works for any of those purposes,

the Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands adjoining or in the vicinity of the national park, historic site or nature reserve.

(2) The Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands for use in connection with the administration of this Act.

147.

Power of Minister to acquire.

147. Without affecting the powers of the Minister under section 145 or 146, where the Minister is, for any of the purposes referred to in either of those sections, empowered to take action under either of those sections with respect to any lands, he may, where he considers it appropriate to do so, instead of taking that action, himself acquire those lands, by purchase or exchange, for that purpose.

Power of Minister to accept gifts, etc.

148. (1) The Minister may acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

(2) The rule of law against remoteness of vesting shall not apply to any such condition to which the Minister has agreed.

(3) Where the Minister acquires property under subsection (1)—

(a) neither an instrument that effects the acquisition nor any agreement pursuant to which the property is acquired is chargeable with duty under the Stamp Duties Act, 1920; and

(b) the property, or the value of property, shall not be included in the dutiable estate of the donor or testator for the purposes of assessing death duty under that Act.

(4) Notwithstanding anything in Part IV, lands acquired under this section shall not be—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve,

in contravention of any such condition to which the Minister has agreed.

149. Except where the Minister has otherwise agreed, the Minister may sell, grant leases of, dispose of or otherwise deal with any lands or other property acquired under section 147 or 148, or any interest therein, but nothing in this section applies to or in respect of lands while— **Disposal of lands, gifts, etc.**

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve.

150. (1) For the purposes of the exercise and performance of his authorities, duties and functions under sections 147, 148 and 149, the Minister is hereby constituted a corporation sole under the name of "Minister administering the National Parks and Wildlife Act, 1974". **Minister to be corporation sole for certain purposes.**

(2) The corporation sole constituted by this section—

(a) has perpetual succession;

(b) shall have an official seal;

(c) may take proceedings and be proceeded against in the corporate name;

(d) may, in accordance with this Act, purchase, exchange, hold, dispose of and otherwise deal with property; and

(e) may do and suffer all other things that a body corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which the corporation sole is constituted.

(3) The seal of the corporation sole so constituted shall not be affixed to any instrument or document except in the presence of the Minister, and he shall attest by his signature the fact and date of the affixing of the seal.

(4) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the corporation sole so constituted that has been affixed to any instrument or document; and

(b) shall until the contrary is proved presume that the seal was properly affixed.

PART XII.

LEASES, LICENCES, EASEMENTS, ETC.

Leases of and licences over lands in a national park, historic site or nature reserve.

151. (1) The Minister may—

(a) grant leases of land within a national park or historic site for the purpose of—

(i) the erection thereon of accommodation hotels or accommodation houses; or

(ii) the provision thereon of facilities and amenities for tourists and visitors;

(b) grant leases of lands within a national park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;

(c) grant leases of lands within a national park or historic site for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for use in connection with—

(iii) the protection or preservation of the park or site from fire;

(iv) the provision of services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

(v) a surf life-saving club; or

(vi) any purpose of a like nature;

(d) grant leases of lands within a nature reserve for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for any of the purposes specified in section 49;

(e) grant leases of lands within a national park, historic site or nature reserve on which buildings have been erected for residential occupation; or

(f) grant licences to occupy or use lands within a national park, historic site or nature reserve.

(2) The Minister may—

(a) for any purpose specified in section 146 (1) (a), (b) or (c) grant a lease of, or a licence with respect to, lands acquired or occupied under section 146 (1); or

(b) for use in connection with the administration of this Act grant a lease of, or a licence with respect to, lands referred to in section 146 (2).

(3) Nothing in this section affects the powers of the Minister under section 149 with respect to lands referred to in that section.

(4) Subject to subsection (5), any lease or licence granted under this section or section 149 shall be subject to such terms and conditions as the Minister may determine.

(5) Where any term or condition of a lease or licence granted under this section purports to affect lands within a national park, historic site or nature reserve that are lands submerged by water and the term or condition is inconsistent with a plan of management in force for the park, site or reserve, the term or condition shall, to the extent of the inconsistency, have no force or effect.

Trade within a national park or historic site.

152. (1) The Director may grant licences to carry on trades, businesses or occupations within a national park or historic site.

(2) Subject to any by-laws, the Minister may prohibit the carrying on of any trade, business or occupation within a national park or historic site otherwise than by some person licensed by the Director.

(3) The Minister may grant a franchise to any person, on such terms and conditions as the Minister may determine, for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park or historic site.

(4) Any franchise granted by the trustees of the whole or part of lands reserved after the commencement day as a national park or historic site, and in force immediately before the lands were so reserved, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

Easements.

153. (1) The Minister may upon such terms and conditions as he thinks fit grant for joint or several use easements or rights of way through, upon or in a national park, historic site or nature reserve for the purpose of providing access to any area included in any lease or licence within the park, site

or reserve, or for the construction of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

(2) The Minister may from time to time revoke or vary any grant under this section.

(3) Any easement or right of way over lands in a national park or historic site reserved under this Act, which was in force immediately before the lands were reserved as, or as part of, the park or site, as the case may be, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over lands in a nature reserve dedicated under this Act, which was in force immediately before the land was dedicated as, or as part of, the nature reserve shall continue in force and shall be deemed to have been granted under this section.

PART XIII.

Regulations and By-Laws.

154. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act and, in particular, for or with respect to— Regulations.

(a) the powers, authorities, duties and functions of the Director, the officers of the Service, ex-officio rangers, honorary rangers, the Council, advisory committees, the Relics Committee or the Architects Committee;

(b) the procedure for the calling of meetings of the Council, advisory committees, the Relics Committee or the Architects Committee and the conduct of business at those meetings;

(c) licences and registration certificates under Part IX, including the classification thereof, applications therefor and the issue and expiry thereof;

(d) the records to be kept and returns to be furnished by persons holding licences or registration certificates under Part IX and the inspection of those records by officers of the Service;

(e) the issuing and the making of a charge or fee for supplying a label, tag, slip or object for affixing or attaching to the skin or carcase of any fauna in compliance with any condition of a licence under Part IX;

(f) the issuing and the making of a charge for supplying a label, tag, slip or object for affixing or attaching to any protected native plant or packages or bundles thereof in compliance with any condition of a licence under Part IX;

(g) the protection, care, preservation and propagation of any fauna;

(h) prescribing the conditions under which any fauna, whether protected or unprotected, may be consigned or offered for sale or transported or caged or housed;

(i) the inspection of premises registered under section 124, 125 or 128 and the inspection of premises in which fauna are housed or caged in pursuance of a licence issued under section 120;

(j) the entry upon and inspection of any lands upon which protected native plants are grown by a person in pursuance of a licence issued under section 132 and the requiring of the doing of any thing or things designed to prevent the lands from being stripped of protected native plants;

(k) the records to be kept and returns to be furnished by persons holding permits issued under section 87;

(l) tendering for leases and licences under Part XI or XII;

(m) the form and design of signs, symbols, emblems, insignia and uniforms for use in connection with the administration of this Act, the regulations and the by-laws, and the regulation, control or prohibition of the making, reproducing or using of those signs, symbols, emblems, insignia and uniforms; and

(n) the forms or other documents to be used for the purposes of this Act and the regulations.

By-laws.

155. (1) In this section, "park" means national park, historic site, nature reserve or Aboriginal area.

(2) The Governor may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) the regulation of the use and enjoyment of parks;

(b) the securing of decency and order in parks;

(c) the removal of trespassers and other persons causing annoyance or inconvenience in parks;

(d) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, parks;

(e) the regulation, control or prohibition of the taking of animals on or into parks and public and other roads traversing parks or the permitting or suffering of animals to be on or in parks and any such roads;

(f) the regulation, control or prohibition of mooring, parking, camping or residing in parks, the making of charges for mooring, parking, camping or residing in parks and the collecting and receiving of those charges by the Minister or by other persons;

(g) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in parks;

(h) the conditions under which trees or timber may be cut or removed from parks and the amount of royalties, fees and charges payable in respect thereof;

(i) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a park, or the removal of any such substance from a park and the amount of royalties, fees and charges payable in respect thereof;

(j) the preservation or protection of any animals in parks;

(k) the preservation or protection of, or prevention of damage to, any relic or Aboriginal place in a park;

(l) the regulation, control or prohibition of the use of any relic or Aboriginal place for commercial purposes in a park;

(m) the making of charges or entrance fees for persons, clubs or associations or for vehicles using or entering a park, or any specified part of a park, or any public or other road traversing or bounding a park or such a part, and the collecting, receiving and waiving of those charges and fees by the Director or by other persons;

(n) the reservation of any portion of a park for such separate or exclusive use as the by-laws may prescribe;

(o) the closing of, or the regulation, control or prohibition of the entry of any person or class of persons into, a park or parts of a park and the conditions to be observed with regard thereto;

(p) the regulation, control or prohibition of private trading in a park;

(q) the use of roads, tracks, trails and other ways within a park and the circumstances under which roads, tracks, trails and other ways therein shall be open or may be closed to public traffic or use;

(r) the powers and duties of any officer of the Service appointed in respect of a park;

(s) the regulation of the use of vehicles and the conditions under which they may be used in a park;

(t) the regulation of the speed of vehicles in a park;

(u) the regulation of the use of chair lifts, surface tows and ski jumps and the conditions under which they may be used in a park;

(v) the regulation, control or prohibition of the erection of buildings, marinas, structures, signs or other improvements in a park;

(w) the protection of buildings, marinas, structures, signs and other improvements in parks;

(x) the regulation, control or prohibition of exotic plants in parks;

(y) the collection of scientific specimens, the preservation or protection of marine life (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and the pursuit of research in parks;

(z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in parks;

(aa) the management and maintenance of pounds within a park;

(bb) the procedure for the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park and for their subsequent disposal, sale or destruction;

(cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park;

(dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of cattle, horses, asses, mules, sheep, goats, swine and dogs impounded within a park; and

(ee) the procedure for the calling of meetings of trustees and the conduct of business at those meetings.

(3) Without affecting the generality of section 156 (2) or (3), by-laws made for or with respect to parks may be made to apply generally to all parks or may be limited to any park or any part thereof specified in the by-laws and unless so limited shall be taken to apply generally to all parks.

(4) Where any provision of a by-law made to apply to any specified park or any part thereof is inconsistent with a provision of any by-law relating to parks generally, the firstmentioned provision shall prevail.

General provisions.

156. (1) A regulation or by-law may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $200; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

(2)

(2) A regulation or by-law may be made so as to apply differently according to such factors as may be specified therein.

(3) A regulation or by-law may be made so as to apply to or in respect of—

(a) any matter, or all matters, or any class of matters specified or described therein; or

(b) all matters, or any class of matters, so specified or described other than—

(i) any matter so specified or described that is expressed to be excluded; or

(ii) any class of matters so specified or described that is expressed to be excluded.

(4) A regulation or by-law may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

PART XIV.

MISCELLANEOUS.

Requirement to state name and address.

157. (1) The Director or any officer of the Service may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(2) The Director, or any other officer of the Service duly authorised by the Director in that behalf, may require the driver of a motor vehicle in a national park, historic site, nature reserve or Aboriginal area to produce his driver's licence and to state his full name and his place of abode.

(3)

(3) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1) or (2); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

Requirement for owner of motor vehicle and others to give information.

158. (1) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act, the regulations or the by-laws, the Director or any other officer of the Service may—

(a) require the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, to give forthwith information (which shall, if so required, be given in the form of a statement in writing, signed by that owner or person) as to the name and place of abode of the driver; or

(b) require any other person to give any information which it is in his power to give and which may lead to the identification of the driver.

(2) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1); or

(b) in purported compliance with such a requirement, give any information that is false or misleading in a material particular.

Penalty : $200.

(3) In a prosecution for an offence in respect of a failure or refusal to comply with a requirement under subsection (1) (a), it is a defence if the defendant proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the name or place of abode of the driver concerned or both, as the case may require.

(4) Where a statement in writing purporting to be furnished under subsection (1) (a) and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act, the regulations or the by-laws is produced in any court in proceedings against the person named therein as the driver for the offence, the statement shall, if that person does not appear before the court, be evidence without proof of signature that he was the driver of the vehicle at that time.

Liability of vehicle owner for parking offences.

159. (1) In this section—

"owner", in relation to a vehicle, includes—

(a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

(b) in the case of a vehicle that is a motor vehicle—

(i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; **or**

(ii)

(ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

"parking offence" means the offence committed by a person who, in contravention of the regulations or by-laws made under this Act—

(a) moors or parks a vehicle; or

(b) causes or permits a vehicle to be moored or parked or to stand or wait.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation or by-law relating to the parking offence in all respects as if he were the actual offender guilty of the parking offence unless—

(a) in any case where the parking offence is dealt with under section 160, the owner satisfies the prescribed person referred to in that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or

(b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 160, he—

(i) within twenty-one days after service on him of a notice under that section alleging that he has been guilty of that offence, supplies by statutory declaration to the prescribed person referred to in that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the prescribed person so referred to that he does not know, and cannot with reasonable diligence ascertain, that name and address; or

(b) in any other case, he—

(i) within twenty-one days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

(6) Where a statutory declaration supplying the name and address of a person for the purposes of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is prima facie evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act, the regulations or the by-laws or any other Act or regulation, by-law or ordinance under any other Act.

Penalty notice for certain offences.

160. (1) In this section, "owner" and "parking offence" have the meanings respectively ascribed thereto in section 159.

(2) Where it appears to a prescribed person that another person is, by virtue of section 159, guilty of an offence, the prescribed person may serve a notice on that other person to the effect that, if that other person does not desire to have the matter determined by a court he may, within a time specified in the notice, pay to a person so specified the amount of penalty prescribed for the offence if dealt with under this section.

(3) A notice under subsection (2)—

(a) may be served as provided by section 174; or

(b) may be addressed to the owner of the vehicle to which the parking offence relates without naming him or stating his address and may be served by leaving it on, or attaching it to, the vehicle.

(4)

(4) A person alleged to have committed an offence referred to in subsection (2) shall not be dealt with under this section if he declines so to be dealt with and, if any such person fails within the time specified in a notice given to him under subsection (2) (or within such further time as, in his case, may have been allowed) to pay the penalty so specified he shall be deemed to have declined to be dealt with under this section.

(5) Where the penalty for an offence dealt with under this section is paid pursuant to this section in respect of an alleged offence—

(a) no person may be proceeded against for the alleged offence; and

(b) the payment shall not be construed as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the facts constituting the alleged offence.

(6) The penalty prescribed for an offence dealt with under this section shall not exceed the maximum penalty that might be imposed by a court if the offence were dealt with otherwise than under this section.

(7) This section shall be construed as supplementing, and not as derogating from, any other Act in relation to proceedings that may be taken in respect of offences.

Seizure of motor vehicles.

161. (1) An officer of the Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away, or cause to be removed or towed away, any motor vehicle which he believes on reasonable grounds—

(a) to be a danger or unreasonable obstruction to traffic; or

(b) to be unattended and to have been abandoned,

in a national park, historic site, nature reserve or Aboriginal area.

(2)

(2) Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose.

(3) Notwithstanding anything in subsection (1), before seizure of a motor vehicle under this section, the officer referred to in that subsection shall—

(a) if no person is in charge of the motor vehicle—

(i) make reasonable inquiry for the purpose of locating the owner or driver of the vehicle; and

(ii) if upon inquiry under subparagraph (i) the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request; or

(b) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

(4) The inquiry referred to in subsection (3) (a) shall be made in the vicinity of the place where the vehicle is found.

(5) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to the owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded; or

(b)

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to the owner if he can, after reasonable inquiry, be located a notice setting out the particulars referred to in paragraph (a); or

(ii) if the owner cannot, after reasonable inquiry, be located, cause a notice setting out the particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(6) Except in the case of a motor vehicle which is dealt with under the provisions of subsection (7), the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section :—

(a) the application for the release shall be made by the owner of the vehicle or by a person acting for and on behalf of the owner to an officer-in-charge of the place at which the vehicle is kept or impounded (in this subsection referred to as the "officer-in-charge");

(b) the applicant shall furnish evidence as to the ownership of the vehicle to the satisfaction of the officer-in-charge; and

(c) the vehicle shall not be released from custody unless—

(i) the officer-in-charge is satisfied that the applicant is the owner of the vehicle or that he possesses authority to act for and on behalf of the owner;

(ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the vehicle has been paid to the officer-in-charge; and

(iii) the applicant has signed a receipt for the delivery of the vehicle on a form supplied to him by the officer-in-charge.

(7) If within a period of three months after the date upon which the motor vehicle has been seized the owner has failed to claim the vehicle and to pay the amount referred to in subsection (6) (c) (ii), the vehicle may, after the expiration of that period, be disposed of or destroyed in accordance with the directions of the Director.

(8) In this section, "motor vehicle" includes a trailer or caravan designed or adapted to be towed by a motor vehicle (as defined in section 5 (1)), whether or not the trailer or caravan is in the course of being towed.

Impounding.

162. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, historic site, nature reserve or Aboriginal area, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of lands under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of that Act shall, with such modifications as are necessary, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection (1), Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) sections 423, 425A, 426 (2) and (3), 427, 428, 429, 430 (2), 431 (1), (2) and (4), 439, 441 and 442 had been omitted therefrom;

(b)

(b) the words "at large in any public place or" had been omitted from section 426 (1);

(c) "animal" meant any cattle, horse, ass, mule, sheep, goat, swine or dog;

(d) "prescribed" meant prescribed by, or by by-laws made under, this Act;

(e) a reference to the mayor or president of a council were a reference to the Director; and

(f) a direction for the payment of money to a council, or to the General Fund of a council, were a direction for payment of the money to the National Parks and Wildlife Fund.

(3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, historic site, nature reserve or Aboriginal area.

(4) The Director, in relation to a national park, historic site, nature reserve or Aboriginal area, shall have and may exercise the powers conferred by the provisions of section 15 of the Impounding Act, 1898, and section 429 (1) of the Local Government Act, 1919, on an occupant in relation to his lands, but may, instead of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national park, historic site, nature reserve or Aboriginal area the same powers as are conferred by section 438 of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

(6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, historic site, nature reserve or Aboriginal area, being a pound that will be available for use for impounding animals trespassing on a national park, historic site, nature reserve or Aboriginal area.

(7) Where an animal trespassing on a national park, historic site, nature reserve or Aboriginal area is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Government Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(8) In subsection (6), "public pound" includes a place referred to in section 23 (b) of the Dog Act, 1966.

Application of Dog Act, 1966.

163. (1) In this section, "area", "council" and "dog" have the meanings respectively ascribed thereto in section 4 (1) of the Dog Act, 1966.

(2) Part III of the Dog Act, 1966, does not apply to or in respect of the seizure of a dog in a national park, historic site, nature reserve or Aboriginal area by an officer of the Service, but if he causes the dog to be delivered to any duly authorised servant or agent of the council of the area in which the dog was seized at a place provided for the purpose in accordance with section 23 (b) of that Act, section 11 of that Act applies to and in respect of that dog as if it had been seized under section 10 of that Act.

(3) Nothing in this section applies with respect to the seizure of a dog with respect to which Part III of the Dog Act, 1966, would not have applied had this Part not been enacted.

164.

164. (1) The Director or an officer of the Service duly authorised by the Director in that behalf— Powers of entry and seizure.

(a) may at all times, if he suspects on reasonable grounds that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that any animal, native plant, relic or article in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence is likely to be in or upon any premises or vehicle, on production of the prescribed evidence of his authority—

(i) stop any such vehicle;

(ii) enter and search any such premises or vehicle; and

(iii) subject to his giving a receipt in the prescribed form seize any such animal, native plant, relic (not being real property) or article found therein or thereon together with any books, papers or records relating to the suspected offence and make copies of, or take extracts from, any such papers, books or records;

(b) may at all times, on production of the prescribed evidence of his authority, enter any premises or vehicle for the purpose of—

(i) inspecting any premises registered under section 124, 125 or 128;

(ii) inspecting any premises in which fauna are housed or caged under the authority of a general licence under section 120;

(iii) inspecting any lands on which protected native plants are grown under the authority of a licence under section 132; or

(iv) searching for and inspecting any articles that are being or could be used in contravention of this Act, the regulations or the by-laws; and

(c) may, for the enforcement of the provisions of this Act, the regulations or the by-laws, exercise the powers and authority of a constable.

(2) Subsection (1) does not—

(a) apply in relation to an offence of a class or description prescribed for the purposes of this subsection;

(b) authorise the seizure of a vehicle within the meaning of paragraph (a), (b), (c) or (e) of the definition of "vehicle" in section 5 (1) or any prescribed article; or

(c) authorise any person to enter in or upon that portion of a building that is used for residential purposes except under written authority given by the Minister.

(3) An authority referred to in subsection (2) (c)—

(a) may be general in its application or may be limited to specified premises;

(b) subject to paragraph (c), shall remain in force for the specified period; and

(c) may be revoked at any time by the Minister.

(4) The power of seizure under subsection (1) (a) may be exercised without exercising any of the other powers under subsection (1) (a).

(5)

(5) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, complains on oath that he has reason to suspect, and believes, that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that there may be an animal, native plant, relic or article, in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence, on specified premises or on a specified vehicle, a stipendiary magistrate may, by warrant under his hand, authorise the complainant to enter and search those premises or that vehicle.

(6) A person authorised under subsection (5) to enter premises or a vehicle may use force, whether by breaking open doors or otherwise, for the purpose of entering the premises and may—

(a) execute the warrant; and

(b) exercise the power of seizure under subsection (1) (a),

with the aid of such assistants as he deems necessary.

(7) A warrant may be issued under subsection (5) authorising a person to enter in or upon that portion of a building that is used for residential purposes notwithstanding that a written authority referred to in subsection (2) (c) has not been given authorising that person to make that entry.

Persons to deliver up fauna, etc., when required.

165. (1) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, suspects on reasonable grounds any person to be committing an offence against any of the provisions of this Act, the regulations or the by-laws, he may, on production of the prescribed evidence of his authority, require that person to deliver up any animal, native plant, relic (not being real property) or article in his possession in respect of which the suspected offence is being committed or which is being used in connection with the suspected offence.

(2) Any such person after being so required shall not fail to deliver up forthwith any animal, native plant, relic (not being real property) or article to the Director or any such officer requiring him so to do.

Definition of "article" for sections 164 and 165.

166. In sections 164 and 165, "article" means prohibited weapon, firearm, explosive, net, trap, hunting device, substance, mixture, preparation, instrument, implement or any other thing.

Disposal of fauna and perishable goods when seized or delivered up.

167. (1) Where any property seized under section 164 or delivered up under section 165 is fauna or is perishable, it may forthwith be disposed of, by way of sale or otherwise, by the Director or an officer of the Service duly authorised by the Director in that behalf.

(2) The proceeds of any sale under subsection (1) shall be paid into the Fund.

(3) The payment to a person from the Fund of an amount equal to the proceeds of the sale of any property under subsection (1) operates as a discharge of any obligation to deliver up that property to that person and such a payment in discharge of any such obligation imposed by an order of the court prescribed in relation to the property under section 168 is hereby authorised.

Disposal of property seized or delivered up.

168. (1) Subject to this section, where—

(a) a person is convicted of an offence against this Act, the regulations or the by-laws;

(b) property relating to the offence, or in the possession of the offender at the time of the commission of the offence, has been seized under section 164 or delivered up under section 165; and

(c)

(c) any person applies to the court prescribed in relation to the property for an order that the property be delivered to a specified person,

that court may, whether or not it is the court making the conviction, make such an order.

(2) Subject to this section, where—

(a) property has been seized under section 164 or delivered up under section 165; and

(b) an information for an offence (being an offence or or after a conviction for which an order could be made under subsection (1) in respect of the property) has not been laid within six months after the seizure or delivering up of the property.

the court prescribed in relation to the property may, on the application of any person, order that the property be delivered to a specified person.

(3) An application for an order under subsection (1) may be made at the time of the conviction referred to in that subsection if the court making the conviction is the court prescribed in relation to the property to which the application relates.

(4) An application for an order under subsection (1) or (2) may not be made—

(a) in the case of an application for an order under subsection (1)—later than one month after the conviction referred to in that subsection; or

(b) in the case of an application for an order under subsection (2)—later than three months after the expiration of the period of six months referred to in that subsection.

(5)

(5) Where property has been seized under section 164 or delivered up under section 165 and—

(a) no application for an order under subsection (1) or (2) has been duly made; or

(b) such an application has been duly made and such an order has been refused,

the property the subject of the application and, where the property has been sold under section 167, the proceeds of the sale, shall be deemed to have been forfeited.

(6) For the purposes of this section—

(a) the value of any property sold under section 167 is an amount equal to the amount of the net proceeds of sale; and

(b) the court prescribed in relation to any property is—

(i) where the value of the property does not exceed $500—the court of petty sessions for the district in which the property was seized;

(ii) where the value of the property exceeds $500 but does not exceed $10,000—the District Court of New South Wales; and

(iii) where the value of the property exceeds $10,000—the Supreme Court of New South Wales.

Impersonating, assaulting, resisting or obstructing an officer, etc.

169. (1) A person shall not impersonate the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger.

(2) A person shall not—

(a) assault, threaten, resist, delay, obstruct or use abusive language to; or

(b)

(b) incite or encourage any other person to assault, threaten, resist, delay, obstruct or use abusive language to,

the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger, in the exercise of any of his powers, authorities, duties or functions under this Act, the regulations or the by-laws.

Corruption.

170. A person shall not, without lawful authority, offer, make or give to an officer of the Service, an ex-officio ranger or an honorary ranger any payment, gratuity or present in consideration that the officer or ranger will do or omit to do any act or thing pertaining to his powers, authorities, duties or functions as such an officer or ranger.

Penalty : $200 or imprisonment for six months or both.

Authority of officers of Service to take or kill, etc.

171. (1) The Director may authorise an officer of the Service, an ex-officio ranger or an honorary ranger—

(a) to take or kill—

(i) any animals of a class or description specified by the Director, being animals within a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve; or

(ii) any animals of a class or description specified by the Director, being protected fauna outside a park, site, reserve, area, district or refuge referred to in subparagraph (i), other than fauna that are not the property of the Crown;

(b)

(b) to fell, cut, destroy, injure, remove or set fire to any tree, timber or vegetation of a class or description specified by the Director, within a nature reserve; or

(c) to pick or have in his possession any native plant of a class or description specified by the Director, within a nature reserve.

(2) An officer of the Service, an ex-officio ranger or an honorary ranger shall not be convicted of an offence against this Act if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed, under the authority of the Director under subsection (1).

(3) For the purposes of this Act, the Director shall be deemed to be authorised under subsection (1) with respect to all animals, and all trees, timber, vegetation and native plants, to which that subsection relates or may relate.

(4) Except in so far as the Director otherwise directs, his authorisation of a person under subsection (1) with respect to any animals also authorises that person to do, in connection with the taking and killing of any such animal, any act referred to in section 45 (1) or 56 (1).

(5) Subsection (1) (a) (i) does not apply with respect to an animal that is not the property of the Crown unless the animal apparently has no owner and is not under control or unless an officer of the Service believes on reasonable grounds that the animal is endangering, or likely to endanger, any other animals or any persons or property within the park, site, reserve, area, district or refuge referred to in subsection (1) (a) (i).

(6) Nothing in this section affects the provisions of section 155 (2) (bb).

Member of police force.

172. A member of the police force shall not be convicted of an offence against this Act in respect of an act done in pursuance of or as part of his duties as such a member.

Removal of trespassers.

173. (1) Where, but for this section, section 255 of the Crown Lands Consolidation Act, 1913, would not apply to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, that section, subject to subsection (2), applies to and in respect of those lands in the same way as it applies to and in respect of Crown lands within the meaning of that Act.

(2) In the application of section 255 of the Crown Lands Consolidation Act, 1913, whether by virtue of subsection (1) or otherwise, to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, a reference in that section to any person duly authorised by the Minister includes a reference to the Director or any person duly authorised by the Director.

Service of notices.

174. Any notice given under or for the purposes of this Act, the regulations or the by-laws may, unless otherwise specially provided, be given in any one of the following ways :—

(a) personally to the person to whom the notice is addressed; or

(b) by letter sent through the post by mail and directed to the last known place of abode or business in New South Wales of the person to whom the notice is addressed.

General offence and penalties.

175. (1) A person who—

(a) does that which by this Act (Parts II, III and V excepted) he is forbidden to do; or

(b) fails or neglects to do that which by this Act (Parts II, III and V excepted) he is required or directed to do,

is guilty of an offence against this Act.

(2) A person guilty of an offence against this Act, whether pursuant to subsection (1) or otherwise, is, where no other penalty is prescribed, liable to a penalty not exceeding—

(a) in the case of the first offence for which he is liable to a penalty under this section—$200;

(b) in the case of a second offence for which he is liable to a penalty under this section—$500; and

(c) in the case of a third or subsequent offence for which he is liable to a penalty under this section—$1,000.

Recovery of penalties.

176. (1) Any penalty imposed by this Act, the regulations or the by-laws may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

(3) Where any person is convicted of an offence against this Act, the regulations or the by-laws and the magistrate or justices before whom he was convicted makes or make an order under section 81 of the Justices Act, 1902, for the payment by the defendant of costs, those costs shall be paid into the Fund.

Compensation.

177. (1) Where any person is convicted of an offence against this Act, the regulations or the by-laws whereby the Minister or Director incurs any charge, cost or expense or which results in or causes loss or damage to—

(a) any national park, historic site, nature reserve or Aboriginal area or to any structure or improvements thereon; or

(b) any lands vested in, surrendered to or leased to Her Majesty for the purposes of this Act or occupied under licence for the purposes of this Act, or acquired by the Minister under section 147, or to any structure or improvements thereon,

the magistrate or justices before whom he was convicted may order payment of such sum as he or they think fit by way of compensation for that charge, cost, expense, loss or damage.

(2) Any order under subsection (1) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

Recovery of charges, etc.

178. (1) Any charge, fee or money due to the Director under the provisions of this Act, the regulations or the by-laws may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

(2) The amount of any royalty due and payable under this Act or the regulations and unpaid may be recovered as a debt due to the Director from the person liable to pay that amount in a court of competent jurisdiction.

Authority to take proceedings.

179. (1) Any legal proceedings for an offence against this Act or to recover any charge, fee or money due under the provisions of this Act, the regulations or the by-laws may only be taken by a member of the police force or by a person duly authorised by the Director in that behalf, either generally or in any particular case.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of the authority without proof of the Director's signature.

Continuance of authority.

180. Any person duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised that person has ceased to hold office as Director, but any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

Evidentiary provisions, etc.

181. (1) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that any lands in question form part of a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve shall be sufficient without proof of the matter so alleged unless the defendant proves to the contrary.

(2) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that a standard, sign, symbol, notice or device was erected, displayed or marked with the authority of the Director, or that a standard, sign, symbol, notice or device was erected, displayed, marked, interfered with, altered or removed without the authority of the Director, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

(3) In any proceedings for an offence against this Act, the regulations or the by-laws, a certificate purporting to be signed by the officer for the time being in charge of the records kept under the law for the time being in force in any part of the Commonwealth relating to the ownership of motor vehicles and naming the owner of a motor vehicle as shown on those records shall be prima facie evidence of the name of the owner of the motor vehicle.

(4) In any prosecution under this Act, any allegation in any information that any person is unlicensed or acting without permission or authority need not be proved,

and

and that person shall be deemed to be unlicensed or acting without permission or authority, as the case may be, until the contrary is proved by the production of a licence, permit or authority or otherwise.

182. (1) In this section— Morton National Park.

"Board" means The Metropolitan Water Sewerage and Drainage Board;

"Park" means Morton National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Board may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board;

(c) where the site has been so determined, the Governor may, notwithstanding section 37, by notification published in the Gazette—

(i) revoke the reservation of the Park as to so much of the lands reserved as are within that site; and

(ii) declare those lands to be vested in the Board,

and thereupon those lands shall vest in the Board; and

(d) the Minister may, from time to time, grant to the Board such easements and licences over lands within the Park for pipelines, power lines and other

purposes

purposes as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

(3) Anything done under or for the purposes of section 21 (2) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Macquarie Pass National Park.

183. (1) In this section—

"Commission" means The Water Conservation and Irrigation Commission;

"Park" means Macquarie Pass National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Commission may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission; and

(c) the Minister may, from time to time, upon such terms as he thinks fit grant to the Commission such easements and licences over lands within the Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and ancillary works.

(3) Anything done under or for the purposes of section 21 (3) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Bouddi National Park.

184. (1) The Governor may, by proclamation published in the Gazette, declare that this section applies to such of the lands comprised in Bouddi National Park as are described in the proclamation.

(2)

(2) Upon the publication of the proclamation under subsection (1), the lands described in the proclamation shall cease to be part of Bouddi National Park and shall be deemed to have been reserved as a national park.

(3) Without affecting the generality of section 36, a reference in that section to a proclamation includes a reference to the proclamation under subsection (1).

Catchment areas.

185. (1) In this section, "the Acts" means the Metropolitan Water, Sewerage, and Drainage Act, 1924, and the Hunter District Water, Sewerage and Drainage Act, 1938.

(2) Nothing in this Act affects the operation of any of the provisions of either of the Acts in relation to lands within a national park, historic site or nature reserve, in so far as those provisions relate to catchment areas.

(3) Without affecting the generality of subsection (2), nothing in this Act—

(a) affects, or affects the operation of, any proclamation or by-law under either of the Acts relating to a catchment area and in force at the time of the reservation or dedication of any lands as, or as part of, a national park, historic site or nature reserve, being lands to which the proclamation or by-law relates; or

(b) affects the power of the Governor to make any proclamation or by-law under either of the Acts in relation to any lands within a national park, historic site or nature reserve.

(4) Notwithstanding anything in this Act, a lease, licence, easement or right of way shall not be granted under this Act in respect of any lands within a catchment area within the meaning of—

(a) the Metropolitan Water, Sewerage, and Drainage Act, 1924, except with the concurrence of The

Metropolitan

Metropolitan Water Sewerage and Drainage Board; or

(b) the Hunter District Water, Sewerage and Drainage Act, 1938, except with the concurrence of The Hunter District Water Board.

Sec. 4 (1).

SCHEDULE 1.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1927, No. 2..	Wild Flowers and Native Plants Protection Act, 1927.	The whole Act.
1931, No. 35..	Wild Flowers and Native Plants Protection (Amendment) Act, 1931.	The whole Act.
1945, No. 8..	Wild Flowers and Native Plants Protection (Amendment) Act, 1945.	The whole Act.
1948, No. 47..	Fauna Protection Act, 1948. ..	The whole Act.
1959, No. 7..	Wild Flowers and Native Plants Protection (Amendment) Act, 1959.	The whole Act.
1964, No. 50..	Fauna Protection (Amendment) Act, 1964.	The whole Act.
1967, No. 35..	National Parks and Wildlife Act, 1967.	The whole Act.
1969, No. 78..	National Parks and Wildlife (Amendment) Act, 1969.	The whole Act.
1971, No. 36..	National Parks and Wildlife (Amendment) Act, 1971.	The whole Act.
1972, No. 20..	National Parks and Wildlife (Amendment) Act, 1972.	The whole Act.
1972, No. 61..	Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act, 1972.	Section 12.
1973, No. 9..	District Court Act, 1973.	So much of Schedule 2 as amends Act No. 35, 1967.
1973, No. 11..	Justices (Amendment) Act, 1973...	Section 9.

SCHEDULE

SCHEDULE 2.

Sec. 4 (2).

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 95..	Public Roads Act 1902.	Section 8 (4) (b) (ii)— Omit "1967", insert instead "1974".
1912, No. 42..	Liquor Act, 1912.	Section 168 (2) (c)— (a) Omit "state park"; (b) Omit "1967", insert instead "1974".
1919, No. 41..	Local Government Act, 1919.	Section 289A— (a) Omit "and" where secondly occurring from paragraph (b1) of the definition of "authorised person" in subsection (1); (b) After paragraph (b1) of that definition insert the following paragraph:— (b2) an officer of the National Parks and Wildlife Service appointed by the Director to be an authorised person for the purposes of this Division; and (c) After that definition insert the following definition:— "Director" means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1974; (d) Omit "state park, historic site or aboriginal area within the meaning of the National Parks and Wildlife Act, 1967, and a nature reserve within the meaning of the Fauna Protection Act, 1948" from the definition of "public place" in subsection (1), insert instead "historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974"; (e) Omit "or (b1)" in subsection (3) (a), insert instead ", (b1) or (b2)".

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41..	Local Government Act, 1919— *continued*	Section 289B (2)— (a) Omit from paragraph (b) "provided by, or with the approval of, the council", insert instead the following words:— "provided— (i) except as provided in sub-paragraph (ii)—by, or with the approval of, the council; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974, by the Director or the trustees thereof (if any) or by, or with the approval of, the council and with the consent of the Director or those trustees"; (b) Omit from paragraph (c) "published by the council notifying that it will remove the litter and", insert instead the following words:— "published— (i) except as provided in sub-paragraph (ii)—by the council notifying that it will remove the litter; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974— under the authority of the Director or the trustees (if any) thereof or by the council with the consent of the Director or those trustees, and".
1924, No. 24..	Main Roads Act, 1924.	Section 3 (2) (i)— (a) Omit "state park" wherever occurring; (b) Omit "1967" wherever occurring, insert instead "1974".

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1935, No. 40..	Wool, Hide and Skin Dealers Act, 1935.	Section 2 (1)— Omit "a protected animal within the meaning of the Birds and Animals Protection Act, 1918–1930, or any Act amending that Act" from the definition of "Hide" or "skin", insert instead "protected fauna within the meaning of the National Parks and Wildlife Act, 1974".
1938, No. 10..	Soil Conservation Act, 1938.	Section 21A— Omit paragraph (c) of the definition of "protected land", insert instead the following paragraph:— (c) any national park, historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974.
1949, No. 31..	Bush Fires Act, 1949.	Sections 10 (7), 13 (6), 14 (3), 22 (2), 22 (3c) and 51 (1c)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 15 (5)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 51 (1c)— Omit "that Service", insert instead "the Director of National Parks and Wildlife".

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1955, No. 28..	Petroleum Act, 1955.	Section 46 (2)— Omit "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained." Section 46— Insert at the end of the section the following subsection:— (3) The Minister shall not grant his consent under this section in respect of lands within a national park, historic site or nature reserve under the National Parks and Wildlife Act, 1974, without the concurrence in writing of the Minister for Lands.
1960, No. 10..	The National Trust of Australia (New South Wales) Act, 1960.	Section 9 (4) (b)— Omit "1967", insert instead "1974".
1973, No. 42..	Mining Act, 1973.	Section 86 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974".
1973, No. 81..	Coal Mining Act, 1973.	Sections 25 (4) and 69 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974". Fourth Schedule— Omit so much of the Schedule as amends Act No. 47, 1948, and Act No. 35, 1967.

SCHEDULE 3. Sec. 4 (3).

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule— Interpretation.

"repealed enactments" means the enactments repealed by this Act;

"state park" means a state park within the meaning of the Act of 1967.

2. (1) The person holding office as Director of National Parks and Wildlife under the Act of 1967 immediately before the commencement day shall be deemed to have been appointed Director under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. The Director.

(2) All acts, matters and things done or omitted by, or done or suffered in relation to, the Director of National Parks and Wildlife appointed under the Act of 1967 before the commencement day shall, on and from that day, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Director appointed under this Act.

(3) Without affecting the generality of Schedule 4, clauses 10 and 11 of that Schedule apply to and in respect of the person holding office as Director immediately before the commencement day as if this Act had been in force at the time when he was appointed Director under the Act of 1967.

3. The members of an advisory committee constituted for any lands under the Act of 1967 and holding office immediately before the commencement day shall be deemed to be members of an advisory committee constituted for those lands under this Act as if this Act had been in force at the time of the constitution of the committee. Advisory committees.

4. A person holding office as a member of the Aboriginal Relics Advisory Committee under section 33A of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Relics Committee under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. Relics Committee.

5. A person holding office as an appointed member of the National Parks Advisory Committee of Architects under section 40 of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Architects Committee under Architects Committee.

this

this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967.

Delegations.

6. (1) Any delegation in force under section 7 of the Act of 1967 shall be deemed to be a delegation under section 21.

(2) Section 7 of the Act of 1967 continues to apply to and in respect of any act or thing done by a delegate under that section before the commencement day.

Reserved, dedicated and declared lands.

7. (1) Lands comprised within a national park or state park under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a national park under this Act.

(2) Lands comprised within a historic site under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a historic site under this Act.

(3) Lands comprised within a nature reserve under the Fauna Protection Act, 1948, immediately before the commencement day shall be deemed to be dedicated as a nature reserve under this Act.

(4) A proclamation under section 20 of the Act of 1967 in force immediately before the commencement day in relation to a national park, state park or historic site under that Act shall be deemed to be a proclamation under section 33.

(5) To the extent that section 20 (5) and (6) of the Act of 1967 would, had this Act not been enacted, apply or continue to apply to or in respect of a proclamation published under section 20 of that Act before the commencement day, section 35 applies to or in respect of that proclamation.

(6) An order under section 33B of the Act of 1967 in force immediately before the commencement day in relation to an aboriginal area under that Act shall be deemed to be a proclamation in force under section 62.

(7) An order under section 33I of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be an order in force under section 65.

(8) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a wildlife refuge under that Act shall be deemed to be a proclamation in force under section 68.

(9) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a game reserve under that Act shall be deemed to be a proclamation in force under section 69.

(10)

(10) A direction under section 33J of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be a direction in force under section 66.

References to state parks.

8. (1) A reference, in any other Act, or in any regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature, to—

(a) a state park shall be read as a reference to a national park under this Act; or

(b) a particular state park under the Act of 1967 shall be read as a reference to the national park deemed to be reserved under clause 7 (1) and comprising the lands within that state park.

(2) Without affecting the generality of subclause (1), a reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read as a reference to the Kosciusko National Park deemed to be reserved under this Act, and a reference to the Kosciusko State Park Trust shall be read as a reference to the Director.

Plans of management.

9. (1) A plan of management under the Act of 1967 shall be deemed to be a plan of management under this Act.

(2) A working plan under the Fauna Protection Act, 1948, shall be deemed to be a plan of management under this Act.

Mining.

10. (1) A notice under section 24 (2) (a) of the Act of 1967 shall be deemed to be a notice under section 41, and anything done or commenced to be done under section 24 (2) (a) of the Act of 1967 shall be deemed to have been done or commenced under section 41.

(2) A reference in subclause (1) to section 41 includes a reference to that section as applied by any other provision of this Act.

Certain existing interests.

11. (1) In this clause, "prescribed interest" means an authority, authorisation, permit, lease, licence or occupancy to which section 22 of the Act of 1967 applied immediately before the commencement day.

(2) Section 39 applies to and in respect of a prescribed interest granted with respect to lands comprised in a national park, state park or historic site under the Act of 1967 as if this Act had been in force when that national park, state park or historic site was reserved under that Act.

Licences, etc.

12. (1) A licence, registration certificate, franchise, permit, permission, concurrence, consent, authorisation or authority, issued or given under any of the repealed enactments, shall be deemed to be issued or given under this Act.

(2) Notwithstanding subsection (1), a permit granted under section 33 of the Fauna Protection Act, 1948, shall be deemed to be a licence issued under section 127.

Open seasons.

13. A notice of an open season under section 18 of the Fauna Protection Act, 1948, in force immediately before the commencement day shall be deemed to be an order in force under section 95.

Property.

14. (1) Any property acquired by the Minister under the Act of 1967 shall be deemed to have been acquired by him under this Act.

(2) Lands acquired under section 19A of the Act of 1967 shall be deemed to have been acquired under section 145.

(3) Lands acquired under section 19B of the Act of 1967 shall be deemed to have been acquired under section 146 (1).

(4) A lease or licence granted under the Act of 1967 and in force immediately before the commencement day shall be deemed to have been granted under this Act.

(5) A franchise in force under section 32 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 152.

(6) An easement or right of way in force under section 31 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 153.

Community service contribution.

15. (1) Any community service contribution under section 37 of the Act of 1967 due and payable immediately before the commencement day shall be deemed to be due and payable under section 140.

(2) Section 140 applies to and in respect of any community service provided or maintained under section 37 of the Act of 1967 before the commencement day and in respect of which a notice of the amount of contribution had not been served under that section before that day.

Forfeiture and seizure.

16. The provisions of any of the repealed enactments continue to apply to and in respect of any forfeiture or seizure under those provisions before the commencement day, and so apply as if this Act had not been enacted.

17. Any regulations in force under any of the repealed enactments immediately before the commencement day shall be deemed to be regulations made under this Act, but any such regulations shall, to the extent to which they would be by-laws if made under this Act, be deemed to be by-laws made under this Act. Regulations and by-laws.

18. The amendments made by sections 52, 53, 54 and 56 of the Act of 1967 continue to have the same force and effect as if those sections had not been repealed by this Act. Certain amendments made by Act of 1967.

19. Where, by virtue of section 37 of the Interpretation Act, 1897, any act or thing is to be done under this Act before the commencement day, and the act or thing is to be done by or in relation to the Director appointed under this Act, the act or thing may be done by or in relation to the Director of National Parks and Wildlife appointed under the Act of 1967, or a person duly acting in his place, and when so done, shall have the same effect as if done by the Director under this Act. Exercise of powers before commencement day.

SCHEDULE 4.

Sec. 7 (2).

THE DIRECTOR.

1. In this Schedule, "statutory body" means any body declared under clause 2 to be a statutory body for the purposes of this Schedule. Interpretation.

2. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of the definition of "statutory body" in clause 1. Declaration of statutory bodies.

3. The Director shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is, if otherwise qualified, eligible for reappointment from time to time for such further period or periods as the Governor may appoint. Term of office.

4. The salary of the Director shall be as fixed by the Governor from time to time. Salary.

5. The Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to that Act during his term of office. Application of Public Service Act, 1902.

6. A person who is of or above the age of sixty-five years is not eligible for appointment as Director. Ineligibility by reason of age.

7. The Director shall cease to hold office on the day on which he attains the age of sixty-five years. Director attaining 65 years of age.

Removal from office.

8. The Governor may for any cause which to him seems sufficient remove the Director from office.

Vacation of office.

9. The Director shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

Preservation of certain rights of Director if previously public servant, etc.

10. (1) In this clause, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where the Director was, immediately before his appointment as Director—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

(c) an officer employed by any statutory body; or

(d) a person in respect of whom provision was made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Director; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Director, and—

(h) his service as Director shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Government of New South Wales shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.

(3)

(3) Where the Director would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his appointment as Director or at any later time while he holds office as Director) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Government of New South Wales in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to the Director upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) The Director shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Director entitled to re-appointment in former employment in certain cases.

11. (1) In this clause, "retiring age" means—

(a) in relation to a person who was, immediately before his appointment as Director, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as Director, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Director), as the case may be, of that statutory body are entitled to retire.

(2) Where a person ceases to be Director, otherwise than pursuant to clause 9 (paragraph (b) excepted), he shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Director, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that statutory body,

not lower in classification and salary than that which he held immediately before his appointment as Director.

SCHEDULE

Sec. 31.

SCHEDULE 5.

NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

Column 1.	Column 2.
Name of national park or historic site.	Corporate name of trustees.
Brisbane Water National Park ..	Trustees of Brisbane Water National Park.
Dorrigo National Park	Trustees of Dorrigo National Park.
Gibraltar Range National Park ..	Trustees of Gibraltar Range National Park.
Mount Kaputar National Park ..	Trustees of Mount Kaputar National Park.
New England National Park ..	Trustees of New England National Park.
Warrumbungle National Park ..	Trustees of Warrumbungle National Park.
Captain Cook's Landing Place Historic Site.	Trustees of Captain Cook's Landing Place Historic Site.
Vaucluse House Historic Site ..	Trustees of Vaucluse House Historic Site.

Sec. 13 (2).

SCHEDULE 6.

TRUSTEES.

Term of office.

1. (1) A trustee holding office on the commencement day shall, subject to this Act, hold office for a period of five years, and is eligible for further appointment as a trustee.

(2) A trustee appointed after the commencement day shall, subject to this Act, hold office for such period not exceeding five years as may be specified in the notification of his appointment, and is eligible for further appointment as a trustee.

Ineligibility by reason of age.

2. A person who is of or above the age of seventy years is not eligible for appointment as a trustee.

Trustee attaining 70 years of age.

3. A trustee shall cease to hold office on the day on which he attains the age of seventy years.

Removal from office.

4. The Governor may for any cause which to him seems sufficient remove from office any trustee.

5. A trustee shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

6. The Minister may, from time to time, by notification published in the Gazette, fill any vacancy that occurs in the office of trustee and may, by a like notification, appoint additional trustees. New trustees.

7. (1) A majority of the trustees of a national park or historic site shall form a quorum at any meeting of the trustees and any duly convened meeting at which a quorum is present shall be competent to transact any business of the trustees. Quorum.

(2) Questions arising at a meeting of the trustees of a national park or historic site shall be determined by a majority of votes of the trustees present and voting.

8. The procedure for the calling of meetings of the trustees of a national park or historic site and for the conduct of business at those meetings shall, subject to this Schedule and any by-laws made in relation thereto applicable to the national park or historic site, be as determined by the trustees. Procedure.

9. The trustees shall cause to be forwarded to the Minister during the month of July in each year financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case may require. Report.

SCHEDULE 7.

Sec. 22 (2).

The Council.

1. (1) The Council shall consist of— Composition.

(a) the Director; and

(b) twelve other members (in this Schedule referred to as "appointed members") appointed by the Minister.

(2)

(2) In making appointments under this Schedule, the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or interests, to undertake wildlife conservation.

(3) Of the appointed members—

(a) three shall be persons each of whom is a trustee of, or a member of an advisory committee for, a national park;

(b) one shall be a person who is a trustee of, or a member of the advisory committee for, a historic site;

(c) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;

(d) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;

(e) one shall be a person experienced in the science of botany nominated by the Minister;

(f) one shall be a person who is a member of the National Parks Association of New South Wales;

(g) one shall be a person nominated in the manner prescribed by one or more of the universities functioning within New South Wales;

(h) one shall be an officer of the Australian Museum nominated by the Minister administering the Australian Museum Act, 1902;

(i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949, as amended, of the Parliament of the Commonwealth; and

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

Term of office.

2. An appointed member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Ineligibility by reason of age.

3. A person who is of or above the age of seventy years is not eligible for appointment as an appointed member.

Appointed member attaining 70 years of age.

4. An appointed member shall cease to hold office on the day on which he attains the age of seventy years.

5. The Governor may for any cause which to him seems sufficient remove from office any appointed member. Removal from office.

6. An appointed member shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed, except in the case of a member appointed pursuant to clause 1 (3) (a) or (b) who ceases to hold that qualification by reason of the care, control and management of the national park or historic site having become vested in the Director; or

(e) is removed from office by the Governor.

7. On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (3) in the same manner as that predecessor. Filling casual vacancy.

8. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (3) in the same manner as the person for whom he is the alternate member. Alternate members.

(2) An alternate member shall have and may exercise, while acting as a member of the Council, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

9. (1) The Director shall be the chairman of the Council. Chairman.

(2) The chairman shall preside at all meetings of the Council at which he is present.

10. In the absence of the chairman at any meeting, the members present at the meeting may elect one of their number to preside as chairman. Absence of chairman.

Chairman's vote.

11. The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

Quorum.

12. (1) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council.

(2) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

Procedure.

13. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Council.

Fees.

14. A member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

Sec. 24 (2).

SCHEDULE 8.

Advisory Committees.

Initial composition.

1. The advisory committee first constituted for each national park or historic site after the date upon which the care, control and management thereof have been vested in the Director shall be the persons who, immediately before that date, were the trustees or the members of the body corporate which was trustee thereof, or where there were no trustees or was no trustee, such persons as the Minister may appoint.

Removal from office.

2. The Governor may for any cause which to him seems sufficient remove from office any member of an advisory committee.

Vacation of office.

3. A member of an advisory committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

4. After the first constitution of an advisory committee, the members of the advisory committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy. Subsequent composition.

5. The members of an advisory committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such period not exceeding five years as may be specified in the respective instruments of appointment, and are eligible for further appointment under this Schedule. Term of office.

6. A person who is of or above the age of seventy years is not eligible for appointment under this section as a member. Ineligibility by reason of age.

7. A member of an advisory committee shall cease to hold office on the day on which he attains the age of seventy years. Member attaining 70 years of age.

8. (1) A majority of the members of an advisory committee shall form a quorum at any meeting of the committee and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the committee. Quorum.

(2) Questions arising at a meeting of an advisory committee shall be determined by a majority of votes of the members present and voting.

9. The procedure for the calling of meetings of an advisory committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the advisory committee. Procedure.

10. A member of an advisory committee shall be entitled to receive such travelling and other expenses (if any) as the Minister may determine in respect of him. Expenses.

SCHEDULE 9.

Sec. 27 (2).

The Relics Committee.

1. (1) The Relics Committee shall consist of eight members appointed by the Minister. Composition.

(2) Of the members of the Relics Committee—

(a) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;

(b) one shall be an archaeologist or anthropologist on the staff of the Australian Museum;

(c)

(c) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;

(d) one shall be a person nominated by The National Trust of Australia (New South Wales);

(e) one shall be an officer of the Department of Mines; and

(f) one shall be an officer of the Service.

Term of office.

2. A member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Removal from office.

3. The Minister may for any cause which to him seems sufficient remove from office any member of the Relics Committee.

Vacation of office.

4. A member of the Relics Committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

Filling casual vacancy.

5. On the occurrence of a vacancy in the office of a member of the Relics Committee, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (2) in the same manner (if any) as that predecessor.

Alternate members.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Relics Committee, a person qualified under clause 1 (2) in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Relics Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

Quorum.

7. (1) Five members shall form a quorum at any meeting of the Relics Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee.

(2) Questions arising at a meeting of the Relics Committee shall be determined by a majority of votes of the members present and voting.

Procedure.

8. The procedure for the calling of meetings of the Relics Committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Relics Committee.

Fees.

9. A member of the Relics Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE 10.

Sec. 29 (2).

THE ARCHITECTS COMMITTEE.

Composition.

1. (1) The Architects Committee shall consist of seven members.

(2) One of the members shall be the person who for the time being holds the office of Government Architect.

(3) The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting of the Architects Committee which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(4) The other six members (in this Schedule referred to as "appointed members") shall be appointed by the Minister and shall be architects registered under the Architects Act, 1921, of whom—

(a) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

(b) one other shall be qualified as a landscape architect.

Term of office.

2. An appointed member shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Removal from office.

3. The Minister may for any cause which to him seems sufficient remove from office any appointed member.

Vacation of office.

4. An appointed member shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

Filling of casual vacancy.

5. On the occurrence of a vacancy in the office of an appointed member, otherwise that by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (4) in the same manner (if any) as that predecessor.

Alternate members.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (4) in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Architects Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

Quorum.

7. (1) Four members shall form a quorum at any meeting of the Architects Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee.

(2) Questions arising at a meeting of the Architects Committee shall be determined by a majority of votes of the members present and voting.

Procedure.

8. The procedure for the calling of meetings of the Architects Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Architects Committee.

Fees.

9. A member of the Architects Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE

SCHEDULE 11. Secs. 5 (1), 93.

UNPROTECTED FAUNA.

MAMMALS

Carnivora other than Pinnipedia	Bears, lions, dogs, etc.
Insectivora	Moles, hedgehogs.
Artiodactyla, other than *Cervus timorensis* (Javan Rusa deer) ..	Cloven hoofed animals.
Perissodactyla	Horses, donkeys, etc.
Primates	Apes, monkeys.
Subungulates	Elephants.
Pteropus policephalus and *Pteropus scapulatus*	Fruit bat or flying fox.
Lepus europaeus	Hare.
Oryctolagus cuniculus	Rabbit.
Sciurus palmarum	Indian Palm Squirrel.

BIRDS

Carduelis carduelis	Goldfinch.
Chloris chloris	Greenfinch.
Passer domesticus	Sparrow.
Zosterops lateralis	Eastern Silvereye.
Phalacrocorax carbo	Black Cormorant or Shag.
Phalacrocorax varius	Pied Cormorant.
Phalacrocorax sulcirostris ..	Little Black Cormorant.
Phalacrocorax melanoleucus ..	Little Pied Cormorant.
Corvus cecilae	Crow.
Corvus coronoides	Raven.
Strepera graculina	Pied Currawong.
Cacatua galerita	Sulphur-crested or White Cockatoo.
Cacatua roseicapilla	Rose-breasted Cockatoo or Galah.
Platycercus elegans	Crimson Rosella.
Platycercus eximius	Eastern Rosella.
Sturnis vulgaris	Common Starling.
Pycnonotus jocosus	Red-whiskered Bul Bul.
Turdus merula	Blackbird.
Passer montanus	Tree Sparrow.
Acridotheres tristis	Indian Myna.
Streptopelia chinensis	Indian Turtle Dove.
Corvus bennetti	Little Crow.
Lonchura punctulata	Spice (nutmeg) Finch.
Lonchura ferruginosa	Black-headed Mannikin.
Anas platyrhynchos	Mallard Duck.

Secs. 5 (1), 94.

SCHEDULE 12.

Endangered Fauna.

Mammals

Onychogalea fraenata	Bridled Nail-tailed Wallaby.
Petrogale xanthopus	Yellow-footed Rock-Wallaby.
Burramys parvus	Mountain Pygmy Possum.
Planigale tenuirostris	Southern Planigale.
Antechinus maculatus	Pigmy Marsupial Mouse.
Antechinus laniger	Eastern Jerboa Marsupial.
Planigale gilesi	Giles Planigale.
Dasyurus viverrinus	Eastern Native Cat.

Reptiles

Hoplocephalus bungaroides ..	Broad-headed Snake.

Birds

Pterodroma leucoptera	Gould Petrel.
Xenorhynchus asiaticus	Jabiru.
Stictonetta naevosa	Freckled Duck.
Aviceda subcristata	Crested Hawk.
Falco hypoleucos	Grey Falcon.
Haematopus ostralegus	Pied Oystercatcher.
Charadrius cucullatus	Hooded Dotterel.
Sterna albifrons sinensis	Little Tern.
Leipoa ocellata	Mallee Fowl.
Pedionomus torquatus	Plain Wanderer.
Grus rubicunda	Brolga.
Eupodotis australis	Australian Bustard.
Megaloprepia magnifica	Wompoo Pigeon.
Geophaps scripta	Squatter Pigeon.
Cacatua tenuirostris	Long-billed Corella.
Opopsitta diopthalma coxeni ..	Fig Parrot.
Psephotus pulcherrimus	Paradise Parrot.
Pezoporus wallicus	Ground Parrot.
Tyto longimembris	Grass Owl.
Podargus plumiferus	Plumed Frogmouth.
Menura alberti	Albert Lyrebird.
Atrichornis rufescens	Rufous Scrub-Bird.
Dasyornis brachypterus	Eastern Bristle-Bird.
Amytornis barbatus	Grey Grasswren.
Amytornis striatus	Striated Grasswren.
Pachycephala rufogularis	Red-lored Whistler.
Manorina melanotis	Black-eared Miner.
Strepera versicolor melanoptera ..	Black-winged Currawong.

SCHEDULE 13.

Secs. 5 (1), 115.

PROTECTED NATIVE PLANTS.

SEED PLANTS

Actinotus helianthi	Flannel Flower.
Archontophoenix cunninghamiana	Bangalow Palm.
Blandfordia, all native species ..	Christmas Bells.
Boronia, all native species ..	Boronia.
Bulbophyllum, all native species ..	Orchid.
Calanthe triplicata	Orchid.
Casuarina cunninghamiana ..	River Oak.
Caustis, all native species ..	Curly Sedge.
Ceratopetalum gummiferum ..	Christmas Bush.
Clianthus formosus	Sturt's Desert Pea.
Crowea, all native species ..	Crowea.
Cymbidium, all native species ..	Orchid.
Dendrobium, all native species ..	Orchid.
Dipodium, all native species ..	Orchid.
Doryanthes, all native species ..	Giant Lily.
Eriostemon, all native species ..	Wax Plant.
Galeola, all native species ..	Orchid.
Geodorum pictum	Orchid.
Grevillea aspleniifolia	Fern-leaved Grevillea.
Grevillea caleyi	Caley's Grevillea.
Grevillea longifolia	Fern-leaved Grevillea.
Liparis, all native species ..	Orchid.
Livistona australis	Cabbage Tree Palm.
Lomatia silaifolia	Crinkle Bush.
Microstrobos fitzgeraldii ..	.....
Oberonia, all native species ..	Orchid.
Pandanus, all native species ..	Pandanus.
Papillilabium beckleri	Orchid.
Parasarcochilus, all native species	.....
Peristeranthus hillii	Orchid.
Persoonia pinifolia	Pine-leaved Geebung.
Phaius tancarvilliae	Orchid.
Phreatia, all native species ..	Orchid.
Restio tetraphyllus	Restio.
Rhinerrhiza divitiflora	Orchid.
Sarcochilus, all native species ..	Orchid.

SCHEDULE 13—*continued.*

SEED PLANTS—*continued*	
Schistotylus purpuratus	Orchid.
Sprengelia incarnata	Sprengelia.
Taeniophyllum, all native species	Orchid.
Telopea, all native species ..	Waratah.
Xylomelum, all native species ..	Woody Pear.

All native species of epiphytic and lithophytic orchids not included elsewhere in this Schedule.

FERNS AND FERN ALLIES	
Adiantum, all native species ..	Maiden Hair Fern.
Asplenium nidus	Bird's Nest Fern.
Asplenium falcatum	.....
Cyathea, all native species ..	Tree Fern.
Davallia pyxidata	Hare's Foot Fern.
Dicksonia, all native species ..	Tree Fern.
Lycopodium deuterodensum ..	Mountain Moss.
Platycerium, all native species ..	Elk Horn and Stag Horn.
Tmesipteris, all native species ..	.....
Todea barbara	Tree Fern.
MOSSES	
Sphagnum, all native species ..	Sphagnum Moss.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

I certify that this PUBLIC BILL, *which originated in the* LEGISLATIVE ASSEMBLY, *has finally passed the* LEGISLATIVE COUNCIL *and the* LEGISLATIVE ASSEMBLY *of* NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 13 *November,* 1974.

New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. 80, 1974.

An Act to consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal relics; to repeal the Wild Flowers and Native Plants Protection Act, 1927, the Fauna Protection Act, 1948, the National Parks and Wildlife Act, 1967, and certain other enactments; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 27th November, 1974.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "National Parks and Wildlife Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—ADMINISTRATION—*ss.* 6–21.

DIVISION 1.—*National Parks and Wildlife Service*—*ss.* 6–12.

DIVISION 2.—*Trustees of certain areas*—*ss.* 13–15.

DIVISION 3.—*Ex-officio and honorary rangers*—*ss.* 16–20.

DIVISION 4.—*Delegation*—*s.* 21.

PART

PART III.—COUNCIL AND COMMITTEES—*ss.* 22–30.

DIVISION 1.—*National Parks and Wildlife Advisory Council—ss.* 22, 23.

DIVISION 2.—*Advisory committees—ss.* 24–26.

DIVISION 3.—*Aboriginal Relics Advisory Committee —ss.* 27, 28.

DIVISION 4.—*National Parks Advisory Committee of Architects—ss.* 29, 30.

PART IV.—RESERVED, DEDICATED AND DECLARED LANDS—*ss.* 31–71.

DIVISION 1.—*National parks and historic sites—ss.* 31–47.

DIVISION 2.—*Nature reserves—ss.* 48–58.

DIVISION 3.—*Wilderness areas—ss.* 59–61.

DIVISION 4.—*Aboriginal areas—ss.* 62–64.

DIVISION 5.—*Protected archaeological areas—ss.* 65, 66.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves—ss.* 67–71.

PART V.—PLANS OF MANAGEMENT—*ss.* 72–82.

PART VI.—RELICS AND ABORIGINAL PLACES—*ss.* 83–91.

PART VII.—FAUNA—*ss.* 92–112.

PART VIII.—NATIVE PLANTS—*ss.* 113–118.

PART IX.—LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS—*ss.* 119–136.

DIVISION 1.—*Preliminary—s.* 119.

DIVISION 2.—*Fauna—ss.* 120–130.

DIVISION 3.—*Native plants—ss.* 131, 132.

DIVISION 4.—*General—ss.* 133–136.

PART X.—FINANCE—*ss.* 137–144.

PART XI.—ACQUISITION AND DISPOSAL OF PROPERTY —*ss.* 145–150.

PART XII.—LEASES, LICENCES, EASEMENTS, ETC.—*ss.* 151–153.

PART XIII.—REGULATIONS AND BY-LAWS—*ss.* 154–156.

PART XIV.—MISCELLANEOUS—*ss.* 157–185.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

SCHEDULE 4.—THE DIRECTOR.

SCHEDULE 5.—NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

SCHEDULE 6.—TRUSTEES.

SCHEDULE 7.—THE COUNCIL.

SCHEDULE 8.—ADVISORY COMMITTEES.

SCHEDULE 9.—THE RELICS COMMITTEE.

SCHEDULE 10.—THE ARCHITECTS COMMITTEE.

SCHEDULE 11.—UNPROTECTED FAUNA.

SCHEDULE 12.—ENDANGERED FAUNA.

SCHEDULE 13.—PROTECTED NATIVE PLANTS.

Repeals, amendments, savings, transitional and other provisions.

4. (1) Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2.

(3) Schedule 3 has effect.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Aboriginal area" means lands dedicated as an Aboriginal area under this Act;

"Aboriginal place" means any place declared to be an Aboriginal place under section 84;

"Act of 1967" means the National Parks and Wildlife Act, 1967;

"advisory committee" means an advisory committee constituted under this Act;

"animal" means any animal, whether vertebrate or invertebrate, and at whatever stage of development, but does not include fish within the meaning of the Fisheries and Oyster Farms Act, 1935, other than aquatic or amphibious mammals or aquatic or amphibious reptiles;

"Architects Committee" means the National Parks Advisory Committee of Architects constituted under this Act;

"bird" means any bird, whether native, introduced or imported, and includes the eggs and the young thereof and the skin, feathers or any other part thereof, but does not include any domestic bird;

"by-laws" means by-laws under this Act;

"commencement day" means the day appointed and notified under section 2 (2);

"community service" includes the supply, provision or maintenance of access roads, parking areas or mooring areas, an electricity, gas or water service and a sewerage or garbage disposal service;

"Council"

"Council" means the National Parks and Wildlife Advisory Council constituted under this Act;

"Crown lands" means—

(a) Crown lands within the meaning of the Crown Lands Consolidation Act, 1913; and

(b) those parts of the seabed and of the waters beneath which it is submerged that are within the territorial jurisdiction of New South Wales and not within the Eastern Division described in the Second Schedule to the Crown Lands Consolidation Act, 1913;

"Director" means the Director of National Parks and Wildlife appointed under this Act;

"endangered fauna" means protected fauna of a species named in Schedule 12;

"ex-officio ranger" means a person who, by the operation of section 16, is a ranger by virtue of his office;

"explosive" means an explosive within the meaning of the Explosives Act, 1905;

"fauna" means any mammal, bird or reptile;

"fauna dealer" means a person who exercises or carries on the business of dealing in fauna, whether by buying or selling or by buying and selling, and whether on his own behalf or on behalf of any other person, and whether or not he deals in other things, and whether or not he exercises or carries on any other business;

"flora reserve" means a flora reserve within the meaning of the Forestry Act, 1916;

"Forestry Commission" means the Forestry Commission of New South Wales constituted under the Forestry Act, 1916;

"Fund" means the National Parks and Wildlife Fund referred to in section 137;

"game

"game reserve" means lands declared to be a game reserve under this Act;

"historic site" means lands reserved as a historic site under this Act;

"honorary ranger" means a person appointed as an honorary ranger under this Act;

"lands of the Crown" means lands vested in a Minister of the Crown or in a public authority;

"mammal" means any mammal, whether native, introduced or imported, and includes an aquatic or amphibious mammal, the eggs and the young of a mammal, and the skin or any other part of a mammal, but does not include any introduced or imported domestic mammal or any rat or mouse not native to Australia;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

"national park" means lands reserved as a national park under this Act;

"native plant" means any tree, shrub, fern, creeper, vine, palm or plant that is native to New South Wales, and includes the flower and any other part thereof;

"nature reserve" means lands dedicated as a nature reserve under this Act;

"officer of the Service" means a person referred to in section 6;

"owner", in relation to lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to the lands for any estate of freehold in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, or any other Act relating to the alienation of lands of the Crown; or

(c) is entitled to receive, or is in receipt of, or if the lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"pastures protection board" means a pastures protection board within the meaning of the Pastures Protection Act, 1934;

"pick", in relation to a native plant, means gather, pluck, cut, pull up, destroy, take, dig up, remove or injure the plant or any part thereof;

"plan of management" means a plan of management under Part V;

"premises" includes building, store, shop, tent, hut or other structure, or place, whether built upon or not, or any part thereof;

"prescribed" means prescribed by this Act or the regulations;

"prohibited weapon" means—

(a) a gun, rifle, weapon or other article—

(i) from which a bullet, shot or other hurtful thing or material may be discharged, whether by an explosive or by any other means whatever; or

(ii)

(ii) that is designed to be used to discharge, whether by an explosive or by any other means whatever, a dart or other thing or material containing, coated or impregnated with a drug or other substance, for the purpose of tranquillising or immobilising an animal by means of the administration to the animal of the drug or other substance,

and any telescopic sight, silencer or other accessory attached to the gun, rifle, weapon or article;

(b) any other weapon prescribed for the purposes of this paragraph; and

(c) an article or device that, but for the absence of, or a defect in, some part thereof, or some obstruction therein, would be a gun, rifle, weapon or article referred to in paragraph (a) or a weapon prescribed for the purposes of paragraph (b);

"protected archaeological area" means lands declared to be a protected archaeological area under this Act;

"protected fauna" means fauna of a species not named in Schedule 11;

"protected native plant" means a native plant of a species named in Schedule 13;

"regulations" means regulations under this Act;

"relic" means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the

area

area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction;

"Relics Committee" means the Aboriginal Relics Advisory Committee constituted under this Act;

"reptile" means a snake, lizard, crocodile, tortoise, turtle or other member of the class reptilia (whether native, introduced or imported), and includes the eggs and the young thereof and the skin or any other part thereof;

"sell" includes—

(a) auction, barter, exchange or supply;

(b) offer, expose, supply or receive for sale;

(c) send, forward or deliver for sale or on sale;

(d) dispose of under a hire-purchase agreement;

(e) cause, permit or suffer the doing of an act referred to in paragraph (a), (b), (c) or (d);

(f) offer or attempt to do an act so referred to;

(g) cause, permit or suffer to be sold;

(h) attempt to sell or offer to sell; or

(i) have in possession for sale;

"Service" means the National Parks and Wildlife Service constituted by this Act;

"skin",

"skin", in relation to fauna, means the whole or part of the integument of any fauna, whether dressed or tanned or otherwise processed, but does not include any manufactured article;

"skin dealer" means a person who exercises or carries on—

(a) the business of dealing in the skins of protected fauna, whether by buying or selling or by buying and selling, and whether or not he deals in other things; or

(b) the business of tanning the skins of protected fauna, whether or not he tans other skins,

or both, and whether on his own behalf or on behalf of any other person, and whether or not he exercises or carries on any other business;

"species" includes order, class or description;

"specified", in relation to a licence or other instrument under this Act, means specified in the licence or other instrument;

"State forest" means a State forest within the meaning of the Forestry Act, 1916;

"take or kill", in relation to any fauna, includes hunt, shoot, poison, net, snare, spear, pursue, capture, disturb, lure or injure;

"timber reserve" means a timber reserve within the meaning of the Forestry Act, 1916;

"vehicle" includes—

(a) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(b) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(c) a motor vehicle;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed;

"wilderness area" means lands declared to be a wilderness area under this Act;

"wildlife" means fauna and native plants;

"wildlife district" means lands declared to be a wildlife district under this Act;

"wildlife refuge" means lands declared to be a wildlife refuge under this Act.

(2) In this Act, a reference to the Minister administering the Crown Lands Consolidation Act, 1913, is—

(a) in relation to lands that are not within an irrigation area within the meaning of that Act—a reference to the Minister for Lands; or

(b) in relation to lands that are within such an irrigation area—a reference to the Minister for the time being administering the Irrigation Act, 1912.

(3) In this Act, a reference to a licence or certificate under Part IX is a reference to such a licence or certificate that is valid and in force.

(4) Without affecting the generality of any of the definitions in subsection (1), a reference in this Act to protected fauna includes fauna in New South Wales that is of a species not named in Schedule 11 and that has been imported, or is being imported, into New South Wales.

(5) In Schedule 5, a reference to a national park or historic site includes a reference to the lands for the time being comprised in the national park or historic site.

(6)

(6) Nothing in this Act shall be construed as operating to affect the law from time to time in force with respect to the navigation of the waters referred to in paragraph (b) of the definition of "Crown lands" in subsection (1).

PART II.

ADMINISTRATION.

DIVISION 1.—*National Parks and Wildlife Service.*

6. There shall be a National Parks and Wildlife Service, which shall be constituted by— **The Service.**

(a) the Director;

(b) the officers and employees, referred to in section 10, for the time being engaged in the administration of this Act; and

(c) the persons in respect of whom any arrangements under section 11 are for the time being in force.

7. (1) The Governor may appoint a Director of National Parks and Wildlife. **Director.**

(2) Schedule 4 has effect.

8. (1) The Director shall consider and may investigate proposals for the addition of areas to any national park, historic site, nature reserve or Aboriginal area or for the reservation of any new national park or historic site or for the dedication of any new nature reserve or Aboriginal area. **Miscellaneous powers and functions of Director.**

(2)

(2) For the purpose of any such proposals as are referred to in subsection (1), the Director shall have regard to the following principles :—

(a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural phenomena;

(b) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance or areas in which relics, or Aboriginal places, of special significance are situated;

(c) the areas to be dedicated as nature reserves are areas of special scientific interest containing wildlife or natural environments or natural phenomena; and

(d) the areas to be dedicated as Aboriginal areas are areas in which relics, or Aboriginal places, of significance are situated.

(3) The Director shall in the case of every nature reserve and Aboriginal area and any national park or historic site the care, control and management of which have been vested in him and may in the case of any other national park or historic site—

(a) promote such educational activities as he considers necessary in respect thereof;

(b) arrange for the carrying out of such works as he considers necessary for or in connection with the management and maintenance thereof; and

(c) undertake such scientific research as he considers necessary for or in connection with the preservation, protection, management and use thereof.

(4) The Director may promote such educational activities, and undertake such scientific research, in respect of relics and Aboriginal places as he thinks fit, either separately or in conjunction with other persons or bodies.

(5) As soon as practicable after a relic is discovered in a national park, historic site, nature reserve or Aboriginal area, the Director shall, after such consultation with The Trustees of the Australian Museum as he thinks necessary or expedient, assess the scientific importance of the relic.

(6) The Director may consider and investigate proposals in relation to existing or proposed Aboriginal places, wilderness areas, protected archaeological areas, wildlife districts, wildlife refuges and game reserves.

(7) The Director—

(a) may promote such educational activities as he considers necessary to awaken and maintain an appreciation of the value of animal and plant life;

(b) may enter into arrangements for the carrying out of such works as he considers necessary for or in connection with the protection and care of fauna and the protection of native plants;

(c) may undertake such scientific research as he considers necessary for or in connection with the preservation, protection and care of fauna and the protection of native plants and other flora, either separately or in conjunction with other persons or bodies; and

(d) shall co-operate with the trustees of any lands dedicated or reserved under the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, in connection with—

(i) the preservation of, the protection and care of, and the promotion of the study of, fauna; and

(ii) the protection of, and the promotion of the study of, native plants and other flora,

and generally shall co-operate with any other persons or bodies in the establishment, care and development of areas of lands set apart for the conservation and preservation of wildlife.

(8) The Director may promote such educational activities as he considers necessary for the instruction and training of ex-officio rangers, honorary rangers and prospective honorary rangers.

(9) Without affecting the generality of any other provision of this Act conferring powers on the Director, he may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or performance by the Director or the Service of his or its responsibilities, powers, authorities, duties or functions conferred or imposed by or under this Act.

(10) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions under this Act, the regulations and the by-laws, be subject to the control and direction of the Minister.

Acting Director.

9. (1) The Minister may, by writing under his hand, appoint any officer referred to in section 6 (b) as Acting Director to act in the office of the Director while the Director is absent from his office through illness or any other cause or where the Director is deemed to have vacated his office, and the person so appointed, while so acting, shall have and may exercise or perform the powers, authorities, duties and functions of the Director vested in the Director by or under this or any other Act, and shall be subject to the control and direction of the Minister.

(2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Acting Director to act in the office of the Director and all acts or things done or omitted by the Acting Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

Officers and employees.

10. The Governor may, under and subject to the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for the administration of this Act.

11.

Use of services of officers, etc., of Departments, etc.

11. (1) For the purposes of this Act, the Minister or the Director may, with the approval of the Minister administering the Department concerned, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(2) For the purposes of this Act, the Minister or the Director may, with the approval of the statutory corporation or council concerned, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of a statutory corporation or of the council of an area or county district under the Local Government Act, 1919.

(3) For the purposes of this Act, the Minister or the Director may, with the approval of the trustees of any national park or historic site named in Schedule 5, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of those trustees.

Powers and functions of Service.

12. The Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks and historic sites, for the conservation and protection of nature reserves and wildlife, for the preservation and protection of, and prevention of damage to, relics and Aboriginal places in national parks, historic sites, nature reserves, Aboriginal areas and protected archaeological areas and for the exploration of lands with the object of discovering relics.

DIVISION 2.—*Trustees of certain areas.*

Trustees of national parks and historic sites named in Schedule 5.

13. (1) The persons who, immediately before the commencement day, held office as trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 shall, subject to this Act, hold office as trustees of the national park or historic site.

(2) Schedule 6 has effect.

Powers and functions of trustees.

14. The powers, authorities, duties and functions of the trustees of a national park or historic site shall be those conferred or imposed by or under this Act.

15.

Corporate nature of trustees.

15. (1) Where the trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 were constituted a body corporate under section 18 (2) of the Act of 1967, the body corporate continues in existence and its members are the trustees for the time being of the national park or historic site.

(2) The powers, authorities, duties and functions of the trustees of a national park or historic site shall be deemed to be conferred or imposed on the body corporate constituted in relation to those trustees.

(3) Section 38 (subsection (II) excepted) of the Interpretation Act, 1897, applies to and in respect of a body corporate referred to in subsection (1) in the same way as it would have applied had the body corporate been constituted by this Act, but section 38 (I) (d) of that Act does not so apply in relation to real property or leasehold interests.

(4) The corporate name of a body corporate constituted in relation to the trustees of a national park or historic site shall be the name specified in Column 2 of Schedule 5 opposite the name of the park or site.

(5) The Governor may, from time to time, by order published in the Gazette, amend Schedule 5 by omitting from Column 2 the corporate name of a body corporate opposite the name of a national park or historic site and by inserting instead a new corporate name for the body corporate.

(6) The common seal of a body corporate constituted in relation to the trustees of a national park or historic site shall, except in so far as the by-laws applicable to the national park or historic site otherwise provide, be kept by such trustee or officer of the trustees as the trustees from time to time determine.

(7) No matter or thing done, and no contract entered into, by the trustees of a national park or historic site in their corporate capacity, and no matter or thing done by a trustee or by any other person acting under the direction of the trustees in their corporate capacity, shall, if the matter or thing was done, or the contract was entered into, bona fide

for

for the purpose of executing this or any other Act in so far as it confers or imposes powers, authorities, duties or functions on the trustees, subject a trustee, or other person so acting, personally to any action, liability, claim or demand.

(8) Where a notification relating to a national park or historic site is published under section 32, the body corporate constituted in relation to the trustees of the park or site is dissolved on the date stated, under section 32 (3) (a), in the notification.

DIVISION 3.—*Ex-officio and honorary rangers.*

Ex-officio rangers.

16. (1) Unless removed from office under this Division, each member of the police force and each inspector within the meaning of the Fisheries and Oyster Farms Act, 1935, shall, by virtue of his office, be a ranger.

(2) Unless removed from office under this Division, each officer or employee of the Forestry Commission who belongs to a class or description prescribed for the purposes of this subsection shall, by virtue of his office, be a ranger.

Honorary rangers.

17. (1) The Director may, by instrument in writing, appoint honorary rangers.

(2) Where the term for which an honorary ranger is to hold office is specified in the instrument of his appointment, he shall, unless he is sooner removed from office under this Division, cease to hold office upon the expiration of that term.

(3) An honorary ranger shall, unless he is sooner removed from office under this Division, cease to hold office if he resigns his office by writing under his hand addressed to the Director.

Removal or suspension of ex-officio and honorary rangers.

18. (1) The Director may, by instrument in writing, remove or suspend from office any ex-officio ranger or honorary ranger.

(2) An ex-officio ranger or honorary ranger who is suspended from office under this section shall not exercise any of the powers, authorities, duties and functions of an ex-officio ranger or honorary ranger, as the case may be, during the period of his suspension.

(3) The Director may, by instrument in writing, reinstate any ex-officio ranger or honorary ranger suspended from office under this section.

19.

Powers and functions of ex-officio rangers.

19. (1) In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an ex-officio ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the regulations or the by-laws for the purposes of this subsection, but subject to such limitations and restrictions (if any) as are specified or described therein.

(2) Without affecting the generality of section 156 (2), a regulation or by-law made in relation to any matter referred to in subsection (1) may apply generally or to any ex-officio ranger or class of ex-officio rangers specified or described therein.

Powers and functions of honorary rangers.

20. In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an honorary ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the instrument of his appointment, but subject to such limitations and restrictions (if any) as are specified or described therein.

DIVISION 4.—*Delegation.*

Delegation.

21. (1) Subject to this section—

(a) the Minister may, by instrument in writing, delegate to—

(i) the Director;

(ii) any other officer of the Service;

(iii) the holder of any office in the Service; and

(b) the Director, with the approval of the Minister, may, by instrument in writing, delegate to—

(i) any officer of the Service; or

(ii) the holder of any office in the Service,

any

any power (other than this power of delegation), authority, duty or function conferred or imposed on him by this Act, the regulations, the by-laws or any other instrument under this Act.

(2) The exercise of any such delegation shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

(3) Any act or thing done or suffered by the delegate, when acting in the exercise of any such delegation and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(4) Any delegation under this section shall remain in force notwithstanding that the person who made or approved of the delegation has ceased to hold office as Minister or Director, as the case may be.

(5) The person for the time being occupying the office of Minister or Director, as the case may be, may revoke either wholly or in part any such delegation of powers, authorities, duties or functions, whether made by him or by a predecessor in that office, but no act or thing done or suffered by the delegate within the terms of any such delegation during the period in which the delegation was in force shall be invalidated by reason of that revocation.

(6) Subject to any stipulation to the contrary contained in the instrument, any instrument of delegation made under this section shall, so far as concerns any act or thing done or suffered thereunder in good faith, operate and continue in force until notice of the revocation thereof has been received by the delegate.

(7) Every act or thing within the scope of the delegation done or suffered in good faith by the delegate after revocation of the delegation and before notice thereof has been received by him shall be as effectual in all respects as if that revocation had not been made.

(8) A statutory declaration by the delegate, stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered

suffered or at any time after, shall be taken to be conclusive proof of non-revocation at the time when that act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of revocation.

(9) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may require, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

PART III.

COUNCIL AND COMMITTEES.

DIVISION 1.—*National Parks and Wildlife Advisory Council.*

The Council.

22. (1) There shall be a National Parks and Wildlife Advisory Council.

(2) Schedule 7 has effect.

Functions and duties of Council.

23. (1) The Council shall—

(a) advise the Minister on matters relating to the care, control and management of national parks, historic sites and nature reserves, and to the preservation and protection of wildlife, and on such other matters as the Minister may refer to the Council; and

(b) have such other functions and duties as are conferred on it by or under this Act.

(2) Subject to section 8 (10), the Director shall furnish to the Council full information in relation to any matters arising out of the administration of this Act which the Council may require.

DIVISION 2.—*Advisory committees.*

Advisory committees.

24. (1) An advisory committee may be constituted for each national park and historic site under the care, control and management of the Director.

(2) Schedule 8 has effect.

Dissolution of advisory committee.

25. An advisory committee for a national park or historic site that becomes part of some other national park or historic site shall be deemed to have been dissolved, but a member thereof shall be eligible for appointment to any other advisory committee.

Functions of advisory committee.

26. An advisory committee may make recommendations to the Council or the Director or to the superintendent of the national park or historic site for which the advisory committee was constituted in respect of measures to improve the care, control and management of the national park or historic site.

DIVISION 3.—*Aboriginal Relics Advisory Committee.*

Relics Committee.

27. (1) There shall be an Aboriginal Relics Advisory Committee.

(2) Schedule 9 has effect.

Functions of Relics Committee.

28. The Relics Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the preservation, control of excavation, removal and custody of relics or Aboriginal places.

DIVISION 4.—*National Parks Advisory Committee of Architects.*

Architects Committee.

29. (1) There shall be a National Parks Advisory Committee of Architects.

(2) Schedule 10 has effect.

30.

Functions of Architects Committee.

30. The Architects Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, historic sites, nature reserves, Aboriginal areas, protected archaeological areas, wildlife refuges and game reserves which may be referred to the Architects Committee by the Minister or the Director.

PART IV.

RESERVED, DEDICATED AND DECLARED LANDS.

DIVISION 1.—*National parks and historic sites.*

Care, control and management of existing parks and sites.

31. The care, control and management of such lands as are, on the commencement day, comprised within—

(a) a national park or historic site (other than a national park or historic site named in Column 1 of Schedule 5)—are vested in the Director; and

(b) a national park or historic site named in Column 1 of Schedule 5—are, subject to this Act, vested in the trustees of the park or site.

Vesting of care, etc., of areas in Schedule 5 in Director.

32. (1) Where it is proposed to vest the care, control and management of a national park or historic site named in Column 1 of Schedule 5 in the Director, the Minister shall lay before each House of Parliament notice of the proposal.

(2) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after the notice has been laid before it under subsection (1) (whether or not those sitting days occur during the same session) that it does not assent to the vesting in the Director of the care, control and management of the national park or historic site, the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection (2) or if, where notice has been so given, the resolution has been withdrawn or defeated or has lapsed, the Minister may, by notification published in the Gazette—

(a) declare that, as from the date stated in the notification, the care, control and management of the national park or historic site specified in the notification shall be vested in the Director; and

(b) amend Schedule 5 by omitting the name of the national park or historic site in Column 1 and the matter in Column 2 opposite that name.

(4) Where any such notification has been published in the Gazette, the persons who, immediately before the date stated in the notification under subsection (3) (a), held office as trustees of the national park or historic site specified therein shall cease to hold office and the care, control and management of the national park or historic site shall thereafter be vested in the Director.

(5) An amendment made by a notification under subsection (3) shall take effect on and from the date stated therein under subsection (3) (a).

Reservation of parks or sites.

33. (1) In this section, "prescribed lands" means—

(a) Crown lands;

(b) lands of the Crown; or

(c) lands acquired under section 145, 147 or 148.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as a national park or historic site, any prescribed lands described in the proclamation.

(3) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as part of a national park or historic site specified in the proclamation, any prescribed lands described in the proclamation.

(4) Upon the publication of a proclamation under subsection (2) or (3)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest—

(i) in the case of lands that are reserved as part of a national park or historic site named in Column 1 of Schedule 5—in the trustees of the national park or historic site; or

(ii) in any other case—in the Director,

for the purposes of this Act.

(5) Upon the publication of a proclamation under subsection (2) effecting the reservation, as a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as "the described lands")—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to all of the described lands and not to any other lands—

(i) shall continue to apply to the described lands; and

(ii) shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to—

(i) part only of the described lands; or

(ii) all of the described lands and also to any other lands,

shall cease to apply to the described lands.

(6) Upon the publication of a proclamation under subsection (3) effecting the reservation, as part of a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as "the described lands")—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to that national park or historic site shall apply to the described lands; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the described lands shall cease to apply to the described lands.

(7) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws or rules and regulations that cease to apply to any lands by virtue of subsection (5) or (6) shall, in so far as they applied to those lands, be deemed to have been repealed.

(8) To the extent to which a dedication, reservation (other than a reservation under this Division), Crown grant or vesting affects lands described in a proclamation published under subsection (2) or (3), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(9) A proclamation under subsection (2) or (3) may be made in relation to—

(a) one or more national parks or one or more historic sites; or

(b) one or more national parks and one or more historic sites.

(10) In this section, a reference to by-laws does not include a reference to by-laws under the Metropolitan Water, Sewerage, and Drainage Act, 1924, or the Hunter District Water, Sewerage and Drainage Act, 1938.

Limitations on power to reserve under s. 33.

34. (1) Notwithstanding section 33, no lands that are Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) Notwithstanding section 33, no lands that are lands of the Crown shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister or public authority in whom they were vested immediately before the reservation.

Tabling of proclamation of reservation, and disallowance.

35. (1) In this section, "prescribed time", in relation to a House of Parliament, means fourteen sitting days of that House, whether or not they occur during the same session.

(2) A copy of a proclamation published under section 33 (2) or (3) shall be laid before each House of Parliament within the prescribed time after publication thereof.

(3)

(3) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after a copy of a proclamation has been laid before it under subsection (2) (whether or not those sitting days occur during the same session) and the resolution disallows the reservation effected by the proclamation of any lands as, or as part of, a particular national park or historic site—

(a) the reservation thereupon ceases to have effect; and

(b) those lands cease to be, or to be part of, a national park or historic site.

(4) Notwithstanding section 31, where any lands cease to be, or to be part of, a national park or historic site by virtue of the disallowance of a reservation under this Division—

(a) any person holding office as trustee thereof immediately before the disallowance shall cease to be trustee thereof and shall cease to have the care, control and management thereof;

(b) where the Director had the care, control and management thereof immediately before the disallowance, he shall cease to have the care, control and management thereof;

(c) any by-laws applicable thereto immediately before the disallowance shall cease to apply to those lands;

(d) those lands may, except in the case of lands acquired under section 147 or 148, be dealt with as if they had been acquired under the Closer Settlement Acts or as Crown lands; and

(e) in the case of lands acquired under section 147 or 148, the lands shall vest in the Minister for the estate or interest held by him immediately before the reservation.

(5) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws that cease to apply to any lands by virtue of subsection (4) shall, in so far as they applied to those lands, be deemed to have been repealed.

Name of park or site.

36. The Governor—

(a) by a proclamation published under section 33 (2) or (3) or by another proclamation published in the Gazette, may assign a name to a national park or historic site; and

(b) by proclamation published in the Gazette, may from time to time—

(i) alter the name of a national park or historic site; and

(ii) in the case of a national park or historic site named in Column 1 of Schedule 5—amend that Schedule by omitting from Column 1 the name of that park or site, as so appearing, and by inserting instead the name as altered in pursuance of subparagraph (i).

Revocation, resumption or appropriation of park or site.

37. (1) Notwithstanding anything in any Act—

(a) the reservation of lands as, or as part of, a national park or historic site shall not be revoked; or

(b) lands within a national park or historic site shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Limitation on use of name "national park".

38. The word "national" shall not be used either alone or in conjunction with other words as the name of a park within New South Wales unless the park is a national park under this Act.

39.

Existing interests.

39. (1) In this section, "existing interest" means any authority, authorisation, permit, lease, licence or occupancy.

(2) Except as provided in this Act, the reservation of lands as, or as part of, a national park or historic site does not affect—

(a) the terms and conditions of any existing interest in respect of those lands from the Crown or the trustees, current and in force at the time of the reservation; or

(b) the use permitted of those lands under the interest.

(3) Subject to subsection (4), no such interest shall be renewed nor shall the term of any such interest be extended except with the approval of the Minister and subject to such conditions as the Minister determines.

(4) The provisions of subsection (3) do not apply to any authority, authorisation, lease or licence under the Mining Act, 1973, the Coal Mining Act, 1973, the Fisheries and Oyster Farms Act, 1935, or the Petroleum Act, 1955, or any permit or licence under the Petroleum (Submerged Lands) Act, 1967.

(5) Upon the termination, surrender, forfeiture or determination of any existing interest (otherwise than for the purpose of renewing it or extending its term) referred to in subsection (2), the lands the subject of the interest are, to the extent to which they would not, but for this subsection, be lands reserved as part of the national park or historic site within which they are situated, hereby so reserved.

Restrictions on disposal of or dealing with lands within parks or sites.

40. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a national park or historic site shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2)

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a national park or historic site, shall be granted except with the concurrence in writing of the Minister.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Minister determines.

Provisions relating to mining.

41. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a national park or historic site to the extent to which those Acts are in force at that time.

(3) A mining interest granted in respect of lands within a national park or historic site granted after the commencement day shall have no force or effect unless, before the interest was granted, notice of the application therefor was laid before both Houses of Parliament and—

(a) no notice was given in either House of Parliament within fifteen sitting days of that House after notice of the application was laid before it (whether or not those sitting days occurred during the same session) of a motion that the application be refused; or

(b) where notice of such a motion was so given, the motion pursuant thereto was withdrawn or defeated or lapsed.

(4) A renewal of, or extension of the term of, a mining interest in respect of lands within a national park or historic site (other than a mining interest current and in force at the time of the reservation of the park or site) shall not be granted under the Mining Act, 1973, the Coal Mining Act, 1973, or the Petroleum Act, 1955, without the concurrence in writing of the Minister.

(5) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of a mining interest specified in the certificate shall be conclusive evidence of compliance with those requirements.

(6) Except as provided in this section, nothing in this Act affects the right, title or interest of any person (other than a person who is or was trustee of the lands comprised in a national park or historic site) in respect of minerals in any such lands.

(7) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a national park or historic site.

Application of Forestry Act, 1916.

42. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a national park or historic site.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a national park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Application of Soil Conservation Act, 1938.

43. The Soil Conservation Act, 1938, applies to and in respect of lands within a national park or historic site, but any experimental or research work conducted pursuant to section 6 of that Act upon those lands shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

Application of Fisheries and Oyster Farms Act, 1935.

44. (1) Subject to subsection (2), nothing in this Act affects the operation of the Fisheries and Oyster Farms Act, 1935, in relation to lands within a national park or historic site.

(2) A lease under the Fisheries and Oyster Farms Act, 1935, shall not, without the concurrence in writing of the Minister, be granted in respect of lands within a national park or historic site or in respect of any waters beneath which those lands are submerged.

Provisions respecting animals in parks and sites.

45. (1) A person shall not—

(a) take or kill any animal that is within a national park or historic site; or

(b) discharge a prohibited weapon in a national park or historic site.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person, being a lessee or occupier of any lands within a national park or historic site, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any animal that is within those lands, other than fauna.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

Transfer of rights, liabilities and property.

46. (1) Where upon the taking effect of a notification under section 32 or a proclamation under section 33 any persons cease to hold office as trustees of lands reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the following provisions have effect:—

(a) all property and all right and interest therein (in this section referred to as "the trust property") and all management and control of any thing which immediately before that notification or proclamation took effect was vested in or belonged to the trustees and was held or used by them for or in connection with the park or site shall vest in and belong to the Director;

(b) all money and liquidated and unliquidated claims that, immediately before that notification or proclamation took effect, were payable to or recoverable by the trustees or their predecessors in relation to the park or site or the trust property or any part thereof shall be money and liquidated and unliquidated claims payable to or recoverable by the Director;

(c) all proceedings pending immediately before that notification or proclamation took effect at the suit of the trustees in relation to the park or site or the trust property or any part thereof shall be deemed to be proceedings pending at the suit of the Director and all proceedings so pending at the suit of any person against the trustees shall be deemed to be proceedings pending at the suit of that person against the Director;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the trustees or their predecessors in relation to the park or site or the trust property or any part thereof, and in force immediately before that notification or proclamation took effect, shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Director;

(e) the Director may, in addition to pursuing any other remedies or exercising any other powers that may be available to him, pursue the same remedies for the recovery of money and claims referred to in this subsection and for the prosecution of proceedings so referred to as the trustees or their predecessors might have done had they continued to be trustees of the park or site after that notification or proclamation took effect;

(f) the Director may enforce and realise any security or charge existing immediately before that notification or proclamation took effect in favour of the trustees in connection with the care, control and management of the park or site, and may exercise any powers thereby conferred on the trustees as if the security or charge were a security or charge in favour of the Director;

(g) all debts, money and claims, liquidated and unliquidated, that, immediately before that notification or proclamation took effect, were due or payable by, or recoverable against, the trustees or their predecessors in connection with the care, control and management of the park or site or the trust property or any part thereof shall be debts due and money payable by, and claims recoverable against, the Director; and

(h) all liquidated and unliquidated claims in connection with the care, control and management of the park or site for which the trustees would, but for the notification or proclamation, have been liable shall be liquidated and unliquidated claims for which the Director shall be liable.

(2) Where part only of the lands vested in trustees is, by a proclamation under section 33, reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the Director and the trustees shall, as soon as practicable after publication of that proclamation, arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the park or site and to the lands retained by the trustees may be determined, and if any difference arises between the Director and the trustees, the difference shall be determined in such manner as the Minister may direct.

(3) The provisions of subsections (1) and (2) apply also where, upon the publication of a proclamation under section 33, the care, control and management of lands are vested in the trustees of a national park or historic site named in Column 1 of Schedule 5 and so apply as if references in those provisions to the Director were references to those trustees.

Transfer of employees.

47. (1) Where any lands are reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, every person who, immediately before the vesting in the Director, was an employee, other than a casual employee, of the trustees of those lands, and was employed by them solely in connection with those lands, shall upon the vesting in the Director become and be an employee under the Public Service Act, 1902.

(2) The following provisions apply to a person referred to in subsection (1) :—

(a) that person shall, unless the Public Service Board approves of employment on some other basis, be employed under section 44 of the Public Service Act, 1902;

(b) notwithstanding anything in that Act, the Public Service Board's approval to employ that person otherwise than under section 44 of that Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided those conditions are not inconsistent with this section;

(c) the period of service with the trustees or their predecessors of that person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or extended leave, but, unless the Public Service Board otherwise approves, the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if that person had continued to be an employee of the trustees or their predecessors;

(d) that person shall be paid a salary or wages at a rate not less than the rate that was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

(e) where any condition of employment of that person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue to be so regulated until a determination in relation to that condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating that condition is made by a competent tribunal or that condition is regulated by an industrial agreement;

(f) if that person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for that person upon the same terms and subject to the same conditions as it was paid by the trustees; and

(g) if that person, while employed in the Public Service, becomes a contributor to the State Superannuation Fund as so constituted, any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for that person shall cease, but that person may elect to continue the policy on his own account or to cancel the policy and receive any money refunded by the insurer.

DIVISION 2.—*Nature reserves.*

Care, control and management of existing nature reserves.

48. The care, control and management of such lands as are, on the commencement day, comprised in a nature reserve are vested in the Director.

Dedication of nature reserves.

49. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as a nature reserve—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as part of a nature reserve specified in the proclamation—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(3) Lands within a nature reserve shall be deemed to be dedicated for the purposes of—

(a) the care, propagation, preservation and conservation of wildlife;

(b) the care, preservation and conservation of natural environments and natural phenomena;

(c) the study of wildlife, natural environments and natural phenomena; and

(d) the promotion of the appreciation and enjoyment of wildlife, natural environments and natural phenomena.

(4)

(4) Upon the publication of a proclamation under subsection (1) or (2)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest in the Director for the purposes of this Act.

(5) To the extent to which a dedication (other than a dedication under this Division), reservation, Crown grant or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(6) A proclamation under subsection (1) or (2) may be made in relation to one or more nature reserves.

Limitation on power to dedicate under section 49.

50. Notwithstanding section 49, no lands that are Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be dedicated under section 49 (1) or (2) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Name of nature reserve.

51. The Governor—

(a) by a proclamation published under section 49 (1) or (2) or by another proclamation published in the Gazette, may assign a name to a nature reserve; and

(b) by proclamation published in the Gazette, may, from time to time, alter the name of a nature reserve.

52.

Revocation, resumption or appropriation of nature reserve.

52. (1) Notwithstanding anything in any Act, but subject to section 8 of the Public Roads Act 1902—

(a) the dedication of lands as, or as part of, a nature reserve shall not be revoked; or

(b) lands within a nature reserve shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Restrictions on disposal of or dealing with lands within nature reserves.

53. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a nature reserve shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a nature reserve, shall be granted except with the concurrence in writing of the Director.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Director determines.

Provisions relating to mining.

54. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2)

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a nature reserve to the extent to which those Acts are in force at that time.

(3) No mining interest shall be granted in respect of lands within a nature reserve except with the concurrence of the Director and subject to such conditions as he determines.

(4) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a nature reserve.

Application of Forestry Act, 1916.

55. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a nature reserve.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a nature reserve shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Provisions respecting animals in nature reserves.

56. (1) A person shall not—

(a) take or kill any animal that is within a nature reserve;

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any animal that is within a nature reserve;

(c) carry, discharge or have in his possession any prohibited weapon in a nature reserve;

(d) carry or have in his possession any explosive, net, trap or hunting device in a nature reserve; or

(e) be accompanied by a dog in a nature reserve.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the carrying or having in his possession of a net if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of an animal that is within those lands, other than fauna.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

57. (1) Subject to section 55 (2), a person shall not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a nature reserve. Restrictions as to timber, vegetation, plants, etc., in nature reserves.

(2) A person shall not have in his possession any native plant within a nature reserve.

(3) A person who commits an offence arising under subsection (1) or (2) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(4) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX; or

(b) in pursuance of a duty imposed on him by or under any Act.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) or (2) in respect of the felling, cutting, destroying, injuring, picking, removing of, or setting fire to any tree, timber, plant, flower or vegetation, or the possession of a native plant, that is or was growing within those lands.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

Application of certain provisions to nature reserves.

58. The provisions of—

By-laws, rules and regulations.

(a) section 33 (5), (6), (7) and (10);

Tabling of proclamation of dedication, and disallowance.

(b) section 35;

Existing interests.

(c) section 39;

Application of Soil Conservation Act, 1938, and Fisheries and Oyster Farms Act, 1935.

(d) sections 43 and 44;

Transfer of rights, liabilities and property.

(e) section 46 (1) and (2); and

Transfer of employees.

(f) section 47,

apply to and in respect of a nature reserve in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference in those provisions to—

(g) a proclamation under section 33 (2) or (3) were a reference to a proclamation under section 49 (1) or (2); and

(h)

(h) a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 3.—*Wilderness areas.*

Declaration of wilderness areas.

59. (1) Subject to section 60, the Director may, by notification published in the Gazette, declare any area of lands within a national park or nature reserve to be a wilderness area.

(2) The Director may, by notification published in the Gazette, revoke wholly or in part a declaration under this section.

Declaration of wilderness area to be in accordance with plan of management.

60. Where a plan of management is in force with respect to any lands within a national park or nature reserve, a declaration shall not be made under section 59 with respect to those lands except in accordance with the plan.

Effect of declaration of wilderness area.

61. (1) Where an area of lands is declared to be a wilderness area—

(a) the area shall be kept and maintained in a wilderness condition; and

(b) subject to subsection (2) but notwithstanding any other provisions of this Act, no structures shall be erected or constructed within the area.

(2) Notwithstanding subsection (1), the Director may—

(a) set apart any part of a wilderness area for the purpose of scientific research and authorise—

(i) scientific research to be carried out in that part; and

(ii) the erection of apparatus or of a structure in that part for the purpose of enabling that research to be carried out;

(b)

(b) authorise the erection of apparatus or of a structure in a wilderness area where, in his opinion, it is essential that the apparatus or structure be provided for the protection or preservation of the area or the national park or nature reserve in which the area is situated; and

(c) authorise the erection of a simple survival hut in a wilderness area where, in his opinion, it is essential that the hut be provided in the interests of safety.

(3) In—

(a) subsection (1), "structure" includes building, hut, ski tow or ski tow mooring; and

(b) subsection (2), "structure" includes building or hut, but does not include ski tow or ski tow mooring.

DIVISION 4.—*Aboriginal areas.*

Dedication of Aboriginal areas.

62. (1) The Governor may, with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by proclamation published in the Gazette, dedicate, as an Aboriginal area, any unoccupied Crown lands described in the proclamation.

(2) The Governor may, with the like concurrence, by proclamation published in the Gazette, dedicate, as a part of an Aboriginal area specified in the proclamation, any unoccupied Crown lands described in the proclamation.

(3) The Governor may, with the like concurrence, by a proclamation published in the Gazette, revoke wholly or in part a dedication under this section.

(4) Lands within an Aboriginal area shall be deemed to be dedicated for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein.

Care, control and management of Aboriginal areas.

63. The care, control and management of Aboriginal areas are vested in the Director.

64. The provisions of— Application of certain provisions to Aboriginal areas.

(a) section 41; and Provisions relating to mining.

(b) section 42, Application of Forestry Act, 1916.

apply to and in respect of an Aboriginal area in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference to a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 5.—*Protected archaeological areas.*

65. (1) Subject to this section, the Minister may, by order published in the Gazette, declare any lands described in the order, being lands on which a relic or Aboriginal place is situated, to be a protected archaeological area. Declaration of protected archaeological areas.

(2) An order under subsection (1)—

(a) shall not be made in respect of unoccupied Crown lands;

(b) shall not be made—

(i) where the lands are Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier; or

(ii) where the lands are not Crown lands—without the consent of the owner and the occupier; and

(c) may be revoked at any time, and shall be revoked at the request of any person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area.

Control of protected archaeological area.

66. (1) Subject to this section, the Director may, in relation to lands declared to be a protected archaeological area, give directions prohibiting or regulating the entry on and use of the lands by specified persons or classes of persons or all persons other than specified persons or classes of persons.

(2) The Director—

(a) shall not exercise the powers conferred on him by subsection (1) without the consent of the person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area; and

(b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction.

(3) A person shall not enter, remain on or use, contrary to a direction given under this section, lands to which the direction relates.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves.*

Wildlife districts.

67. (1) The Governor may, by proclamation published in the Gazette, declare—

(a) any lands described in the proclamation to be a wildlife district; or

(b) any lands described in the proclamation to be part of a wildlife district specified in the proclamation.

(2)

(2) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a wildlife district either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the district.

(3) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife districts specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(4) The Governor may, by proclamation published in the Gazette, vary, amend or revoke a proclamation under this section.

(5) A proclamation shall not be made under this section with respect to any lands within a State forest, timber reserve or flora reserve without the consent of the Forestry Commission.

Wildlife refuges.

68. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a wildlife refuge.

(2) Lands within a wildlife refuge shall be deemed to be dedicated for the purposes of—

(a) preserving, conserving, propagating and studying wildlife;

(b) conserving and studying natural environments; and

(c) creating simulated natural environments.

(3) A proclamation under subsection (1)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii)

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest—without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a wildlife refuge, be required for their declaration as such a refuge.

(4) A person who is a holder or occupier of Crown lands shall be deemed, for the purposes of this section, to have given his consent, referred to in subsection (3), if, within thirty days of his being given notice that his consent is sought, he does not inform the Minister or the Director that he gives or withholds his consent.

(5) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife refuges specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (3) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

Game reserves.

69. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a game reserve.

(2)

(2) Lands within a game reserve shall be deemed to be dedicated for the purposes of—

(a) propagating fauna for taking or killing as game;

(b) providing suitable land for the taking or killing of fauna as game;

(c) conserving and studying natural environments; and

(d) creating simulated natural environments.

(3) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a game reserve either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the reserve.

(4) A proclamation under subsection (1) or (3)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest— without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a game reserve, be required for their declaration as such a reserve.

(5)

(5) A proclamation under this section may be made so as—

(a) to relate to one or more game reserves specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (4) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

Provisions respecting fauna in wildlife districts, wildlife refuges and game reserves.

70. (1) A person shall not—

(a) take or kill any fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any fauna,

being fauna within a wildlife district, wildlife refuge or game reserve.

(2) A person shall not—

(a) carry, discharge or have in his possession any prohibited weapon;

(b) carry or have in his possession any explosive, net, trap or hunting device; or

(c) be accompanied by a dog,

in a wildlife refuge or game reserve.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (2) in respect of the carrying or having in his possession of a net in a wildlife refuge or game reserve if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any fauna in a wildlife district, being fauna that is not native to Australia and that is either—

(a) not protected fauna; or

(b) locally unprotected fauna under section 96.

(6) A person, being an owner, lessee or occupier of any lands within a wildlife refuge or game reserve, or a person authorised by him in that behalf, shall not be convicted of—

(a) an offence arising under subsection (1) in respect of the taking or killing of any fauna within those lands, being fauna that is not native to Australia and that is either—

(i) not protected fauna; or

(ii) locally unprotected fauna under section 96; or

(b) an offence arising under subsection (2) in relation to those lands.

(7) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

Prohibition on picking or possessing native plants within wildlife refuges.

71. (1) A person shall not pick or have in his possession any native plant within a wildlife refuge.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX or a licence issued under the Forestry Act, 1916; or

(b) in pursuance of a duty imposed on him by or under any Act.

(3) A person, being an owner, lessee or occupier of any lands within a wildlife refuge, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the picking or the possession of a native plant that is or was growing within those lands.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

PART V.

PLANS OF MANAGEMENT.

Plans of management.

72. (1) The Director—

(a) shall cause a plan of management to be prepared for each national park and historic site in existence on the commencement day, as soon as practicable after that day, unless a plan of management was adopted with respect thereto under the Act of 1967;

(b)

(b) shall cause a plan of management to be prepared for each nature reserve in existence on the commencement day, as soon as practicable after that day, unless a scheme of operations was approved with respect thereto under the Fauna Protection Act, 1948;

(c) shall cause a plan of management to be prepared for each national park or historic site reserved, or nature reserve dedicated, after the commencement day, as soon as practicable after the reservation or dedication, as the case may require; and

(d) may from time to time cause a plan of management to be prepared for any Aboriginal area, wildlife refuge or game reserve.

(2) The plan of management for a national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve shall contain a written scheme of the operations which it is proposed to undertake therein or in relation thereto to carry out the purpose and objects of this Act.

(3) The plan of management for a national park, historic site or nature reserve may relate to lands acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(4) In the preparation of a plan of management referred to in this section, regard shall be had to the following objectives :—

(a) the conservation of wildlife;

(b) the preservation of each national park, nature reserve, wildlife refuge or game reserve and the protection of the special features of the park, reserve or refuge;

(c) the prohibition of the execution of any works adversely affecting the natural condition or special features of each national park or nature reserve;

(d) the preservation of each historic site and the preservation of any historic structure or object or any relic or Aboriginal place on each national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve;

(e) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park and historic site by the public;

(f) the regulation of the appropriate use of each nature reserve and Aboriginal area;

(g) the appropriate use of each national park, historic site or nature reserve by any lessee, licensee or occupant of land therein;

(h) the preservation of each national park, historic site or nature reserve as a catchment area;

(i) the protection of each national park, historic site, nature reserve or Aboriginal area against fire and erosion;

(j) the setting apart of the whole or part of a national park or nature reserve as a wilderness area; and

(k) the utilisation of land acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(5) This section does not apply to or in respect of a wildlife refuge or game reserve that is comprised wholly or partly of lands within a State forest.

State forests.

73. (1) The Director may, from time to time, with the concurrence in writing of the Forestry Commission, cause a plan of management to be prepared for any State forest.

(2) The plan of management for a State forest shall contain a written scheme of operations which it is proposed to undertake in or in relation to that forest, consistent with the purpose and objects of this Act and the Forestry Act, 1916.

(3) This section applies to and in respect of a State forest that is comprised wholly or partly of lands within a wildlife refuge or game reserve or that is not comprised of any such lands.

Catchment areas.

74. Where any lands reserved as a national park or historic site or dedicated as a nature reserve or Aboriginal area are wholly or partly within a catchment area of The Metropolitan Water Sewerage and Drainage Board, The Hunter District Water Board or The Broken Hill Water Board, or where the waters from any lands so reserved or so dedicated drain into a catchment area or structure of any of those Boards—

(a) the Director shall, before submitting a plan of management for that national park, historic site, nature reserve or Aboriginal area to the Minister, refer it to the Board responsible for that catchment area or structure for its information; and

(b) the Minister shall before adopting that plan of management consider any representations made by the Board responsible for that catchment area or structure.

Adoption, etc., of plan of management for national park or historic site.

75. (1) Where a plan of management has been prepared for a national park or historic site, the Director shall give notice as prescribed that the plan of management has been prepared and shall, in that notice—

(a) specify the address of the place at which copies of the plan of management may be inspected; and

(b) specify the address to which representations in connection with the plan of management may be forwarded.

(2) Any person interested may, within one month or such longer period as may be specified in the notice, make representations to the Director in connection with the plan of management.

(3)

(3) The Director shall, upon the expiration of the period referred to in subsection (2), refer the plan of management, and any representations forwarded to him, to the Council for its consideration and advice.

(4) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(5) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(6) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(7) The Minister may—

(a) amend or alter a plan of management for a national park or historic site from time to time; or

(b) cancel the plan and substitute a new plan.

(8) Where the Minister proposes to amend or alter a plan of management for a national park or historic site or to cancel a plan of management for a national park or historic site and substitute a new plan of management, he shall instruct the Director to cause the amendment or alteration or the new plan of management to be prepared, and the Director shall proceed to do so as soon as practicable after being so instructed.

(9) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (6), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (8) in the same way as they apply to and in respect of a plan of management for a national park or historic site, as the case may require.

Adoption, etc., of plan of management for nature reserve.

76. (1) Where a plan of management has been prepared for a nature reserve, the Director shall refer the plan to the Council for its consideration and advice.

(2) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(3) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(4) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(5) Where the Minister refers a plan of management for a nature reserve back to the Director and the Council for further consideration, the Director shall resubmit the plan to the Minister together with any further comments and suggestions of the Council.

(6) The Minister may—

(a) amend or alter a plan of management for a nature reserve from time to time; or

(b) cancel the plan and substitute a new plan.

(7) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (5), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (6) in the same way as they apply to and in respect of a plan of management for a nature reserve.

Adoption of plan of management for Aboriginal area.

77. (1) Where a plan of management has been prepared for an Aboriginal area, the Minister may, on the recommendation of the Director, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director—

(a) amend or alter a plan of management for an Aboriginal area from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of sections 72 (2) and (4) and 74 apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for an Aboriginal area.

Adoption, etc., of plan of management for wildlife refuge or game reserve.

78. (1) Where a plan of management for a wildlife refuge or game reserve has been prepared, the Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which the plan of management relates, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which a plan of management for a wildlife refuge or game reserve relates—

(a) amend or alter the plan from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of section 72 (2) and (4) apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for a wildlife refuge or game reserve, as the case may require.

Adoption, etc., of plan of management for State forest.

79. (1) Where the Director has prepared a plan of management for a State forest, the Minister may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission, adopt the plan of management.

(2) The Minister—

(a) may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission—

(i) amend or alter a plan of management for a State forest from time to time;

(ii) cancel the plan; or

(iii) cancel the plan and substitute a new plan; or

(b) shall, at the request in writing of the Forestry Commission, cancel the plan.

Lands submerged by water.

80. (1) Where lands submerged by water are lands that are the subject of any part of a plan of management for a national park, historic site, nature reserve or Aboriginal area, the Director shall, before submitting to the Minister for adoption by him the plan of management, refer it to the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) A plan of management referred to in subsection (1)—

(a) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (a) of the definition of "Crown lands" in section 5 (1), until he has considered any representations made with respect to the plan of management by the Minister administering the Fisheries and Oyster Farms Act, 1935; and

(b) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1), without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Operations under plan of management.

81. (1) Where the Minister has adopted a plan of management for a national park or historic site, it shall, subject to subsection (5), be carried out and given effect to by the trustees of the park or site or by the Director where the care, control and management thereof have been vested in the Director.

(2) Where the Minister has adopted a plan of management for a nature reserve, Aboriginal area, wildlife refuge or game reserve, it shall, subject to subsection (5), be carried out and given effect to by the Director.

(3) Where the Minister has adopted a plan of management for a State forest, it shall be carried out and given effect to by the Director by arrangement with the Forestry Commission.

(4) Notwithstanding anything in any other Act, where the Minister has adopted a plan of management for a national park, historic site, nature reserve or Aboriginal area, no operations shall be undertaken on or in relation to the park, site, reserve or area unless the operations are in accordance with that plan of management.

(5) Where any lands to which a plan of management relates are—

(a) lands acquired or proposed to be acquired under section 145 or 147 for any purpose referred to in section 145—operations under the plan shall not be undertaken on or in relation to the lands until they have been reserved or dedicated as, or as part of, the park, site or reserve, as the case may require, to which the plan relates; or

(b) lands proposed to be acquired or occupied under section 146 or 147 for any purpose referred to in section 146—operations under the plan shall not be undertaken on or in relation to the lands until they have been so acquired or occupied.

Concurrence of Forestry Commission.

82. Where the concurrence of the Forestry Commission is required under this Part, the concurrence shall not be given without the approval of the Minister administering the Forestry Act, 1916.

PART VI.

Relics and Aboriginal Places.

Certain relics to be Crown property.

83. (1) Subject to this section—

(a) a relic that was, immediately before the commencement day, deemed to be the property of the Crown by virtue of section 33D of the Act of 1967; and

(b) a relic that is abandoned on or after that day by a person other than the Crown,

shall be, and shall be deemed always to have been, the property of the Crown.

(2) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(3) No compensation is payable in respect of the vesting of a relic by this section or section 33D of the Act of 1967.

Aboriginal places.

84. The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

Protection of certain relics and restoration of certain areas.

85. The Director shall be responsible—

(a) for the proper care, preservation and protection of any relic or Aboriginal place in a national park, historic site, nature reserve or Aboriginal area; and

(b)

(b) subject to section 87, for the proper restoration of a national park, historic site, nature reserve or Aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Offences relating to relics.

86. A person, other than the Director or a person authorised by him in that behalf, who—

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

(b) disturbs or moves on any land a relic that is the property of the Crown, other than a relic that is in the custody or under the control of The Trustees of the Australian Museum;

(c) takes possession of a relic that is in a national park, historic site, nature reserve or Aboriginal area;

(d) removes a relic from a national park, historic site, nature reserve or Aboriginal area; or

(e) erects or maintains, in a national park, historic site, nature reserve or Aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

except in accordance with the terms and conditions of an unrevoked permit issued to him under section 87, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, is guilty of an offence against this Act.

Permits relating to relics.

87. (1) Subject to section 88, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in section 86 (a), (b), (c), (d) or (e).

(2) Terms and conditions imposed by the Director under subsection (1) may include terms and conditions relating to the proper restoration of land disturbed or excavated.

(3)

(3) A failure to comply with a term or condition authorised by subsection (2) shall be deemed to be a contravention of section 86.

(4) The Director may, at any time—

(a) revoke a permit issued under this section; or

(b) vary the terms and conditions of such a permit.

The Trustees of the Australian Museum to have custody of certain relics.

88. (1) Nothing in section 87 shall be construed as authorising the Director to permit a relic to be removed from a national park, historic site, nature reserve or Aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum, except where—

(a) the relic remains in the custody or under the control of the Director; or

(b) the relic is being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area.

(2) A relic that is the property of the Crown, other than a relic—

(a) in a national park, historic site, nature reserve or Aboriginal area;

(b) being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area;

(c) in the custody or under the control of the Director; or

(d) acquired by the Minister or the Director pursuant to section 89 or by the Minister pursuant to Part XI,

shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

(3)

(3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, historic site, nature reserve or Aboriginal area and, where a relic is so deposited or exhibited, section 86 does not apply to The Trustees of the Australian Museum in relation to that relic.

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

Preservation or exhibition of certain relics.

89. (1) Subject to this section, the Minister or the Director may, by agreement with a person having the ownership or possession of—

(a) a relic that is not the property of the Crown; or

(b) an Aboriginal place,

acquire the relic or take such other action as he thinks is practicable for the preservation or exhibition of the relic or Aboriginal place.

(2) A relic acquired under this section shall be the property of the Crown.

(3) A relic that is real property shall not be acquired under this section, but nothing in this section affects anything contained in Part XI.

(4) Any relic acquired by the Minister or the Director prior to the commencement day shall be deemed to have been acquired under this section.

Destruction, etc., of relics or Aboriginal places.

90. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic or Aboriginal place is guilty of an offence against this Act.

Penalty : $1,000 or imprisonment for six months or both, and, in addition, $100 for each day during which the offence continues.

(2)

(2) The Director may give his consent for the purposes of subsection (1) subject to such conditions and restrictions as are specified therein.

(3) A person whose application for consent is refused, or who is dissatisfied with any condition or restriction subject to which the consent is given, may appeal to the Minister.

(4) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(5) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(6) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(7) Where the Director fails to grant an application for his consent, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—seven days after the application was received by the Director; or

(b) where the regulations prescribe some other period —that other period.

Notification of sites of relics.

91. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof within a reasonable time after he first becomes aware of that location is guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

PART VII.

FAUNA.

Director's responsibilities as to fauna.

92. The Director shall be the authority for the protection and care of fauna.

Amendment of Schedule 11 (unprotected fauna).

93. (1) The Governor may, by order published in the Gazette, amend Schedule 11—

(a) by omitting therefrom the name of any species of fauna; or

(b) by inserting therein the name of any species of fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 11 and by inserting instead a Schedule containing the names of species of fauna.

Amendment of Schedule 12 (endangered fauna).

94. (1) The Governor may, by order published in the Gazette, amend Schedule 12—

(a) by omitting therefrom the name of any species of protected fauna; or

(b) by inserting therein the name of any species of protected fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 12 and by inserting instead a Schedule containing the names of species of protected fauna.

95.

Open seasons.

95. (1) The Minister may, by order published in the Gazette, declare, for the purposes of section 122, an open season for protected fauna of the species named therein.

(2) An order under subsection (1) may refer to the whole of New South Wales or to a part of, or locality in, New South Wales specified or described therein, and may prescribe conditions or restrictions relating to the taking or killing of any fauna referred to therein or to the use of any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purposes of taking or killing any fauna so referred to.

(3) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to—

(a) any endangered fauna;

(b) any national park, historic site, nature reserve or wildlife refuge; or

(c) any State forest, timber reserve or flora reserve except with the concurrence in writing of the Forestry Commission.

Locally unprotected fauna.

96. (1) The Governor may, by order published in the Gazette, declare any protected fauna within a locality specified or described in the order, being fauna of a species named in the order, to be fauna to which this section applies.

(2) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to any lands within a national park, historic site or nature reserve.

(3) Any protected fauna declared to be fauna to which this section applies are, for the purposes of sections 70 (5) and (6) and 98, locally unprotected fauna.

Certain protected fauna to be the property of the Crown.

97. (1) In this section, "prescribed fauna" means—

(a) an animal that is protected fauna and that is, at the time of birth, in the lawful possession of any person other than the Crown;

(b) protected fauna, being fauna imported into New South Wales;

(c) protected fauna that was, before the commencement day, lawfully taken or in the lawful possession of any person other than the Crown and that had not been liberated before that day; or

(d) any protected fauna of a class or description prescribed for the purposes of this paragraph.

(2) Any protected fauna, other than prescribed fauna, shall, until captured or killed in accordance with this Act, be deemed to be the property of the Crown.

(3) Any prescribed fauna shall, when liberated in New South Wales, be deemed to be the property of the Crown.

Taking or killing protected fauna, other than endangered fauna.

98. (1) In this section, "protected fauna" does not include endangered fauna or locally unprotected fauna under section 96.

(2) A person shall not—

(a) take or kill any protected fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking any protected fauna.

(3) A person shall not be convicted of an offence arising under subsection (2) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

Taking or killing endangered fauna.

99. (1) A person shall not—

(a) take or kill any endangered fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any endangered fauna.

Penalty : $1,000 or imprisonment for six months or both.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by a general licence under section 120.

(3) Where the provisions of any other Act or instrument under any other Act authorise or require anything to be done that would constitute an offence arising under subsection (1)—

(a) the provisions of this section prevail; and

(b) a person shall not be convicted of an offence against that other Act or instrument by reason of his failure to comply therewith in so far as compliance therewith would constitute an offence arising under subsection (1).

Further provisions respecting taking or killing protected fauna (including endangered fauna).

100. (1) A person shall not be convicted of an offence arising under section 98 (2) or 99 (1) if he proves—

(a) that the animal concerned was in some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for promoting the welfare of the animal; or

(b)

(b) that the animal concerned had strayed or escaped from some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for securing the return of the animal.

(2) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of section 98 (2) or 99 (1) or both.

Buying, selling or possessing protected fauna.

101. (1) A person shall not buy, sell or have in his possession or control any protected fauna.

(2) A person who commits an offence arising under subsection (1) is liable to a penalty not exceeding—

(a) $200 in respect of each of the protected fauna (other than endangered fauna); or

(b) $400 in respect of each of the protected fauna being endangered fauna,

in respect of which the offence was committed, with a maximum total penalty under this subsection in respect of any offence of $1,000.

(3) The Governor may, by order published in the Gazette, exempt from subsection (1) protected fauna of a species named in the order, subject to such conditions and restrictions relating to the buying, selling or having in possession of any such protected fauna as may be prescribed in the order.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the buying or selling of any protected fauna if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed, under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or an aviary registration certificate under section 128.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the having in his possession of any protected fauna, if he proves—

(a) that the state of affairs constituting the offence existed under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or that he otherwise obtained the fauna lawfully;

(b) that the fauna is the progeny of any fauna lawfully obtained, being progeny born after the lastmentioned fauna was so obtained; or

(c) that—

(i) the animal concerned was incapable of fending for itself in its natural habitat;

(ii) he notified the Director, in the prescribed manner and within the prescribed time, that the animal came into his possession, and

(iii) he complied with any direction given to him with respect to the animal by the Director.

(6) A reference in this section to a person's having protected fauna in his possession includes a reference to his having protected fauna in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the fauna is then had or placed for his own use or the use of another.

Directions respecting protected fauna in confinement.

102. (1) The Director, or an officer of the Service duly authorised by the Director in that behalf, may, by notice given to a person who keeps protected fauna in confinement or in a domesticated state, give such directions respecting food, drink and shelter for, and the welfare of, the fauna as appear to the Director or officer to be proper.

(2) A person shall not fail to comply with any direction given to him under subsection (1).

(3) A person shall not be convicted of an offence arising under subsection (2) in respect of a failure to comply with a direction if he satisfies the court that he so failed with reasonable excuse.

Taking or killing fauna for sale.

103. (1) A person shall not take or kill fauna for the purpose of sale.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123.

(3) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing for the purposes of sale of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (4).

(4) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order, not being endangered fauna.

Fauna dealers.

104. (1) A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the business of a fauna dealer, unless he does so under and in accordance with the authority conferred—

(d) by a fauna dealer's licence under section 124; or

(e) in so far as the act constituting the offence forms part of the business of a skin dealer—by a skin dealer's licence under section 125.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (3).

(3) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order.

Skin dealers.

105. A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the

the business of a skin dealer, unless he does so under and in accordance with the authority conferred—

(d) by a skin dealer's licence under section 125; or

(e) in so far as the act constituting the offence forms part of the business of a fauna dealer—by a fauna dealer's licence under section 124.

Importing or exporting protected fauna.

106. (1) A person shall not import into or export from New South Wales any protected fauna.

(2) Subsection (1) does not apply to any protected fauna of a species prescribed for the purposes of this subsection.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by an import licence or an export licence under section 126.

Exhibiting protected fauna.

107. A person shall not exhibit any protected fauna, unless he does so under and in accordance with the authority conferred by a general licence under section 120.

Possessing 20 or more birds.

108. A person shall not have more than nineteen birds, being protected fauna, in his possession or under his control in or upon a structure, building, store, shop or other premises, unless—

(a) an aviary registration certificate under section 128 is in force with respect to that structure, building, store, shop or other premises; or

(b) that person is a fauna dealer licensed under section 124 and the structure, building, store or shop is, or the other premises are, registered under section 124.

Liberation in New South Wales of exotic fauna.

109. A person shall not, in New South Wales, liberate fauna not native to New South Wales, unless he does so under and in accordance with a licence under section 127.

Use of certain substances for taking or killing fauna.

110. (1) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any protected fauna (other than birds).

Penalty : $400 or imprisonment for six months or both.

(2) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any bird (whether or not protected fauna).

Penalty : $400 or imprisonment for six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done under and in accordance with the regulations.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

(5) In this section, "substance" includes mixture or preparation.

Method of shooting fauna.

111. A person shall not, for the purpose of taking or killing any protected fauna, use any firearm of a kind other than the kind habitually raised at arm's length and fired from the shoulder without other support.

Penalty : $200.

Taking or killing snakes.

112. A person shall not be convicted of an offence against this Act in respect of the taking or killing of a snake unless it is proved that there were no grounds on which he could reasonably have believed at any relevant time that the snake was endangering, or was likely to endanger, any person or property.

PART VIII.

NATIVE PLANTS.

Interpretation: Pt. VIII.

113. In this Part—

"Christmas Bush" means the native plant named *Ceratopetalum gummiferum*;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

Director's responsibilities as to native plants.

114. The Director shall be the authority for the protection of native plants.

Amendment of Schedule 13 (protected native plants).

115. (1) The Governor may, by order published in the Gazette, amend Schedule 13—

(a) by omitting therefrom the name of any species of native plant; or

(b) by inserting therein the name of any species of native plant.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 13 and by inserting instead a Schedule containing the names of species of native plants.

Restriction as to licences under Forestry Act, 1916.

116. (1) Notwithstanding anything in this Act or the Forestry Act, 1916, but subject to subsection (2)—

(a) the Forestry Commission shall not issue a licence for the removal of any protected native plant from any State forest, timber reserve or Crown land; and

(b)

(b) any such licence shall cease to be operative while it relates to any protected native plant.

(2) Where, in the opinion of the Forestry Commission, any protected native plant, if not removed, would be damaged or destroyed in the taking of timber, products or forest materials under, or in the carrying on of any activity authorised by, the Forestry Act, 1916, subsection (1) does not operate to prevent the Forestry Commission from issuing a licence authorising removal of the native plant or from reinstating, to the extent necessary to authorise removal of the native plant, a licence that has, pursuant to that subsection, ceased to be operative.

Restriction on picking or possession of native plant.

117. (1) A person shall not pick or have in his possession a protected native plant.

(2) Without affecting the operation of section 57 or 71, subsection (1) does not apply in relation to the picking or possession of a protected native plant in a nature reserve or wildlife refuge.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that—

(a) the protected native plant was grown upon private land and was picked by or with the consent of the owner, lessee or occupier of that land; or

(b) the protected native plant was picked by him—

(i) under and in accordance with or by virtue of the authority conferred by a licence issued under section 131 or a licence issued under the Forestry Act, 1916; or

(ii) in pursuance of a duty imposed on him by or under any Act,

or was in his possession after having been so picked.

(4) In any prosecution for an offence arising under subsection (1), proof that a protected native plant was found in the possession of the defendant shall be prima facie evidence that the defendant picked the native plant or had the native plant in his possession in contravention of this section and the onus of proof to the contrary shall be upon the defendant.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

(6) A reference in this section to a person's having a protected native plant in his possession includes a reference to his having a protected native plant in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the plant is then had or placed for his own use or the use of another.

Restriction on selling of native plant.

118. (1) A person shall not sell a protected native plant.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of—

(a) Christmas Bush that has been grown on private land and picked by or with the consent of the owner or lessee of that land;

(b) any protected native plant that has been picked for commercial purposes in pursuance of a licence issued under section 131; or

(c) any protected native plant that has been grown in pursuance of a licence issued under section 132 and picked by or with the consent of the holder of the licence.

PART

PART IX.

LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS.

DIVISION 1.—*Preliminary.*

Interpretation: Pt. IX.

119. In this Part—

"authorised officer" means—

(a) the Director; or

(b) in relation to a provision of this Part—

(i) an officer of the Service, or any other person, duly authorised by the Director; or

(ii) any person holding an office, position or rank prescribed,

for the purposes of that provision;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

DIVISION 2.—*Fauna.*

General licence.

120. (1) An authorised officer may issue a licence (in this Act referred to as a "general licence"), authorising a person to do any or all of the following :—

(a) to take or kill or obtain any protected fauna—

(i) for the purpose of providing specimens of natural history for any scientific institution or museum;

(ii) for the purpose of carrying on any scientific investigation;

(iii) for the purpose of exhibiting the fauna; or

(iv) for any other specified purpose;

(b) to exhibit protected fauna;

(c) to dispose of, whether by sale or otherwise, any fauna taken or killed, obtained or exhibited under the authority of the licence;

(d) to sell any fauna in his lawful possession, otherwise than as a fauna dealer or skin dealer.

(2) A general licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Occupier's licence.

121. (1) An authorised officer may issue a licence (in this Act referred to as an "occupier's licence"), authorising an owner or occupier of specified lands—

(a) to take or kill; or

(b) to permit a person, holding a general licence issued to him under section 120 or a trapper's licence issued to him under section 123, to take or kill,

a specified number of fauna of a specified class found on those lands and the licence may authorise the disposal, whether by sale or otherwise, of fauna taken or killed under the authority of the licence.

(2) An occupier's licence shall not be issued unless the licensee has been supplied by the Service with labels, tags, slips or other objects sufficient in number to affix or attach, in compliance with any condition of the licence, to the skin or carcase of fauna taken or killed under the authority of the licence.

(3) An occupier's licence shall not be issued with respect to endangered fauna.

122.

Game licence.

122. (1) An authorised officer may issue a licence (in this Act referred to as a "game licence"), authorising a person—

(a) to take or kill any protected fauna of the species named in an order declaring an open season, under section 95, in the whole of New South Wales or the part of New South Wales or the locality referred to in the order, subject to the conditions and restrictions (if any) prescribed in the order; or

(b) to take or kill any fauna of the species specified in a proclamation under section 67 or 69 in a wildlife district or game reserve to which the proclamation relates, subject to the conditions and restrictions (if any) prescribed in the proclamation.

(2) A game licence does not authorise a person—

(a) to take or kill any endangered fauna;

(b) to take or kill any fauna in a national park, historic site, nature reserve or wildlife refuge; or

(c) to take or kill any fauna for the purpose of sale.

Trapper's licence.

123. (1) An authorised officer may issue a licence (in this Act referred to as a "trapper's licence"), authorising a person to take or kill fauna of a species named therein for the purposes of sale.

(2) A trapper's licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Fauna dealer's licence.

124. (1) An authorised officer may issue a licence (in this Act referred to as a "fauna dealer's licence"), authorising a person to buy or sell fauna as a fauna dealer and otherwise to exercise or carry on the business of a fauna dealer.

(2)

(2) A person licensed under subsection (1) shall not exercise or carry on business as a fauna dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a fauna dealer in New South Wales.

Skin dealer's licence.

125. (1) An authorised officer may issue a licence (in this Act referred to as a "skin dealer's licence"), authorising a person to buy or sell skins as a skin dealer and otherwise to exercise or carry on the business of a skin dealer.

(2) A person licensed under subsection (1) shall not exercise or carry on business as a skin dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a skin dealer in New South Wales.

Import and export licences.

126. (1) An authorised officer may issue a licence (in this Act referred to as an "import licence"), authorising a person to import protected fauna into New South Wales.

(2) An authorised officer may issue a licence (in this Act referred to as an "export licence"), authorising a person to export protected fauna from New South Wales.

(3) Where an application for an import licence or an export licence has been made in accordance with the regulations, the application shall not be refused except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Licence to liberate fauna.

127. An authorised officer may issue a licence authorising a person to liberate, in New South Wales, fauna not native to New South Wales.

Aviary registration certificates.

128. (1) An authorised officer may issue to any person a certificate (in this Act referred to as an "aviary registration certificate") in respect of specified premises.

(2) An aviary registration certificate authorises the person to whom it is issued—

(a) to sell any bird, being protected fauna, to a prescribed person; or

(b) to buy any bird, being protected fauna, from a prescribed person.

(3) In subsection (2), "prescribed person" means a person who—

(a) is licensed to exercise or carry on the business of a fauna dealer under section 124; or

(b) is the holder of an aviary registration certificate issued to him under this section.

Certain licences authorise shooting, etc., in national parks, etc.

129. Except in so far as the conditions and restrictions attaching thereto otherwise provide—

(a) a licence, being a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123, that authorises a person to take or kill any animal in a national park, historic site or nature reserve, also authorises that person to do, in connection with the taking or killing of any such animal, any act referred to in section 45 (1) or 56 (1); and

(b) a licence, being a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence

under

under section 123, that authorises a person to take or kill any fauna in a wildlife district, wildlife refuge or game reserve, also authorises that person to do, in connection with the taking or killing of any such fauna, any act referred to in section 70 (1) or (2).

Certain licences and certificates deemed to authorise possession.

130. Except in so far as the licence or certificate otherwise provides, a licence or certificate under this Division that authorises a person to take or kill or to obtain any fauna also authorises him to keep and have the fauna in his possession.

DIVISION 3.—*Native plants.*

Licence to pick native plants for scientific or commercial purposes.

131. An authorised officer may issue a licence authorising a person to pick the protected native plants specified therein for scientific or commercial purposes.

Licence to grow native plants for sale.

132. An authorised officer may issue a licence authorising an owner or occupier of private land to grow upon that private land, or part thereof specified in the licence, protected native plants for the purposes of sale.

DIVISION 4.—*General.*

Conditions and restrictions attaching to licences and certificates and variation of licences and certificates.

133. (1) A licence or certificate issued under this Part shall be subject to such conditions and restrictions (if any) as are for the time being prescribed in relation to licences or certificates of the class to which the licence or certificate belongs.

(2) An authorised officer may, if he thinks fit, attach any conditions or restrictions to a licence or certificate upon its issue.

(3) An authorised officer may, by notice in writing served on the holder of a licence or certificate—

(a) attach any conditions or restrictions to the licence or certificate after its issue;

(b)

(b) vary or remove any conditions or restrictions attached by any authorised officer to the licence or certificate; or

(c) otherwise vary the licence or certificate.

(4) The holder of a licence or certificate shall not contravene or fail to comply with any condition or restriction attached to the licence or certificate.

(5) Subsections (2) and (3) do not apply to an import licence or export licence under section 126.

Cancellation of licence or certificate.

134. (1) Subject to subsection (2), a licence or certificate issued under this Part may be cancelled by the Minister or the Director.

(2) An import licence or export licence under section 126 shall not be cancelled under this section except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Appeal.

135. (1) A person whose application for a licence or certificate under this Part is refused, or whose licence or certificate has been cancelled by the Director, or who is dissatisfied with any condition or restriction which an authorised officer has attached to his licence or certificate, may appeal to the Minister.

(2) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(3) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(4) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(5) Where the Director fails to grant an application for a licence or certificate under this Part, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—one month after the application was received by the Director; or

(b) where the regulations prescribe some other period—that other period.

Licences do not authorise entry, etc.

136. Where, had this Act not been enacted—

(a) the consent or permission of any person would have been required for entering any lands or doing any act on or in respect of any lands, the issue of a licence under this Part does not authorise the entering of those lands, or the doing of that act on those lands, without that consent or permission; or

(b) the doing of an act on or in respect of any lands would have been unlawful, the issue of a licence under this Part does not authorise the doing of that act.

PART X.

FINANCE.

National Parks and Wildlife Fund.

137. The National Parks and Wildlife Fund established under the Act of 1967 shall continue in existence and shall be kept at the Treasury in the Special Deposits Account.

Payments into the Fund.

138. (1) There shall be paid into the Fund—

(a) all money provided by Parliament for the purposes of this Act;

(b) all money received in respect of—

(i) leases, licences, permits or occupancies within a national park, historic site, nature reserve or Aboriginal area;

(ii) leases and licences granted under section 151 (2);

(iii) royalties, fees and charges under this Act, the regulations or the by-laws;

(iv) franchises granted under section 152;

(v) easements or rights of way granted under section 153;

(vi) community service contributions;

(vii) penalties recovered pursuant to this Act, the regulations or the by-laws;

(viii) property forfeited pursuant to this Act, the regulations or the by-laws;

(ix) costs paid pursuant to an order under section 176 (3);

(x) amounts paid pursuant to an order under section 177; and

(xi) policies of insurance under which money is paid to the Minister or the Director with respect to any national park, historic site, nature reserve or Aboriginal area, or any property in the custody or under the control of the Director;

(c) any money acquired by the Minister pursuant to section 148;

(d) any money received by the Minister pursuant to section 149;

(e) any other money received in connection with any national park, historic site, nature reserve or Aboriginal area or any proposed national park, historic site, nature reserve or Aboriginal area;

(f) any money received in connection with any wildlife refuge or game reserve; and

(g) any other money received in connection with the administration of this Act, other than money received in the prescribed circumstances (if any).

(2) Where any money acquired by the Minister pursuant to section 148 is subject to any condition to which the Minister has agreed, the money shall be carried to a separate account in the Fund and shall be applied in accordance with the condition.

(3) Any money referred to in subsection (2) may, pending application in accordance with the condition so referred to, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

139. (1) No money shall be paid out of the Fund except under the authority of this Act. Payments out of the Fund.

(2) There may be paid out of the Fund—

(a) all charges, costs and expenses incurred by the Minister or the Director in exercising and performing his powers, authorities, duties and functions under this Act;

(b) all money allocated by the Minister for expenditure by trustees on any national park or historic site;

(c) the fees and travelling and other expenses payable to the members of the Council or any committee under this Act;

(d) the cost of acquiring land for national parks, historic sites or nature reserves;

(e) the cost of improvement of any land adjoining or in the vicinity of a national park, historic site, nature reserve or Aboriginal area, where in the opinion of the Minister this is desirable to provide or improve access to the park, site, reserve or area, or to provide or improve facilities or amenities for persons visiting the park, site, reserve or area;

(f) all money which the Minister directs shall be set aside to provide a reserve for insurance;

(g) all money allocated by the Minister for expenditure on Aboriginal areas;

(h) the cost of acquiring relics or land in which relics or Aboriginal places are situated;

(i) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic;

(j) the cost of entering into, and giving effect to, agreements under sections 145 and 146;

(k) the cost of carrying out the purposes for which land is acquired or occupied under section 146;

(l) all costs incurred under sections 147 and 149;

(m) all money allocated by the Minister for use in connection with a wildlife refuge or game reserve; and

(n) all money to be paid to a pastures protection board under section 141.

(3) Any money set aside, as referred to in subsection (2) (f), may be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

(4) Where—

(a) any lands are purchased under section 147 out of money wholly or partly provided by Parliament; and

(b) those lands, or any part thereof, are sold under section 149,

there shall be paid from the Fund to the Treasurer, out of the proceeds of the sale referred to in paragraph (b), such amount as the Treasurer may determine.

Community service contribution.

140. (1) The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or licence to occupy or use lands within a national park, historic site or nature reserve for the cost of providing or maintaining any community service in the park, site or reserve.

(2) The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the contribution on the holder of the lease or licence.

(3)

(3) If the contribution is not paid by the due date the amount due shall be increased by an amount calculated at the rate of nine per centum per annum simple interest until it has been paid.

(4) The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution or part thereof or the payment of any such interest or part thereof.

Payment of rates to pastures protection boards in Western Division.

141. (1) In this section, "board" means a pastures protection board for a pastures protection district within the Western Division within the meaning of the Pastures Protection Act, 1934.

(2) There shall, subject to this section, be payable to a board an amount equal to the amount that would have been payable to the board under Part III of the Pastures Protection Act, 1934, by way of rates for any period, in respect of all lands within its district reserved as national parks or historic sites or dedicated as nature reserves, had those lands been ratable lands under that Act at all relevant times after they were so reserved or dedicated.

(3) No amount is payable under subsection (2) except upon an application—

(a) made to the Director in the prescribed manner and within the prescribed time; and

(b) containing the prescribed particulars.

(4) Any dispute between the Director and a board with respect to the particulars contained in an application or the amount payable under this section shall be determined in accordance with such directions as the Minister, after consultation with the Minister for Agriculture, may give.

(5) Nothing in this section requires or authorises the payment of an amount in relation to any period before the commencement day.

142.

Royalty.

142. (1) Royalty shall, in accordance with the regulations, be payable to the Crown at the prescribed rates upon such species of fauna and the skins of such species of fauna as may be prescribed.

(2) Notwithstanding subsection (1), royalty shall not be payable under this section in respect of a skin or carcase to which there has been affixed or attached in compliance with a condition of a licence issued under Division 2 of Part IX a label, tag, slip or other object for which a charge or fee has been paid pursuant to regulations made under section 154 (e).

Charges and fees.

143. Where the Director—

(a) supplies any service, product or commodity;

(b) grants any licence to carry on a trade, business or occupation;

(c) gives any permission or issues any licence, registration certificate or permit; or

(d) furnishes any information,

under this Act or in connection with any national park, historic site, nature reserve or Aboriginal area, he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him, subject to the maximum (if any) prescribed.

Exemption from rates.

144. Lands within a national park, historic site or nature reserve shall be exempt from rates under the Local Government Act, 1919, and that exemption shall not be affected by any lease, licence, occupancy or use of the lands.

PART

PART XI.

Acquisition and Disposal of Property.

Acquisition of lands for national park, etc.

145. Where the Minister is of the opinion that it is desirable to acquire any lands—

(a) for reservation as, or as part of, a national park or historic site;

(b) for dedication as, or as part of, a nature reserve; or

(c) for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein,

he may, on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of the lands.

Acquisition or occupation of lands for certain purposes.

146. (1) For the purpose of—

(a) improving access to a national park, historic site or nature reserve;

(b) the management, maintenance or improvement of a national park, historic site or nature reserve; or

(c) carrying out works for any of those purposes,

the Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands adjoining or in the vicinity of the national park, historic site or nature reserve.

(2) The Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands for use in connection with the administration of this Act.

147.

Power of Minister to acquire.

147. Without affecting the powers of the Minister under section 145 or 146, where the Minister is, for any of the purposes referred to in either of those sections, empowered to take action under either of those sections with respect to any lands, he may, where he considers it appropriate to do so, instead of taking that action, himself acquire those lands, by purchase or exchange, for that purpose.

Power of Minister to accept gifts, etc.

148. (1) The Minister may acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

(2) The rule of law against remoteness of vesting shall not apply to any such condition to which the Minister has agreed.

(3) Where the Minister acquires property under subsection (1)—

(a) neither an instrument that effects the acquisition nor any agreement pursuant to which the property is acquired is chargeable with duty under the Stamp Duties Act, 1920; and

(b) the property, or the value of property, shall not be included in the dutiable estate of the donor or testator for the purposes of assessing death duty under that Act.

(4) Notwithstanding anything in Part IV, lands acquired under this section shall not be—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve,

in contravention of any such condition to which the Minister has agreed.

149. Except where the Minister has otherwise agreed, the Minister may sell, grant leases of, dispose of or otherwise deal with any lands or other property acquired under section 147 or 148, or any interest therein, but nothing in this section applies to or in respect of lands while— **Disposal of lands, gifts, etc.**

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve.

150. (1) For the purposes of the exercise and performance of his authorities, duties and functions under sections 147, 148 and 149, the Minister is hereby constituted a corporation sole under the name of "Minister administering the National Parks and Wildlife Act, 1974". **Minister to be corporation sole for certain purposes.**

(2) The corporation sole constituted by this section—

(a) has perpetual succession;

(b) shall have an official seal;

(c) may take proceedings and be proceeded against in the corporate name;

(d) may, in accordance with this Act, purchase, exchange, hold, dispose of and otherwise deal with property; and

(e) may do and suffer all other things that a body corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which the corporation sole is constituted.

(3) The seal of the corporation sole so constituted shall not be affixed to any instrument or document except in the presence of the Minister, and he shall attest by his signature the fact and date of the affixing of the seal.

(4) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the corporation sole so constituted that has been affixed to any instrument or document; and

(b) shall until the contrary is proved presume that the seal was properly affixed.

PART XII.

LEASES, LICENCES, EASEMENTS, ETC.

Leases of and licences over lands in a national park, historic site or nature reserve.

151. (1) The Minister may—

(a) grant leases of land within a national park or historic site for the purpose of—

(i) the erection thereon of accommodation hotels or accommodation houses; or

(ii) the provision thereon of facilities and amenities for tourists and visitors;

(b) grant leases of lands within a national park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;

(c) grant leases of lands within a national park or historic site for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for use in connection with—

(iii) the protection or preservation of the park or site from fire;

(iv) the provision of services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

(v) a surf life-saving club; or

(vi) any purpose of a like nature;

(d) grant leases of lands within a nature reserve for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for any of the purposes specified in section 49;

(e) grant leases of lands within a national park, historic site or nature reserve on which buildings have been erected for residential occupation; or

(f) grant licences to occupy or use lands within a national park, historic site or nature reserve.

(2) The Minister may—

(a) for any purpose specified in section 146 (1) (a), (b) or (c) grant a lease of, or a licence with respect to, lands acquired or occupied under section 146 (1); or

(b) for use in connection with the administration of this Act grant a lease of, or a licence with respect to, lands referred to in section 146 (2).

(3) Nothing in this section affects the powers of the Minister under section 149 with respect to lands referred to in that section.

(4) Subject to subsection (5), any lease or licence granted under this section or section 149 shall be subject to such terms and conditions as the Minister may determine.

(5) Where any term or condition of a lease or licence granted under this section purports to affect lands within a national park, historic site or nature reserve that are lands submerged by water and the term or condition is inconsistent with a plan of management in force for the park, site or reserve, the term or condition shall, to the extent of the inconsistency, have no force or effect.

Trade within a national park or historic site.

152. (1) The Director may grant licences to carry on trades, businesses or occupations within a national park or historic site.

(2) Subject to any by-laws, the Minister may prohibit the carrying on of any trade, business or occupation within a national park or historic site otherwise than by some person licensed by the Director.

(3) The Minister may grant a franchise to any person, on such terms and conditions as the Minister may determine, for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park or historic site.

(4) Any franchise granted by the trustees of the whole or part of lands reserved after the commencement day as a national park or historic site, and in force immediately before the lands were so reserved, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

Easements.

153. (1) The Minister may upon such terms and conditions as he thinks fit grant for joint or several use easements or rights of way through, upon or in a national park, historic site or nature reserve for the purpose of providing access to any area included in any lease or licence within the park, site

or reserve, or for the construction of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

(2) The Minister may from time to time revoke or vary any grant under this section.

(3) Any easement or right of way over lands in a national park or historic site reserved under this Act, which was in force immediately before the lands were reserved as, or as part of, the park or site, as the case may be, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over lands in a nature reserve dedicated under this Act, which was in force immediately before the land was dedicated as, or as part of, the nature reserve shall continue in force and shall be deemed to have been granted under this section.

PART XIII.

Regulations and By-Laws.

154. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act and, in particular, for or with respect to— **Regulations.**

(a) the powers, authorities, duties and functions of the Director, the officers of the Service, ex-officio rangers, honorary rangers, the Council, advisory committees, the Relics Committee or the Architects Committee;

(b)

(b) the procedure for the calling of meetings of the Council, advisory committees, the Relics Committee or the Architects Committee and the conduct of business at those meetings;

(c) licences and registration certificates under Part IX, including the classification thereof, applications therefor and the issue and expiry thereof;

(d) the records to be kept and returns to be furnished by persons holding licences or registration certificates under Part IX and the inspection of those records by officers of the Service;

(e) the issuing and the making of a charge or fee for supplying a label, tag, slip or object for affixing or attaching to the skin or carcase of any fauna in compliance with any condition of a licence under Part IX;

(f) the issuing and the making of a charge for supplying a label, tag, slip or object for affixing or attaching to any protected native plant or packages or bundles thereof in compliance with any condition of a licence under Part IX;

(g) the protection, care, preservation and propagation of any fauna;

(h) prescribing the conditions under which any fauna, whether protected or unprotected, may be consigned or offered for sale or transported or caged or housed;

(i) the inspection of premises registered under section 124, 125 or 128 and the inspection of premises in which fauna are housed or caged in pursuance of a licence issued under section 120;

(j) the entry upon and inspection of any lands upon which protected native plants are grown by a person in pursuance of a licence issued under section 132 and the requiring of the doing of any thing or things designed to prevent the lands from being stripped of protected native plants;

(k) the records to be kept and returns to be furnished by persons holding permits issued under section 87;

(l) tendering for leases and licences under Part XI or XII;

(m) the form and design of signs, symbols, emblems, insignia and uniforms for use in connection with the administration of this Act, the regulations and the by-laws, and the regulation, control or prohibition of the making, reproducing or using of those signs, symbols, emblems, insignia and uniforms; and

(n) the forms or other documents to be used for the purposes of this Act and the regulations.

By-laws.

155. (1) In this section, "park" means national park, historic site, nature reserve or Aboriginal area.

(2) The Governor may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) the regulation of the use and enjoyment of parks;

(b) the securing of decency and order in parks;

(c) the removal of trespassers and other persons causing annoyance or inconvenience in parks;

(d) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, parks;

(e) the regulation, control or prohibition of the taking of animals on or into parks and public and other roads traversing parks or the permitting or suffering of animals to be on or in parks and any such roads;

(f) the regulation, control or prohibition of mooring, parking, camping or residing in parks, the making of charges for mooring, parking, camping or residing in parks and the collecting and receiving of those charges by the Minister or by other persons;

(g) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in parks;

(h) the conditions under which trees or timber may be cut or removed from parks and the amount of royalties, fees and charges payable in respect thereof;

(i) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a park, or the removal of any such substance from a park and the amount of royalties, fees and charges payable in respect thereof;

(j) the preservation or protection of any animals in parks;

(k) the preservation or protection of, or prevention of damage to, any relic or Aboriginal place in a park;

(l) the regulation, control or prohibition of the use of any relic or Aboriginal place for commercial purposes in a park;

(m) the making of charges or entrance fees for persons, clubs or associations or for vehicles using or entering a park, or any specified part of a park, or any public or other road traversing or bounding a park or such a part, and the collecting, receiving and waiving of those charges and fees by the Director or by other persons;

(n) the reservation of any portion of a park for such separate or exclusive use as the by-laws may prescribe;

(o) the closing of, or the regulation, control or prohibition of the entry of any person or class of persons into, a park or parts of a park and the conditions to be observed with regard thereto;

(p) the regulation, control or prohibition of private trading in a park;

(q) the use of roads, tracks, trails and other ways within a park and the circumstances under which roads, tracks, trails and other ways therein shall be open or may be closed to public traffic or use;

(r) the powers and duties of any officer of the Service appointed in respect of a park;

(s) the regulation of the use of vehicles and the conditions under which they may be used in a park;

(t) the regulation of the speed of vehicles in a park;

(u) the regulation of the use of chair lifts, surface tows and ski jumps and the conditions under which they may be used in a park;

(v) the regulation, control or prohibition of the erection of buildings, marinas, structures, signs or other improvements in a park;

(w) the protection of buildings, marinas, structures, signs and other improvements in parks;

(x) the regulation, control or prohibition of exotic plants in parks;

(y) the collection of scientific specimens, the preservation or protection of marine life (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and the pursuit of research in parks;

(z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in parks;

(aa) the management and maintenance of pounds within a park;

(bb) the procedure for the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park and for their subsequent disposal, sale or destruction;

(cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park;

(dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of cattle, horses, asses, mules, sheep, goats, swine and dogs impounded within a park; and

(ee) the procedure for the calling of meetings of trustees and the conduct of business at those meetings.

(3) Without affecting the generality of section 156 (2) or (3), by-laws made for or with respect to parks may be made to apply generally to all parks or may be limited to any park or any part thereof specified in the by-laws and unless so limited shall be taken to apply generally to all parks.

(4) Where any provision of a by-law made to apply to any specified park or any part thereof is inconsistent with a provision of any by-law relating to parks generally, the firstmentioned provision shall prevail.

General provisions.

156. (1) A regulation or by-law may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $200; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

(2)

(2) A regulation or by-law may be made so as to apply differently according to such factors as may be specified therein.

(3) A regulation or by-law may be made so as to apply to or in respect of—

(a) any matter, or all matters, or any class of matters specified or described therein; or

(b) all matters, or any class of matters, so specified or described other than—

(i) any matter so specified or described that is expressed to be excluded; or

(ii) any class of matters so specified or described that is expressed to be excluded.

(4) A regulation or by-law may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

PART XIV.

MISCELLANEOUS.

Requirement to state name and address.

157. (1) The Director or any officer of the Service may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(2) The Director, or any other officer of the Service duly authorised by the Director in that behalf, may require the driver of a motor vehicle in a national park, historic site, nature reserve or Aboriginal area to produce his driver's licence and to state his full name and his place of abode.

(3) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1) or (2); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

Requirement for owner of motor vehicle and others to give information.

158. (1) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act, the regulations or the by-laws, the Director or any other officer of the Service may—

(a) require the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, to give forthwith information (which shall, if so required, be given in the form of a statement in writing, signed by that owner or person) as to the name and place of abode of the driver; or

(b) require any other person to give any information which it is in his power to give and which may lead to the identification of the driver.

(2) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1); or

(b) in purported compliance with such a requirement, give any information that is false or misleading in a material particular.

Penalty : $200.

(3) In a prosecution for an offence in respect of a failure or refusal to comply with a requirement under subsection (1) (a), it is a defence if the defendant proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the name or place of abode of the driver concerned or both, as the case may require.

(4) Where a statement in writing purporting to be furnished under subsection (1) (a) and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act, the regulations or the by-laws is produced in any court in proceedings against the person named therein as the driver for the offence, the statement shall, if that person does not appear before the court, be evidence without proof of signature that he was the driver of the vehicle at that time.

Liability of vehicle owner for parking offences.

159. (1) In this section—

"owner", in relation to a vehicle, includes—

(a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

(b) in the case of a vehicle that is a motor vehicle—

(i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; or

(ii)

(ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

"parking offence" means the offence committed by a person who, in contravention of the regulations or by-laws made under this Act—

(a) moors or parks a vehicle; or

(b) causes or permits a vehicle to be moored or parked or to stand or wait.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation or by-law relating to the parking offence in all respects as if he were the actual offender guilty of the parking offence unless—

(a) in any case where the parking offence is dealt with under section 160, the owner satisfies the prescribed person referred to in that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or

(b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 160, he—

(i) within twenty-one days after service on him of a notice under that section alleging that he has been guilty of that offence, supplies by statutory declaration to the prescribed person referred to in that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the prescribed person so referred to that he does not know, and cannot with reasonable diligence ascertain, that name and address; or

(b) in any other case, he—

(i) within twenty-one days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

(6) Where a statutory declaration supplying the name and address of a person for the purposes of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is prima facie evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act, the regulations or the by-laws or any other Act or regulation, by-law or ordinance under any other Act.

Penalty notice for certain offences.

160. (1) In this section, "owner" and "parking offence" have the meanings respectively ascribed thereto in section 159.

(2) Where it appears to a prescribed person that another person is, by virtue of section 159, guilty of an offence, the prescribed person may serve a notice on that other person to the effect that, if that other person does not desire to have the matter determined by a court he may, within a time specified in the notice, pay to a person so specified the amount of penalty prescribed for the offence if dealt with under this section.

(3) A notice under subsection (2)—

(a) may be served as provided by section 174; or

(b) may be addressed to the owner of the vehicle to which the parking offence relates without naming him or stating his address and may be served by leaving it on, or attaching it to, the vehicle.

(4)

(4) A person alleged to have committed an offence referred to in subsection (2) shall not be dealt with under this section if he declines so to be dealt with and, if any such person fails within the time specified in a notice given to him under subsection (2) (or within such further time as, in his case, may have been allowed) to pay the penalty so specified he shall be deemed to have declined to be dealt with under this section.

(5) Where the penalty for an offence dealt with under this section is paid pursuant to this section in respect of an alleged offence—

(a) no person may be proceeded against for the alleged offence; and

(b) the payment shall not be construed as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the facts constituting the alleged offence.

(6) The penalty prescribed for an offence dealt with under this section shall not exceed the maximum penalty that might be imposed by a court if the offence were dealt with otherwise than under this section.

(7) This section shall be construed as supplementing, and not as derogating from, any other Act in relation to proceedings that may be taken in respect of offences.

Seizure of motor vehicles.

161. (1) An officer of the Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away, or cause to be removed or towed away, any motor vehicle which he believes on reasonable grounds—

(a) to be a danger or unreasonable obstruction to traffic; or

(b) to be unattended and to have been abandoned,

in a national park, historic site, nature reserve or Aboriginal area.

(2)

(2) Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose.

(3) Notwithstanding anything in subsection (1), before seizure of a motor vehicle under this section, the officer referred to in that subsection shall—

(a) if no person is in charge of the motor vehicle—

(i) make reasonable inquiry for the purpose of locating the owner or driver of the vehicle; and

(ii) if upon inquiry under subparagraph (i) the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request; or

(b) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

(4) The inquiry referred to in subsection (3) (a) shall be made in the vicinity of the place where the vehicle is found.

(5) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to the owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded; or

(b)

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to the owner if he can, after reasonable inquiry, be located a notice setting out the particulars referred to in paragraph (a); or

(ii) if the owner cannot, after reasonable inquiry, be located, cause a notice setting out the particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(6) Except in the case of a motor vehicle which is dealt with under the provisions of subsection (7), the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section :—

(a) the application for the release shall be made by the owner of the vehicle or by a person acting for and on behalf of the owner to an officer-in-charge of the place at which the vehicle is kept or impounded (in this subsection referred to as the "officer-in-charge");

(b) the applicant shall furnish evidence as to the ownership of the vehicle to the satisfaction of the officer-in-charge; and

(c) the vehicle shall not be released from custody unless—

(i) the officer-in-charge is satisfied that the applicant is the owner of the vehicle or that he possesses authority to act for and on behalf of the owner;

(ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the vehicle has been paid to the officer-in-charge; and

(iii) the applicant has signed a receipt for the delivery of the vehicle on a form supplied to him by the officer-in-charge.

(7) If within a period of three months after the date upon which the motor vehicle has been seized the owner has failed to claim the vehicle and to pay the amount referred to in subsection (6) (c) (ii), the vehicle may, after the expiration of that period, be disposed of or destroyed in accordance with the directions of the Director.

(8) In this section, "motor vehicle" includes a trailer or caravan designed or adapted to be towed by a motor vehicle (as defined in section 5 (1)), whether or not the trailer or caravan is in the course of being towed.

Impounding.

162. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, historic site, nature reserve or Aboriginal area, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of lands under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of that Act shall, with such modifications as are necessary, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection (1), Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) sections 423, 425A, 426 (2) and (3), 427, 428, 429, 430 (2), 431 (1), (2) and (4), 439, 441 and 442 had been omitted therefrom;

(b)

(b) the words "at large in any public place or" had been omitted from section 426 (1);

(c) "animal" meant any cattle, horse, ass, mule, sheep, goat, swine or dog;

(d) "prescribed" meant prescribed by, or by by-laws made under, this Act;

(e) a reference to the mayor or president of a council were a reference to the Director; and

(f) a direction for the payment of money to a council, or to the General Fund of a council, were a direction for payment of the money to the National Parks and Wildlife Fund.

(3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, historic site, nature reserve or Aboriginal area.

(4) The Director, in relation to a national park, historic site, nature reserve or Aboriginal area, shall have and may exercise the powers conferred by the provisions of section 15 of the Impounding Act, 1898, and section 429 (1) of the Local Government Act, 1919, on an occupant in relation to his lands, but may, instead of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national park, historic site, nature reserve or Aboriginal area the same powers as are conferred by section 438 of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

(6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, historic site, nature reserve or Aboriginal area, being a pound that will be available for use for impounding animals trespassing on a national park, historic site, nature reserve or Aboriginal area.

(7) Where an animal trespassing on a national park, historic site, nature reserve or Aboriginal area is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Government Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(8) In subsection (6), "public pound" includes a place referred to in section 23 (b) of the Dog Act, 1966.

Application of Dog Act, 1966.

163. (1) In this section, "area", "council" and "dog" have the meanings respectively ascribed thereto in section 4 (1) of the Dog Act, 1966.

(2) Part III of the Dog Act, 1966, does not apply to or in respect of the seizure of a dog in a national park, historic site, nature reserve or Aboriginal area by an officer of the Service, but if he causes the dog to be delivered to any duly authorised servant or agent of the council of the area in which the dog was seized at a place provided for the purpose in accordance with section 23 (b) of that Act, section 11 of that Act applies to and in respect of that dog as if it had been seized under section 10 of that Act.

(3) Nothing in this section applies with respect to the seizure of a dog with respect to which Part III of the Dog Act, 1966, would not have applied had this Part not been enacted.

164. (1) The Director or an officer of the Service duly authorised by the Director in that behalf— Powers of entry and seizure.

(a) may at all times, if he suspects on reasonable grounds that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that any animal, native plant, relic or article in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence is likely to be in or upon any premises or vehicle, on production of the prescribed evidence of his authority—

(i) stop any such vehicle;

(ii) enter and search any such premises or vehicle; and

(iii) subject to his giving a receipt in the prescribed form seize any such animal, native plant, relic (not being real property) or article found therein or thereon together with any books, papers or records relating to the suspected offence and make copies of, or take extracts from, any such papers, books or records;

(b) may at all times, on production of the prescribed evidence of his authority, enter any premises or vehicle for the purpose of—

(i) inspecting any premises registered under section 124, 125 or 128;

(ii) inspecting any premises in which fauna are housed or caged under the authority of a general licence under section 120;

(iii) inspecting any lands on which protected native plants are grown under the authority of a licence under section 132; or

(iv)

(iv) searching for and inspecting any articles that are being or could be used in contravention of this Act, the regulations or the by-laws; and

(c) may, for the enforcement of the provisions of this Act, the regulations or the by-laws, exercise the powers and authority of a constable.

(2) Subsection (1) does not—

(a) apply in relation to an offence of a class or description prescribed for the purposes of this subsection;

(b) authorise the seizure of a vehicle within the meaning of paragraph (a), (b), (c) or (e) of the definition of "vehicle" in section 5 (1) or any prescribed article; or

(c) authorise any person to enter in or upon that portion of a building that is used for residential purposes except under written authority given by the Minister.

(3) An authority referred to in subsection (2) (c)—

(a) may be general in its application or may be limited to specified premises;

(b) subject to paragraph (c), shall remain in force for the specified period; and

(c) may be revoked at any time by the Minister.

(4) The power of seizure under subsection (1) (a) may be exercised without exercising any of the other powers under subsection (1) (a).

(5)

(5) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, complains on oath that he has reason to suspect, and believes, that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that there may be an animal, native plant, relic or article, in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence, on specified premises or on a specified vehicle, a stipendiary magistrate may, by warrant under his hand, authorise the complainant to enter and search those premises or that vehicle.

(6) A person authorised under subsection (5) to enter premises or a vehicle may use force, whether by breaking open doors or otherwise, for the purpose of entering the premises and may—

(a) execute the warrant; and

(b) exercise the power of seizure under subsection (1) (a),

with the aid of such assistants as he deems necessary.

(7) A warrant may be issued under subsection (5) authorising a person to enter in or upon that portion of a building that is used for residential purposes notwithstanding that a written authority referred to in subsection (2) (c) has not been given authorising that person to make that entry.

Persons to deliver up fauna, etc., when required.

165. (1) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, suspects on reasonable grounds any person to be committing an offence against any of the provisions of this Act, the regulations or the by-laws, he may, on production of the prescribed evidence of his authority, require that person to deliver up any animal, native plant, relic (not being real property) or article in his possession in respect of which the suspected offence is being committed or which is being used in connection with the suspected offence.

(2) Any such person after being so required shall not fail to deliver up forthwith any animal, native plant, relic (not being real property) or article to the Director or any such officer requiring him so to do.

Definition of "article" for sections 164 and 165.

166. In sections 164 and 165, "article" means prohibited weapon, firearm, explosive, net, trap, hunting device, substance, mixture, preparation, instrument, implement or any other thing.

Disposal of fauna and perishable goods when seized or delivered up.

167. (1) Where any property seized under section 164 or delivered up under section 165 is fauna or is perishable, it may forthwith be disposed of, by way of sale or otherwise, by the Director or an officer of the Service duly authorised by the Director in that behalf.

(2) The proceeds of any sale under subsection (1) shall be paid into the Fund.

(3) The payment to a person from the Fund of an amount equal to the proceeds of the sale of any property under subsection (1) operates as a discharge of any obligation to deliver up that property to that person and such a payment in discharge of any such obligation imposed by an order of the court prescribed in relation to the property under section 168 is hereby authorised.

Disposal of property seized or delivered up.

168. (1) Subject to this section, where—

(a) a person is convicted of an offence against this Act, the regulations or the by-laws;

(b) property relating to the offence, or in the possession of the offender at the time of the commission of the offence, has been seized under section 164 or delivered up under section 165; and

(c)

(c) any person applies to the court prescribed in relation to the property for an order that the property be delivered to a specified person,

that court may, whether or not it is the court making the conviction, make such an order.

(2) Subject to this section, where—

(a) property has been seized under section 164 or delivered up under section 165; and

(b) an information for an offence (being an offence or or after a conviction for which an order could be made under subsection (1) in respect of the property) has not been laid within six months after the seizure or delivering up of the property,

the court prescribed in relation to the property may, on the application of any person, order that the property be delivered to a specified person.

(3) An application for an order under subsection (1) may be made at the time of the conviction referred to in that subsection if the court making the conviction is the court prescribed in relation to the property to which the application relates.

(4) An application for an order under subsection (1) or (2) may not be made—

(a) in the case of an application for an order under subsection (1)—later than one month after the conviction referred to in that subsection; or

(b) in the case of an application for an order under subsection (2)—later than three months after the expiration of the period of six months referred to in that subsection.

(5)

(5) Where property has been seized under section 164 or delivered up under section 165 and—

(a) no application for an order under subsection (1) or (2) has been duly made; or

(b) such an application has been duly made and such an order has been refused,

the property the subject of the application and, where the property has been sold under section 167, the proceeds of the sale, shall be deemed to have been forfeited.

(6) For the purposes of this section—

(a) the value of any property sold under section 167 is an amount equal to the amount of the net proceeds of sale; and

(b) the court prescribed in relation to any property is—

(i) where the value of the property does not exceed $500—the court of petty sessions for the district in which the property was seized;

(ii) where the value of the property exceeds $500 but does not exceed $10,000—the District Court of New South Wales; and

(iii) where the value of the property exceeds $10,000—the Supreme Court of New South Wales.

Impersonating, assaulting, resisting or obstructing an officer, etc.

169. (1) A person shall not impersonate the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger.

(2) A person shall not—

(a) assault, threaten, resist, delay, obstruct or use abusive language to; or

(b)

(b) incite or encourage any other person to assault, threaten, resist, delay, obstruct or use abusive language to,

the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger, in the exercise of any of his powers, authorities, duties or functions under this Act, the regulations or the by-laws.

Corruption.

170. A person shall not, without lawful authority, offer, make or give to an officer of the Service, an ex-officio ranger or an honorary ranger any payment, gratuity or present in consideration that the officer or ranger will do or omit to do any act or thing pertaining to his powers, authorities, duties or functions as such an officer or ranger.

Penalty : $200 or imprisonment for six months or both.

Authority of officers of Service to take or kill, etc.

171. (1) The Director may authorise an officer of the Service, an ex-officio ranger or an honorary ranger—

(a) to take or kill—

(i) any animals of a class or description specified by the Director, being animals within a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve; or

(ii) any animals of a class or description specified by the Director, being protected fauna outside a park, site, reserve, area, district or refuge referred to in subparagraph (i), other than fauna that are not the property of the Crown;

(b)

(b) to fell, cut, destroy, injure, remove or set fire to any tree, timber or vegetation of a class or description specified by the Director, within a nature reserve; or

(c) to pick or have in his possession any native plant of a class or description specified by the Director, within a nature reserve.

(2) An officer of the Service, an ex-officio ranger or an honorary ranger shall not be convicted of an offence against this Act if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed, under the authority of the Director under subsection (1).

(3) For the purposes of this Act, the Director shall be deemed to be authorised under subsection (1) with respect to all animals, and all trees, timber, vegetation and native plants, to which that subsection relates or may relate.

(4) Except in so far as the Director otherwise directs, his authorisation of a person under subsection (1) with respect to any animals also authorises that person to do, in connection with the taking and killing of any such animal, any act referred to in section 45 (1) or 56 (1).

(5) Subsection (1) (a) (i) does not apply with respect to an animal that is not the property of the Crown unless the animal apparently has no owner and is not under control or unless an officer of the Service believes on reasonable grounds that the animal is endangering, or likely to endanger, any other animals or any persons or property within the park, site, reserve, area, district or refuge referred to in subsection (1) (a) (i).

(6) Nothing in this section affects the provisions of section 155 (2) (bb).

Member of police force.

172. A member of the police force shall not be convicted of an offence against this Act in respect of an act done in pursuance of or as part of his duties as such a member.

Removal of trespassers.

173. (1) Where, but for this section, section 255 of the Crown Lands Consolidation Act, 1913, would not apply to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, that section, subject to subsection (2), applies to and in respect of those lands in the same way as it applies to and in respect of Crown lands within the meaning of that Act.

(2) In the application of section 255 of the Crown Lands Consolidation Act, 1913, whether by virtue of subsection (1) or otherwise, to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, a reference in that section to any person duly authorised by the Minister includes a reference to the Director or any person duly authorised by the Director.

Service of notices.

174. Any notice given under or for the purposes of this Act, the regulations or the by-laws may, unless otherwise specially provided, be given in any one of the following ways :—

(a) personally to the person to whom the notice is addressed; or

(b) by letter sent through the post by mail and directed to the last known place of abode or business in New South Wales of the person to whom the notice is addressed.

General offence and penalties.

175. (1) A person who—

(a) does that which by this Act (Parts II, III and V excepted) he is forbidden to do; or

(b) fails or neglects to do that which by this Act (Parts II, III and V excepted) he is required or directed to do,

is guilty of an offence against this Act.

(2)

(2) A person guilty of an offence against this Act, whether pursuant to subsection (1) or otherwise, is, where no other penalty is prescribed, liable to a penalty not exceeding—

(a) in the case of the first offence for which he is liable to a penalty under this section—$200;

(b) in the case of a second offence for which he is liable to a penalty under this section—$500; and

(c) in the case of a third or subsequent offence for which he is liable to a penalty under this section—$1,000.

Recovery of penalties.

176. (1) Any penalty imposed by this Act, the regulations or the by-laws may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

(3) Where any person is convicted of an offence against this Act, the regulations or the by-laws and the magistrate or justices before whom he was convicted makes or make an order under section 81 of the Justices Act, 1902, for the payment by the defendant of costs, those costs shall be paid into the Fund.

Compensation.

177. (1) Where any person is convicted of an offence against this Act, the regulations or the by-laws whereby the Minister or Director incurs any charge, cost or expense or which results in or causes loss or damage to—

(a) any national park, historic site, nature reserve or Aboriginal area or to any structure or improvements thereon; or

(b) any lands vested in, surrendered to or leased to Her Majesty for the purposes of this Act or occupied under licence for the purposes of this Act, or acquired by the Minister under section 147, or to any structure or improvements thereon,

the magistrate or justices before whom he was convicted may order payment of such sum as he or they think fit by way of compensation for that charge, cost, expense, loss or damage.

(2) Any order under subsection (1) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

Recovery of charges, etc.

178. (1) Any charge, fee or money due to the Director under the provisions of this Act, the regulations or the by-laws may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

(2) The amount of any royalty due and payable under this Act or the regulations and unpaid may be recovered as a debt due to the Director from the person liable to pay that amount in a court of competent jurisdiction.

Authority to take proceedings.

179. (1) Any legal proceedings for an offence against this Act or to recover any charge, fee or money due under the provisions of this Act, the regulations or the by-laws may only be taken by a member of the police force or by a person duly authorised by the Director in that behalf, either generally or in any particular case.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of the authority without proof of the Director's signature.

Continuance of authority.

180. Any person duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised that person has ceased to hold office as Director, but any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

Evidentiary provisions, etc.

181. (1) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that any lands in question form part of a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve shall be sufficient without proof of the matter so alleged unless the defendant proves to the contrary.

(2) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that a standard, sign, symbol, notice or device was erected, displayed or marked with the authority of the Director, or that a standard, sign, symbol, notice or device was erected, displayed, marked, interfered with, altered or removed without the authority of the Director, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

(3) In any proceedings for an offence against this Act, the regulations or the by-laws, a certificate purporting to be signed by the officer for the time being in charge of the records kept under the law for the time being in force in any part of the Commonwealth relating to the ownership of motor vehicles and naming the owner of a motor vehicle as shown on those records shall be prima facie evidence of the name of the owner of the motor vehicle.

(4) In any prosecution under this Act, any allegation in any information that any person is unlicensed or acting without permission or authority need not be proved,

and

and that person shall be deemed to be unlicensed or acting without permission or authority, as the case may be, until the contrary is proved by the production of a licence, permit or authority or otherwise.

182. (1) In this section— Morton National Park.

"Board" means The Metropolitan Water Sewerage and Drainage Board;

"Park" means Morton National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Board may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board;

(c) where the site has been so determined, the Governor may, notwithstanding section 37, by notification published in the Gazette—

(i) revoke the reservation of the Park as to so much of the lands reserved as are within that site; and

(ii) declare those lands to be vested in the Board,

and thereupon those lands shall vest in the Board; and

(d) the Minister may, from time to time, grant to the Board such easements and licences over lands within the Park for pipelines, power lines and other

purposes

purposes as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

(3) Anything done under or for the purposes of section 21 (2) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Macquarie Pass National Park.

183. (1) In this section—

"Commission" means The Water Conservation and Irrigation Commission;

"Park" means Macquarie Pass National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Commission may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission; and

(c) the Minister may, from time to time, upon such terms as he thinks fit grant to the Commission such easements and licences over lands within the Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and ancillary works.

(3) Anything done under or for the purposes of section 21 (3) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Bouddi National Park.

184. (1) The Governor may, by proclamation published in the Gazette, declare that this section applies to such of the lands comprised in Bouddi National Park as are described in the proclamation.

(2)

(2) Upon the publication of the proclamation under subsection (1), the lands described in the proclamation shall cease to be part of Bouddi National Park and shall be deemed to have been reserved as a national park.

(3) Without affecting the generality of section 36, a reference in that section to a proclamation includes a reference to the proclamation under subsection (1).

Catchment areas.

185. (1) In this section, "the Acts" means the Metropolitan Water, Sewerage, and Drainage Act, 1924, and the Hunter District Water, Sewerage and Drainage Act, 1938.

(2) Nothing in this Act affects the operation of any of the provisions of either of the Acts in relation to lands within a national park, historic site or nature reserve, in so far as those provisions relate to catchment areas.

(3) Without affecting the generality of subsection (2), nothing in this Act—

(a) affects, or affects the operation of, any proclamation or by-law under either of the Acts relating to a catchment area and in force at the time of the reservation or dedication of any lands as, or as part of, a national park, historic site or nature reserve, being lands to which the proclamation or by-law relates; or

(b) affects the power of the Governor to make any proclamation or by-law under either of the Acts in relation to any lands within a national park, historic site or nature reserve.

(4) Notwithstanding anything in this Act, a lease, licence, easement or right of way shall not be granted under this Act in respect of any lands within a catchment area within the meaning of—

(a) the Metropolitan Water, Sewerage, and Drainage Act, 1924, except with the concurrence of The

Metropolitan

Metropolitan Water Sewerage and Drainage Board; or

(b) the Hunter District Water, Sewerage and Drainage Act, 1938, except with the concurrence of The Hunter District Water Board.

Sec. 4 (1).

SCHEDULE 1.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1927, No. 2..	Wild Flowers and Native Plants Protection Act, 1927.	The whole Act.
1931, No. 35..	Wild Flowers and Native Plants Protection (Amendment) Act, 1931.	The whole Act.
1945, No. 8..	Wild Flowers and Native Plants Protection (Amendment) Act, 1945.	The whole Act.
1948, No. 47..	Fauna Protection Act, 1948. ..	The whole Act.
1959, No. 7..	Wild Flowers and Native Plants Protection (Amendment) Act, 1959.	The whole Act.
1964, No. 50..	Fauna Protection (Amendment) Act, 1964.	The whole Act.
1967, No. 35..	National Parks and Wildlife Act, 1967.	The whole Act.
1969, No. 78..	National Parks and Wildlife (Amendment) Act, 1969.	The whole Act.
1971, No. 36..	National Parks and Wildlife (Amendment) Act, 1971.	The whole Act.
1972, No. 20..	National Parks and Wildlife (Amendment) Act, 1972.	The whole Act.
1972, No. 61..	Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act, 1972.	Section 12.
1973, No. 9..	District Court Act, 1973.	So much of Schedule 2 as amends Act No. 35, 1967.
1973, No. 11..	Justices (Amendment) Act, 1973...	Section 9.

SCHEDULE

SCHEDULE 2.

Sec. 4 (2).

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 95..	Public Roads Act 1902.	Section 8 (4) (b) (ii)— Omit "1967", insert instead "1974".
1912, No. 42..	Liquor Act, 1912.	Section 168 (2) (c)— (a) Omit "state park"; (b) Omit "1967", insert instead "1974".
1919, No. 41..	Local Government Act, 1919.	Section 289A— (a) Omit "and" where secondly occurring from paragraph (b1) of the definition of "authorised person" in subsection (1); (b) After paragraph (b1) of that definition insert the following paragraph:— (b2) an officer of the National Parks and Wildlife Service appointed by the Director to be an authorised person for the purposes of this Division; and (c) After that definition insert the following definition:— "Director" means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1974; (d) Omit "state park, historic site or aboriginal area within the meaning of the National Parks and Wildlife Act, 1967, and a nature reserve within the meaning of the Fauna Protection Act, 1948" from the definition of "public place" in subsection (1), insert instead "historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974"; (e) Omit "or (b1)" in subsection (3) (a), insert instead ", (b1) or (b2)".

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41..	Local Government Act, 1919— *continued*	Section 289B (2)— (a) Omit from paragraph (b) "provided by, or with the approval of, the council", insert instead the following words:— "provided— (i) except as provided in sub-paragraph (ii)—by, or with the approval of, the council; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974, by the Director or the trustees thereof (if any) or by, or with the approval of, the council and with the consent of the Director or those trustees"; (b) Omit from paragraph (c) "published by the council notifying that it will remove the litter and", insert instead the following words:— "published— (i) except as provided in sub-paragraph (ii)—by the council notifying that it will remove the litter; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974— under the authority of the Director or the trustees (if any) thereof or by the council with the consent of the Director or those trustees, and".
1924, No. 24..	Main Roads Act, 1924.	Section 3 (2) (i)— (a) Omit "state park" wherever occurring; (b) Omit "1967" wherever occurring, insert instead "1974".

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1935, No. 40..	Wool, Hide and Skin Dealers Act, 1935.	Section 2 (1)— Omit "a protected animal within the meaning of the Birds and Animals Protection Act, 1918–1930, or any Act amending that Act" from the definition of "Hide" or "skin", insert instead "protected fauna within the meaning of the National Parks and Wildlife Act, 1974".
1938, No. 10..	Soil Conservation Act, 1938.	Section 21A— Omit paragraph (c) of the definition of "protected land", insert instead the following paragraph:— (c) any national park, historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974.
1949, No. 31..	Bush Fires Act, 1949.	Sections 10 (7), 13 (6), 14 (3), 22 (2), 22 (3C) and 51 (1C)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 15 (5)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 51 (1C)— Omit "that Service", insert instead "the Director of National Parks and Wildlife".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1955, No. 28..	Petroleum Act, 1955.	Section 46 (2)— Omit "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained." Section 46— Insert at the end of the section the following subsection:— (3) The Minister shall not grant his consent under this section in respect of lands within a national park, historic site or nature reserve under the National Parks and Wildlife Act, 1974, without the concurrence in writing of the Minister for Lands.
1960, No. 10..	The National Trust of Australia (New South Wales) Act, 1960.	Section 9 (4) (b)— Omit "1967", insert instead "1974".
1973, No. 42..	Mining Act, 1973.	Section 86 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974".
1973, No. 81..	Coal Mining Act, 1973.	Sections 25 (4) and 69 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974". Fourth Schedule— Omit so much of the Schedule as amends Act No. 47, 1948, and Act No. 35, 1967.

SCHEDULE

SCHEDULE 3. Sec. 4 (3).

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule— Interpretation.

"repealed enactments" means the enactments repealed by this Act;

"state park" means a state park within the meaning of the Act of 1967.

2. (1) The person holding office as Director of National Parks and Wildlife under the Act of 1967 immediately before the commencement day shall be deemed to have been appointed Director under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. The Director.

(2) All acts, matters and things done or omitted by, or done or suffered in relation to, the Director of National Parks and Wildlife appointed under the Act of 1967 before the commencement day shall, on and from that day, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Director appointed under this Act.

(3) Without affecting the generality of Schedule 4, clauses 10 and 11 of that Schedule apply to and in respect of the person holding office as Director immediately before the commencement day as if this Act had been in force at the time when he was appointed Director under the Act of 1967.

3. The members of an advisory committee constituted for any lands under the Act of 1967 and holding office immediately before the commencement day shall be deemed to be members of an advisory committee constituted for those lands under this Act as if this Act had been in force at the time of the constitution of the committee. Advisory committees.

4. A person holding office as a member of the Aboriginal Relics Advisory Committee under section 33A of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Relics Committee under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. Relics Committee.

5. A person holding office as an appointed member of the National Parks Advisory Committee of Architects under section 40 of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Architects Committee under Architects Committee.

this

this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967.

Delegations.

6. (1) Any delegation in force under section 7 of the Act of 1967 shall be deemed to be a delegation under section 21.

(2) Section 7 of the Act of 1967 continues to apply to and in respect of any act or thing done by a delegate under that section before the commencement day.

Reserved, dedicated and declared lands.

7. (1) Lands comprised within a national park or state park under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a national park under this Act.

(2) Lands comprised within a historic site under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a historic site under this Act.

(3) Lands comprised within a nature reserve under the Fauna Protection Act, 1948, immediately before the commencement day shall be deemed to be dedicated as a nature reserve under this Act.

(4) A proclamation under section 20 of the Act of 1967 in force immediately before the commencement day in relation to a national park, state park or historic site under that Act shall be deemed to be a proclamation under section 33.

(5) To the extent that section 20 (5) and (6) of the Act of 1967 would, had this Act not been enacted, apply or continue to apply to or in respect of a proclamation published under section 20 of that Act before the commencement day, section 35 applies to or in respect of that proclamation.

(6) An order under section 33B of the Act of 1967 in force immediately before the commencement day in relation to an aboriginal area under that Act shall be deemed to be a proclamation in force under section 62.

(7) An order under section 33I of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be an order in force under section 65.

(8) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a wildlife refuge under that Act shall be deemed to be a proclamation in force under section 68.

(9) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a game reserve under that Act shall be deemed to be a proclamation in force under section 69.

(10)

(10) A direction under section 33J of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be a direction in force under section 66.

References to state parks.

8. (1) A reference, in any other Act, or in any regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature, to—

(a) a state park shall be read as a reference to a national park under this Act; or

(b) a particular state park under the Act of 1967 shall be read as a reference to the national park deemed to be reserved under clause 7 (1) and comprising the lands within that state park.

(2) Without affecting the generality of subclause (1), a reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read as a reference to the Kosciusko National Park deemed to be reserved under this Act, and a reference to the Kosciusko State Park Trust shall be read as a reference to the Director.

Plans of management.

9. (1) A plan of management under the Act of 1967 shall be deemed to be a plan of management under this Act.

(2) A working plan under the Fauna Protection Act, 1948, shall be deemed to be a plan of management under this Act.

Mining.

10. (1) A notice under section 24 (2) (a) of the Act of 1967 shall be deemed to be a notice under section 41, and anything done or commenced to be done under section 24 (2) (a) of the Act of 1967 shall be deemed to have been done or commenced under section 41.

(2) A reference in subclause (1) to section 41 includes a reference to that section as applied by any other provision of this Act.

Certain existing interests.

11. (1) In this clause, "prescribed interest" means an authority, authorisation, permit, lease, licence or occupancy to which section 22 of the Act of 1967 applied immediately before the commencement day.

(2) Section 39 applies to and in respect of a prescribed interest granted with respect to lands comprised in a national park, state park or historic site under the Act of 1967 as if this Act had been in force when that national park, state park or historic site was reserved under that Act.

Licences, etc.

12. (1) A licence, registration certificate, franchise, permit, permission, concurrence, consent, authorisation or authority, issued or given under any of the repealed enactments, shall be deemed to be issued or given under this Act.

(2) Notwithstanding subsection (1), a permit granted under section 33 of the Fauna Protection Act, 1948, shall be deemed to be a licence issued under section 127.

Open seasons.

13. A notice of an open season under section 18 of the Fauna Protection Act, 1948, in force immediately before the commencement day shall be deemed to be an order in force under section 95.

Property.

14. (1) Any property acquired by the Minister under the Act of 1967 shall be deemed to have been acquired by him under this Act.

(2) Lands acquired under section 19A of the Act of 1967 shall be deemed to have been acquired under section 145.

(3) Lands acquired under section 19B of the Act of 1967 shall be deemed to have been acquired under section 146 (1).

(4) A lease or licence granted under the Act of 1967 and in force immediately before the commencement day shall be deemed to have been granted under this Act.

(5) A franchise in force under section 32 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 152.

(6) An easement or right of way in force under section 31 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 153.

Community service contribution.

15. (1) Any community service contribution under section 37 of the Act of 1967 due and payable immediately before the commencement day shall be deemed to be due and payable under section 140.

(2) Section 140 applies to and in respect of any community service provided or maintained under section 37 of the Act of 1967 before the commencement day and in respect of which a notice of the amount of contribution had not been served under that section before that day.

Forfeiture and seizure.

16. The provisions of any of the repealed enactments continue to apply to and in respect of any forfeiture or seizure under those provisions before the commencement day, and so apply as if this Act had not been enacted.

17. Any regulations in force under any of the repealed enactments immediately before the commencement day shall be deemed to be regulations made under this Act, but any such regulations shall, to the extent to which they would be by-laws if made under this Act, be deemed to be by-laws made under this Act. Regulations and by-laws.

18. The amendments made by sections 52, 53, 54 and 56 of the Act of 1967 continue to have the same force and effect as if those sections had not been repealed by this Act. Certain amendments made by Act of 1967.

19. Where, by virtue of section 37 of the Interpretation Act, 1897, any act or thing is to be done under this Act before the commencement day, and the act or thing is to be done by or in relation to the Director appointed under this Act, the act or thing may be done by or in relation to the Director of National Parks and Wildlife appointed under the Act of 1967, or a person duly acting in his place, and when so done, shall have the same effect as if done by the Director under this Act. Exercise of powers before commencement day.

SCHEDULE 4. Sec. 7 (2).

THE DIRECTOR.

1. In this Schedule, "statutory body" means any body declared under clause 2 to be a statutory body for the purposes of this Schedule. Interpretation.

2. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of the definition of "statutory body" in clause 1. Declaration of statutory bodies.

3. The Director shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is, if otherwise qualified, eligible for reappointment from time to time for such further period or periods as the Governor may appoint. Term of office.

4. The salary of the Director shall be as fixed by the Governor from time to time. Salary.

5. The Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to that Act during his term of office. Application of Public Service Act, 1902.

6. A person who is of or above the age of sixty-five years is not eligible for appointment as Director. Ineligibility by reason of age.

7. The Director shall cease to hold office on the day on which he attains the age of sixty-five years. Director attaining 65 years of age.

8.

Removal from office.

8. The Governor may for any cause which to him seems sufficient remove the Director from office.

Vacation of office.

9. The Director shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

Preservation of certain rights of Director if previously public servant, etc.

10. (1) In this clause, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where the Director was, immediately before his appointment as Director—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

(c) an officer employed by any statutory body; or

(d) a person in respect of whom provision was made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Director; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Director, and—

(h) his service as Director shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Government of New South Wales shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.

(3)

(3) Where the Director would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his appointment as Director or at any later time while he holds office as Director) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Government of New South Wales in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to the Director upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) The Director shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Director entitled to re-appointment in former employment in certain cases.

11. (1) In this clause, "retiring age" means—

(a) in relation to a person who was, immediately before his appointment as Director, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as Director, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Director), as the case may be, of that statutory body are entitled to retire.

(2) Where a person ceases to be Director, otherwise than pursuant to clause 9 (paragraph (b) excepted), he shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Director, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that statutory body,

not lower in classification and salary than that which he held immediately before his appointment as Director.

SCHEDULE

Sec. 31.

SCHEDULE 5.

NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

Column 1.	Column 2.
Name of national park or historic site.	Corporate name of trustees.
Brisbane Water National Park ..	Trustees of Brisbane Water National Park.
Dorrigo National Park	Trustees of Dorrigo National Park.
Gibraltar Range National Park ..	Trustees of Gibraltar Range National Park.
Mount Kaputar National Park ..	Trustees of Mount Kaputar National Park.
New England National Park ..	Trustees of New England National Park.
Warrumbungle National Park ..	Trustees of Warrumbungle National Park.
Captain Cook's Landing Place Historic Site.	Trustees of Captain Cook's Landing Place Historic Site.
Vaucluse House Historic Site ..	Trustees of Vaucluse House Historic Site.

Sec. 13 (2).

SCHEDULE 6.

TRUSTEES.

Term of office.

1. (1) A trustee holding office on the commencement day shall, subject to this Act, hold office for a period of five years, and is eligible for further appointment as a trustee.

(2) A trustee appointed after the commencement day shall, subject to this Act, hold office for such period not exceeding five years as may be specified in the notification of his appointment, and is eligible for further appointment as a trustee.

Ineligibility by reason of age.

2. A person who is of or above the age of seventy years is not eligible for appointment as a trustee.

Trustee attaining 70 years of age.

3. A trustee shall cease to hold office on the day on which he attains the age of seventy years.

Removal from office.

4. The Governor may for any cause which to him seems sufficient remove from office any trustee.

5. A trustee shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

6. The Minister may, from time to time, by notification published in the Gazette, fill any vacancy that occurs in the office of trustee and may, by a like notification, appoint additional trustees. New trustees.

7. (1) A majority of the trustees of a national park or historic site shall form a quorum at any meeting of the trustees and any duly convened meeting at which a quorum is present shall be competent to transact any business of the trustees. Quorum.

(2) Questions arising at a meeting of the trustees of a national park or historic site shall be determined by a majority of votes of the trustees present and voting.

8. The procedure for the calling of meetings of the trustees of a national park or historic site and for the conduct of business at those meetings shall, subject to this Schedule and any by-laws made in relation thereto applicable to the national park or historic site, be as determined by the trustees. Procedure.

9. The trustees shall cause to be forwarded to the Minister during the month of July in each year financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case may require. Report.

SCHEDULE 7.

Sec. 22 (2).

The Council.

1. (1) The Council shall consist of— Composition.

(a) the Director; and

(b) twelve other members (in this Schedule referred to as "appointed members") appointed by the Minister.

(2)

(2) In making appointments under this Schedule, the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or interests, to undertake wildlife conservation.

(3) Of the appointed members—

(a) three shall be persons each of whom is a trustee of, or a member of an advisory committee for, a national park;

(b) one shall be a person who is a trustee of, or a member of the advisory committee for, a historic site;

(c) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;

(d) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;

(e) one shall be a person experienced in the science of botany nominated by the Minister;

(f) one shall be a person who is a member of the National Parks Association of New South Wales;

(g) one shall be a person nominated in the manner prescribed by one or more of the universities functioning within New South Wales;

(h) one shall be an officer of the Australian Museum nominated by the Minister administering the Australian Museum Act, 1902;

(i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949, as amended, of the Parliament of the Commonwealth; and

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

Term of office.

2. An appointed member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Ineligibility by reason of age.

3. A person who is of or above the age of seventy years is not eligible for appointment as an appointed member.

Appointed member attaining 70 years of age.

4. An appointed member shall cease to hold office on the day on which he attains the age of seventy years.

5. The Governor may for any cause which to him seems sufficient remove from office any appointed member. **Removal from office.**

6. An appointed member shall be deemed to have vacated his office if he— **Vacation of office.**

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed, except in the case of a member appointed pursuant to clause 1 (3) (a) or (b) who ceases to hold that qualification by reason of the care, control and management of the national park or historic site having become vested in the Director; or

(e) is removed from office by the Governor.

7. On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (3) in the same manner as that predecessor. **Filling casual vacancy.**

8. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (3) in the same manner as the person for whom he is the alternate member. **Alternate members.**

(2) An alternate member shall have and may exercise, while acting as a member of the Council, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

9. (1) The Director shall be the chairman of the Council. **Chairman.**

(2) The chairman shall preside at all meetings of the Council at which he is present.

10. In the absence of the chairman at any meeting, the members present at the meeting may elect one of their number to preside as chairman. **Absence of chairman.**

Chairman's vote.

11. The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

Quorum.

12. (1) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council.

(2) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

Procedure.

13. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Council.

Fees.

14. A member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

Sec. 24 (2).

SCHEDULE 8.

Advisory Committees.

Initial composition.

1. The advisory committee first constituted for each national park or historic site after the date upon which the care, control and management thereof have been vested in the Director shall be the persons who, immediately before that date, were the trustees or the members of the body corporate which was trustee thereof, or where there were no trustees or was no trustee, such persons as the Minister may appoint.

Removal from office.

2. The Governor may for any cause which to him seems sufficient remove from office any member of an advisory committee.

Vacation of office.

3. A member of an advisory committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

4.

Subsequent composition.

4. After the first constitution of an advisory committee, the members of the advisory committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy.

Term of office.

5. The members of an advisory committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such period not exceeding five years as may be specified in the respective instruments of appointment, and are eligible for further appointment under this Schedule.

Ineligibility by reason of age.

6. A person who is of or above the age of seventy years is not eligible for appointment under this section as a member.

Member attaining 70 years of age.

7. A member of an advisory committee shall cease to hold office on the day on which he attains the age of seventy years.

Quorum.

8. (1) A majority of the members of an advisory committee shall form a quorum at any meeting of the committee and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the committee.

(2) Questions arising at a meeting of an advisory committee shall be determined by a majority of votes of the members present and voting.

Procedure.

9. The procedure for the calling of meetings of an advisory committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the advisory committee.

Expenses.

10. A member of an advisory committee shall be entitled to receive such travelling and other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE 9.

Sec. 27 (2).

The Relics Committee.

Composition.

1. (1) The Relics Committee shall consist of eight members appointed by the Minister.

(2) Of the members of the Relics Committee—

(a) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;

(b) one shall be an archaeologist or anthropologist on the staff of the Australian Museum;

(c)

(c) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;

(d) one shall be a person nominated by The National Trust of Australia (New South Wales);

(e) one shall be an officer of the Department of Mines; and

(f) one shall be an officer of the Service.

Term of office.

2. A member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Removal from office.

3. The Minister may for any cause which to him seems sufficient remove from office any member of the Relics Committee.

Vacation of office.

4. A member of the Relics Committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

Filling casual vacancy.

5. On the occurrence of a vacancy in the office of a member of the Relics Committee, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (2) in the same manner (if any) as that predecessor.

Alternate members.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Relics Committee, a person qualified under clause 1 (2) in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Relics Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

Quorum.

7. (1) Five members shall form a quorum at any meeting of the Relics Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee.

(2) Questions arising at a meeting of the Relics Committee shall be determined by a majority of votes of the members present and voting.

Procedure.

8. The procedure for the calling of meetings of the Relics Committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Relics Committee.

Fees.

9. A member of the Relics Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE 10.

Sec. 29 (2).

THE ARCHITECTS COMMITTEE.

Composition.

1. (1) The Architects Committee shall consist of seven members.

(2) One of the members shall be the person who for the time being holds the office of Government Architect.

(3) The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting of the Architects Committee which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(4) The other six members (in this Schedule referred to as "appointed members") shall be appointed by the Minister and shall be architects registered under the Architects Act, 1921, of whom—

(a) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

(b) one other shall be qualified as a landscape architect.

Term of office.

2. An appointed member shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Removal from office.

3. The Minister may for any cause which to him seems sufficient remove from office any appointed member.

Vacation of office.

4. An appointed member shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

Filling of casual vacancy.

5. On the occurrence of a vacancy in the office of an appointed member, otherwise that by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (4) in the same manner (if any) as that predecessor.

Alternate members.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (4) in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Architects Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

Quorum.

7. (1) Four members shall form a quorum at any meeting of the Architects Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee.

(2) Questions arising at a meeting of the Architects Committee shall be determined by a majority of votes of the members present and voting.

Procedure.

8. The procedure for the calling of meetings of the Architects Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Architects Committee.

Fees.

9. A member of the Architects Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE

SCHEDULE 11.

Secs. 5 (1), 93.

UNPROTECTED FAUNA.

MAMMALS

Carnivora other than Pinnipedia	Bears, lions, dogs, etc.
Insectivora	Moles, hedgehogs.
Artiodactyla, other than *Cervus timorensis* (Javan Rusa deer) ..	Cloven hoofed animals.
Perissodactyla	Horses, donkeys, etc.
Primates	Apes, monkeys.
Subungulates	Elephants.
Pteropus policephalus and *Pteropus scapulatus*	Fruit bat or flying fox.
Lepus europaeus	Hare.
Oryctolagus cuniculus	Rabbit.
Sciurus palmarum	Indian Palm Squirrel.

BIRDS

Carduelis carduelis	Goldfinch.
Chloris chloris	Greenfinch.
Passer domesticus	Sparrow.
Zosterops lateralis	Eastern Silvereye.
Phalacrocorax carbo	Black Cormorant or Shag.
Phalacrocorax varius	Pied Cormorant.
Phalacrocorax sulcirostris ..	Little Black Cormorant.
Phalacrocorax melanoleucus ..	Little Pied Cormorant.
Corvus cecilae	Crow.
Corvus coronoides	Raven.
Strepera graculina	Pied Currawong.
Cacatua galerita	Sulphur-crested or White Cockatoo.
Cacatua roseicapilla	Rose-breasted Cockatoo or Galah.
Platycercus elegans	Crimson Rosella.
Platycercus eximius	Eastern Rosella.
Sturnis vulgaris	Common Starling.
Pycnonotus jocosus	Red-whiskered Bul Bul.
Turdus merula	Blackbird.
Passer montanus	Tree Sparrow.
Acridotheres tristis	Indian Myna.
Streptopelia chinensis	Indian Turtle Dove.
Corvus bennetti	Little Crow.
Lonchura punctulata	Spice (nutmeg) Finch.
Lonchura ferruginosa	Black-headed Mannikin.
Anas platyrhynchos	Mallard Duck.

Secs. 5 (1), 94.

SCHEDULE 12.

ENDANGERED FAUNA.

MAMMALS

Onychogalea fraenata	Bridled Nail-tailed Wallaby.
Petrogale xanthopus	Yellow-footed Rock-Wallaby.
Burramys parvus	Mountain Pygmy Possum.
Planigale tenuirostris	Southern Planigale.
Antechinus maculatus	Pigmy Marsupial Mouse.
Antechinus laniger	Eastern Jerboa Marsupial.
Planigale gilesi	Giles Planigale.
Dasyurus viverrinus	Eastern Native Cat.

REPTILES

Hoplocephalus bungaroides ..	Broad-headed Snake.

BIRDS

Pterodroma leucoptera	Gould Petrel.
Xenorhynchus asiaticus	Jabiru.
Stictonetta naevosa	Freckled Duck.
Aviceda subcristata	Crested Hawk.
Falco hypoleucos	Grey Falcon.
Haematopus ostralegus	Pied Oystercatcher.
Charadrius cucullatus	Hooded Dotterel.
Sterna albifrons sinensis	Little Tern.
Leipoa ocellata	Mallee Fowl.
Pedionomus torquatus	Plain Wanderer.
Grus rubicunda	Brolga.
Eupodotis australis	Australian Bustard.
Megaloprepia magnifica	Wompoo Pigeon.
Geophaps scripta	Squatter Pigeon.
Cacatua tenuirostris	Long-billed Corella.
Opopsitta diopthalma coxeni ..	Fig Parrot.
Psephotus pulcherrimus	Paradise Parrot.
Pezoporus wallicus	Ground Parrot.
Tyto longimembris	Grass Owl.
Podargus plumiferus	Plumed Frogmouth.
Menura alberti	Albert Lyrebird.
Atrichornis rufescens	Rufous Scrub-Bird.
Dasyornis brachypterus	Eastern Bristle-Bird.
Amytornis barbatus	Grey Grasswren.
Amytornis striatus	Striated Grasswren.
Pachycephala rufogularis	Red-lored Whistler.
Manorina melanotis	Black-eared Miner.
Strepera versicolor melanoptera ..	Black-winged Currawong.

SCHEDULE 13. Secs. 5 (1), 115.

PROTECTED NATIVE PLANTS.

SEED PLANTS

Actinotus helianthi	Flannel Flower.
Archontophoenix cunninghamiana	Bangalow Palm.
Blandfordia, all native species ..	Christmas Bells.
Boronia, all native species ..	Boronia.
Bulbophyllum, all native species ..	Orchid.
Calanthe triplicata	Orchid.
Casuarina cunninghamiana ..	River Oak.
Caustis, all native species ..	Curly Sedge.
Ceratopetalum gummiferum ..	Christmas Bush.
Clianthus formosus	Sturt's Desert Pea.
Crowea, all native species ..	Crowea.
Cymbidium, all native species ..	Orchid.
Dendrobium, all native species ..	Orchid.
Dipodium, all native species ..	Orchid.
Doryanthes, all native species ..	Giant Lily.
Eriostemon, all native species ..	Wax Plant.
Galeola, all native species ..	Orchid.
Geodorum pictum	Orchid.
Grevillea aspleniifolia	Fern-leaved Grevillea.
Grevillea caleyi	Caley's Grevillea.
Grevillea longifolia	Fern-leaved Grevillea.
Liparis, all native species ..	Orchid.
Livistona australis	Cabbage Tree Palm.
Lomatia silaifolia	Crinkle Bush.
Microstrobos fitzgeraldii ..	.....
Oberonia, all native species ..	Orchid.
Pandanus, all native species ..	Pandanus.
Papillilabium beckleri	Orchid.
Parasarcochilus, all native species	.....
Peristeranthus hillii	Orchid.
Persoonia pinifolia	Pine-leaved Geebung.
Phaius tancarvilliae	Orchid.
Phreatia, all native species ..	Orchid.
Restio tetraphyllus	Restio.
Rhinerrhiza divitiflora	Orchid.
Sarcochilus, all native species ..	Orchid.

SCHEDULE 13—*continued.*

SEED PLANTS—*continued*	
Schistotylus purpuratus	Orchid.
Sprengelia incarnata	Sprengelia.
Taeniophyllum, all native species	Orchid.
Telopea, all native species ..	Waratah.
Xylomelum, all native species ..	Woody Pear.

All native species of epiphytic and lithophytic orchids not included elsewhere in this Schedule.

FERNS AND FERN ALLIES	
Adiantum, all native species ..	Maiden Hair Fern.
Asplenium nidus	Bird's Nest Fern.
Asplenium falcatum	.....
Cyathea, all native species ..	Tree Fern.
Davallia pyxidata	Hare's Foot Fern.
Dicksonia, all native species ..	Tree Fern.
Lycopodium deuterodensum ..	Mountain Moss.
Platycerium, all native species ..	Elk Horn and Stag Horn.
Tmesipteris, all native species ..	.....
Todea barbara	Tree Fern.
MOSSES	
Sphagnum, all native species ..	Sphagnum Moss.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 27th November, 1974.

Schedule of the Amendments referred to in Legislative Council's Message of 5 November, 1974

No. 1.—Page 3, clause 3, line 4. *Omit* "Local" *insert* **"Advisory"**.

No. 2.—Page 4, clause 3, line 19. *Omit* "LOCAL" *insert* **"ADVISORY"**.

No. 3.—Page 5, clause 5. *After* line 12 *insert*—

" 'advisory committee' means an advisory committee constituted under this Act;".

No. 4.—Page 23, Division 2, line 1. *Omit* "Local" *insert* **"Advisory"**.

No. 5.—Page 23, clause 24, line 2. *Omit* "A local" *insert* **"An advisory"**.

No. 6.—Page 23, clause 25, line 6. *Omit* "A local" *insert* **"An advisory"**.

No. 7.—Page 23, clause 25, line 10. *Omit* "local" *insert* **"advisory"**.

No. 8.—Page 23, clause 26, line 11. *Omit* "A local" *insert* **"An advisory"**.

No. 9.—Page 23, clause 26, line 14. *Omit* "local" *insert* **"advisory"**.

No. 10.—Page 26, clause 33, line 25. *Omit* "where the lands" *insert* **"in the case of lands that"**.

No. 11.—Page 27, clause 33, lines 1 to 28 inclusive. *Omit* all words on these lines *insert*—

"(5) Upon the publication of a proclamation under subsection (2) effecting the reservation, as a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as 'the described lands')—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to all of the described lands and not to any other lands—

(i) shall continue to apply to the described lands; and

(ii) shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to—

(i) part only of the described lands; or

(ii) all of the described lands and also to any other lands,

shall cease to apply to the described lands.

(6) Upon the publication of a proclamation under subsection (3) effecting the reservation, as part of a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as 'the described lands')—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to that national park or historic site shall apply to the described lands; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the described lands shall cease to apply to the described lands.".

No. 12.—Page 29, clause 33. *After* line 11 *insert*—

"(9) A proclamation under subsection (2) or (3) may be made in relation to—

(a) one or more national parks or one or more historic sites; or

(b) one or more national parks and one or more historic sites.".

No. 13.—Page 30, clause 35, line 17. *After* "proclamation" *insert* **"of any lands as, or as part of, a particular national park or historic site".**

No. 14.—Page 30, clause 35, line 20. *Omit* "the lands described in the proclamation" *insert* **"those lands".**

No. 15.—Page 43, clause 49. *After* line 19 *insert*—

"(6) A proclamation under subsection (1) or (2) may be made in relation to one or more nature reserves.".

No. 16.—Page 48, clause 58, line 2. *Omit* "(9)" *insert* **"(10)".**

No. 17.—Page 105, clause 154, line 28. *Omit* "local" *insert* **"advisory".**

No. 18.—Page 106, clause 154, line 2. *Omit* "local" *insert* **"advisory".**

No. 19.—Page 143, schedule 3, line 25. *Omit* "a local" *insert* **"an advisory".**

No. 20.—Page 143, schedule 3, line 27. *Omit* "a local" *insert* **"an advisory".**

No. 21.—Page 152, schedule 7, line 8. *Omit* "a local" *insert* **"an advisory".**

No. 22.—Page 152, schedule 7, line 10. *Omit* "local" *insert* **"advisory".**

No. 23.—Page 154, schedule 8, line 17. *Omit* "LOCAL" *insert* **"ADVISORY".**

No. 24.—Page 154, schedule 8, line 18. *Omit* "local" *insert* **"advisory".**

No. 25.—Page 154, schedule 8, line 26. *Omit* "a local" *insert* **"an advisory".**

No. 26.—Page 154, schedule 8, line 27. *Omit* "a local" *insert* **"an advisory".**

No. 27.—Page 155, schedule 8, line 1. *Omit* "a local" *insert* **"an advisory".**

No. 28.—Page 155, schedule 8, line 2. *Omit* "local" *insert* **"advisory".**

No. 29.—Page 155, schedule 8, line 5. *Omit* "a local" *insert* **"an advisory"**.

No. 30.—Page 155, schedule 8, line 12. *Omit* "a local" *insert* **"an advisory"**.

No. 31.—Page 155, schedule 8, line 14. *Omit* "a local" *insert* **"an advisory"**.

No. 32.—Page 155, schedule 8, line 18. *Omit* "a local" *insert* **"an advisory"**.

No. 33.—Page 155, schedule 8, line 21. *Omit* "a local" *insert* **"an advisory"**.

No. 34.—Page 155, schedule 8, line 24, *Omit* "local" *insert* **"advisory"**.

No. 35.—Page 155, schedule 8, line 25. *Omit* "a local" *insert* **"an advisory"**.

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 17 *September,* 1974.

The LEGISLATIVE COUNCIL *has this day agreed to this Bill with Amendments.*

A. W. SAXON,
Clerk of the Parliaments.

Legislative Council Chamber,
Sydney, 5 *November,* 1974.

New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1974.

An Act to consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal relics; to repeal the Wild Flowers and Native Plants Protection Act, 1927, the Fauna Protection Act, 1948, the National Parks and Wildlife Act, 1967, and certain other enactments; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

BE

51369 49—A

NOTE.—The words to be *omitted* are *ruled through;* those to be *inserted* are printed in **black letter.**

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "National Parks and Wildlife Act, 1974". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commencement.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :— Division of Act.

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—ADMINISTRATION—*ss.* 6–21.

DIVISION 1.—*National Parks and Wildlife Service*—*ss.* 6–12.

DIVISION 2.—*Trustees of certain areas*—*ss.* 13–15.

DIVISION 3.—*Ex-officio and honorary rangers*—*ss.* 16–20.

DIVISION 4.—*Delegation*—*s.* 21.

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PART III.—COUNCIL AND COMMITTEES—*ss.* 22–30.

DIVISION 1.—*National Parks and Wildlife Advisory Council—ss.* 22, 23.

DIVISION 2.—~~*Local*~~ **Advisory** *committees—ss.* 24–26.

DIVISION 3.—*Aboriginal Relics Advisory Committee —ss.* 27, 28.

DIVISION 4.—*National Parks Advisory Committee of Architects—ss.* 29, 30.

PART IV.—RESERVED, DEDICATED AND DECLARED LANDS—*ss.* 31–71.

DIVISION 1.—*National parks and historic sites—ss.* 31–47.

DIVISION 2.—*Nature reserves—ss.* 48–58.

DIVISION 3.—*Wilderness areas—ss.* 59–61.

DIVISION 4.—*Aboriginal areas—ss.* 62–64.

DIVISION 5.—*Protected archaeological areas—ss.* 65, 66.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves—ss.* 67–71.

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PART VI.—RELICS AND ABORIGINAL PLACES—*ss.* 83–91.

PART VII.—FAUNA—*ss.* 92–112.

PART VIII.—NATIVE PLANTS—*ss.* 113–118.

PART IX.—LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS—*ss.* 119–136.

DIVISION 1.—*Preliminary—s.* 119.

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PART X.—FINANCE—*ss.* 137–144.

PART XI.—ACQUISITION AND DISPOSAL OF PROPERTY —*ss.* 145–150.

PART XII.—LEASES, LICENCES, EASEMENTS, ETC.—*ss.* 151–153.

PART XIII.—REGULATIONS AND BY-LAWS—*ss.* 154–156.

PART XIV.—MISCELLANEOUS—*ss.* 157–185.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

SCHEDULE 4.—THE DIRECTOR.

SCHEDULE 5.—NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

SCHEDULE 6.—TRUSTEES.

SCHEDULE 7.—THE COUNCIL.

SCHEDULE 8.—~~LOCAL~~ **Advisory** COMMITTEES.

SCHEDULE 9.—THE RELICS COMMITTEE.

SCHEDULE 10.—THE ARCHITECTS COMMITTEE.

SCHEDULE 11.—UNPROTECTED FAUNA.

SCHEDULE 12.—ENDANGERED FAUNA.

SCHEDULE 13.—PROTECTED NATIVE PLANTS.

4. (1) Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed. Repeals, amendments, savings, transitional and other provisions.

(2)

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2.

(3) Schedule 3 has effect.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Aboriginal area" means lands dedicated as an Aboriginal area under this Act;

"Aboriginal place" means any place declared to be an Aboriginal place under section 84;

"Act of 1967" means the National Parks and Wildlife Act, 1967;

"advisory committee" means an advisory committee constituted under this Act;

"animal" means any animal, whether vertebrate or invertebrate, and at whatever stage of development, but does not include fish within the meaning of the Fisheries and Oyster Farms Act, 1935, other than aquatic or amphibious mammals or aquatic or amphibious reptiles;

"Architects Committee" means the National Parks Advisory Committee of Architects constituted under this Act;

"bird" means any bird, whether native, introduced or imported, and includes the eggs and the young thereof and the skin, feathers or any other part thereof, but does not include any domestic bird;

"by-laws" means by-laws under this Act;

"commencement day" means the day appointed and notified under section 2 (2);

"community service" includes the supply, provision or maintenance of access roads, parking areas or mooring areas, an electricity, gas or water service and a sewerage or garbage disposal service;

"Council"

"Council" means the National Parks and Wildlife Advisory Council constituted under this Act;

"Crown lands" means—

(a) Crown lands within the meaning of the Crown Lands Consolidation Act, 1913; and

(b) those parts of the seabed and of the waters beneath which it is submerged that are within the territorial jurisdiction of New South Wales and not within the Eastern Division described in the Second Schedule to the Crown Lands Consolidation Act, 1913;

"Director" means the Director of National Parks and Wildlife appointed under this Act;

"endangered fauna" means protected fauna of a species named in Schedule 12;

"ex-officio ranger" means a person who, by the operation of section 16, is a ranger by virtue of his office;

"explosive" means an explosive within the meaning of the Explosives Act, 1905;

"fauna" means any mammal, bird or reptile;

"fauna dealer" means a person who exercises or carries on the business of dealing in fauna, whether by buying or selling or by buying and selling, and whether on his own behalf or on behalf of any other person, and whether or not he deals in other things, and whether or not he exercises or carries on any other business;

"flora reserve" means a flora reserve within the meaning of the Forestry Act, 1916;

"Forestry Commission" means the Forestry Commission of New South Wales constituted under the Forestry Act, 1916;

"Fund" means the National Parks and Wildlife Fund referred to in section 137;

"game

"game reserve" means lands declared to be a game reserve under this Act;

"historic site" means lands reserved as a historic site under this Act;

"honorary ranger" means a person appointed as an honorary ranger under this Act;

"lands of the Crown" means lands vested in a Minister of the Crown or in a public authority;

"mammal" means any mammal, whether native, introduced or imported, and includes an aquatic or amphibious mammal, the eggs and the young of a mammal, and the skin or any other part of a mammal, but does not include any introduced or imported domestic mammal or any rat or mouse not native to Australia;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

"national park" means lands reserved as a national park under this Act;

"native plant" means any tree, shrub, fern, creeper, vine, palm or plant that is native to New South Wales, and includes the flower and any other part thereof;

"nature reserve" means lands dedicated as a nature reserve under this Act;

"officer of the Service" means a person referred to in section 6;

"owner"

"owner", in relation to lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to the lands for any estate of freehold in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, or any other Act relating to the alienation of lands of the Crown; or

(c) is entitled to receive, or is in receipt of, or if the lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"pastures protection board" means a pastures protection board within the meaning of the Pastures Protection Act, 1934;

"pick", in relation to a native plant, means gather, pluck, cut, pull up, destroy, take, dig up, remove or injure the plant or any part thereof;

"plan of management" means a plan of management under Part V;

"premises" includes building, store, shop, tent, hut or other structure, or place, whether built upon or not, or any part thereof;

"prescribed" means prescribed by this Act or the regulations;

"prohibited weapon" means—

(a) a gun, rifle, weapon or other article—

(i) from which a bullet, shot or other hurtful thing or material may be discharged, whether by an explosive or by any other means whatever; or

(ii)

(ii) that is designed to be used to discharge, whether by an explosive or by any other means whatever, a dart or other thing or material containing, coated or impregnated with a drug or other substance, for the purpose of tranquillising or immobilising an animal by means of the administration to the animal of the drug or other substance,

and any telescopic sight, silencer or other accessory attached to the gun, rifle, weapon or article;

(b) any other weapon prescribed for the purposes of this paragraph; and

(c) an article or device that, but for the absence of, or a defect in, some part thereof, or some obstruction therein, would be a gun, rifle, weapon or article referred to in paragraph (a) or a weapon prescribed for the purposes of paragraph (b);

"protected archaeological area" means lands declared to be a protected archaeological area under this Act;

"protected fauna" means fauna of a species not named in Schedule 11;

"protected native plant" means a native plant of a species named in Schedule 13;

"regulations" means regulations under this Act;

"relic" means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the

area

area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction;

"Relics Committee" means the Aboriginal Relics Advisory Committee constituted under this Act;

"reptile" means a snake, lizard, crocodile, tortoise, turtle or other member of the class reptilia (whether native, introduced or imported), and includes the eggs and the young thereof and the skin or any other part thereof;

"sell" includes—

(a) auction, barter, exchange or supply;

(b) offer, expose, supply or receive for sale;

(c) send, forward or deliver for sale or on sale;

(d) dispose of under a hire-purchase agreement;

(e) cause, permit or suffer the doing of an act referred to in paragraph (a), (b), (c) or (d);

(f) offer or attempt to do an act so referred to;

(g) cause, permit or suffer to be sold;

(h) attempt to sell or offer to sell; or

(i) have in possession for sale;

"Service" means the National Parks and Wildlife Service constituted by this Act;

"skin",

"skin", in relation to fauna, means the whole or part of the integument of any fauna, whether dressed or tanned or otherwise processed, but does not include any manufactured article;

"skin dealer" means a person who exercises or carries on—

(a) the business of dealing in the skins of protected fauna, whether by buying or selling or by buying and selling, and whether or not he deals in other things; or

(b) the business of tanning the skins of protected fauna, whether or not he tans other skins,

or both, and whether on his own behalf or on behalf of any other person, and whether or not he exercises or carries on any other business;

"species" includes order, class or description;

"specified", in relation to a licence or other instrument under this Act, means specified in the licence or other instrument;

"State forest" means a State forest within the meaning of the Forestry Act, 1916;

"take or kill", in relation to any fauna, includes hunt, shoot, poison, net, snare, spear, pursue, capture, disturb, lure or injure;

"timber reserve" means a timber reserve within the meaning of the Forestry Act, 1916;

"vehicle" includes—

(a) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(b) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(c) a motor vehicle;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed;

"wilderness area" means lands declared to be a wilderness area under this Act;

"wildlife" means fauna and native plants;

"wildlife district" means lands declared to be a wildlife district under this Act;

"wildlife refuge" means lands declared to be a wildlife refuge under this Act.

(2) In this Act, a reference to the Minister administering the Crown Lands Consolidation Act, 1913, is—

(a) in relation to lands that are not within an irrigation area within the meaning of that Act—a reference to the Minister for Lands; or

(b) in relation to lands that are within such an irrigation area—a reference to the Minister for the time being administering the Irrigation Act, 1912.

(3) In this Act, a reference to a licence or certificate under Part IX is a reference to such a licence or certificate that is valid and in force.

(4) Without affecting the generality of any of the definitions in subsection (1), a reference in this Act to protected fauna includes fauna in New South Wales that is of a species not named in Schedule 11 and that has been imported, or is being imported, into New South Wales.

(5) In Schedule 5, a reference to a national park or historic site includes a reference to the lands for the time being comprised in the national park or historic site.

(6) Nothing in this Act shall be construed as operating to affect the law from time to time in force with respect to the navigation of the waters referred to in paragraph (b) of the definition of "Crown lands" in subsection (1).

PART II.

ADMINISTRATION.

DIVISION 1.—*National Parks and Wildlife Service.*

The Service.

6. There shall be a National Parks and Wildlife Service, which shall be constituted by—

(a) the Director;

(b) the officers and employees, referred to in section 10, for the time being engaged in the administration of this Act; and

(c) the persons in respect of whom any arrangements under section 11 are for the time being in force.

Director.

7. (1) The Governor may appoint a Director of National Parks and Wildlife.

(2) Schedule 4 has effect.

Miscellaneous powers and functions of Director.

8. (1) The Director shall consider and may investigate proposals for the addition of areas to any national park, historic site, nature reserve or Aboriginal area or for the reservation of any new national park or historic site or for the dedication of any new nature reserve or Aboriginal area.

(2) For the purpose of any such proposals as are referred to in subsection (1), the Director shall have regard to the following principles :—

(a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural phenomena;

(b) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance or areas in which relics, or Aboriginal places, of special significance are situated;

(c) the areas to be dedicated as nature reserves are areas of special scientific interest containing wildlife or natural environments or natural phenomena; and

(d) the areas to be dedicated as Aboriginal areas are areas in which relics, or Aboriginal places, of significance are situated.

(3) The Director shall in the case of every nature reserve and Aboriginal area and any national park or historic site the care, control and management of which have been vested in him and may in the case of any other national park or historic site—

(a) promote such educational activities as he considers necessary in respect thereof;

(b) arrange for the carrying out of such works as he considers necessary for or in connection with the management and maintenance thereof; and

(c) undertake such scientific research as he considers necessary for or in connection with the preservation, protection, management and use thereof.

(4) The Director may promote such educational activities, and undertake such scientific research, in respect of relics and Aboriginal places as he thinks fit, either separately or in conjunction with other persons or bodies.

(5) As soon as practicable after a relic is discovered in a national park, historic site, nature reserve or Aboriginal area, the Director shall, after such consultation with The Trustees of the Australian Museum as he thinks necessary or expedient, assess the scientific importance of the relic.

(6) The Director may consider and investigate proposals in relation to existing or proposed Aboriginal places, wilderness areas, protected archaeological areas, wildlife districts, wildlife refuges and game reserves.

(7) The Director—

(a) may promote such educational activities as he considers necessary to awaken and maintain an appreciation of the value of animal and plant life;

(b) may enter into arrangements for the carrying out of such works as he considers necessary for or in connection with the protection and care of fauna and the protection of native plants;

(c) may undertake such scientific research as he considers necessary for or in connection with the preservation, protection and care of fauna and the protection of native plants and other flora, either separately or in conjunction with other persons or bodies; and

(d) shall co-operate with the trustees of any lands dedicated or reserved under the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, in connection with—

(i) the preservation of, the protection and care of, and the promotion of the study of, fauna; and

(ii) the protection of, and the promotion of the study of, native plants and other flora,

and generally shall co-operate with any other persons or bodies in the establishment, care and development of areas of lands set apart for the conservation and preservation of wildlife.

(8)

(8) The Director may promote such educational activities as he considers necessary for the instruction and training of ex-officio rangers, honorary rangers and prospective honorary rangers.

(9) Without affecting the generality of any other provision of this Act conferring powers on the Director, he may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or performance by the Director or the Service of his or its responsibilities, powers, authorities, duties or functions conferred or imposed by or under this Act.

(10) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions under this Act, the regulations and the by-laws, be subject to the control and direction of the Minister.

Acting Director.

9. (1) The Minister may, by writing under his hand, appoint any officer referred to in section 6 (b) as Acting Director to act in the office of the Director while the Director is absent from his office through illness or any other cause or where the Director is deemed to have vacated his office, and the person so appointed, while so acting, shall have and may exercise or perform the powers, authorities, duties and functions of the Director vested in the Director by or under this or any other Act, and shall be subject to the control and direction of the Minister.

(2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Acting Director to act in the office of the Director and all acts or things done or omitted by the Acting Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

Officers and employees.

10. The Governor may, under and subject to the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for the administration of this Act.

11.

Use of services of officers, etc., of Departments, etc.

11. (1) For the purposes of this Act, the Minister or the Director may, with the approval of the Minister administering the Department concerned, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(2) For the purposes of this Act, the Minister or the Director may, with the approval of the statutory corporation or council concerned, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of a statutory corporation or of the council of an area or county district under the Local Government Act, 1919.

(3) For the purposes of this Act, the Minister or the Director may, with the approval of the trustees of any national park or historic site named in Schedule 5, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of those trustees.

Powers and functions of Service.

12. The Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks and historic sites, for the conservation and protection of nature reserves and wildlife, for the preservation and protection of, and prevention of damage to, relics and Aboriginal places in national parks, historic sites, nature reserves, Aboriginal areas and protected archaeological areas and for the exploration of lands with the object of discovering relics.

DIVISION 2.—*Trustees of certain areas.*

Trustees of national parks and historic sites named in Schedule 5.

13. (1) The persons who, immediately before the commencement day, held office as trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 shall, subject to this Act, hold office as trustees of the national park or historic site.

(2) Schedule 6 has effect.

Powers and functions of trustees.

14. The powers, authorities, duties and functions of the trustees of a national park or historic site shall be those conferred or imposed by or under this Act.

Corporate nature of trustees.

15. (1) Where the trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 were constituted a body corporate under section 18 (2) of the Act of 1967, the body corporate continues in existence and its members are the trustees for the time being of the national park or historic site.

(2) The powers, authorities, duties and functions of the trustees of a national park or historic site shall be deemed to be conferred or imposed on the body corporate constituted in relation to those trustees.

(3) Section 38 (subsection (II) excepted) of the Interpretation Act, 1897, applies to and in respect of a body corporate referred to in subsection (1) in the same way as it would have applied had the body corporate been constituted by this Act, but section 38 (I) (d) of that Act does not so apply in relation to real property or leasehold interests.

(4) The corporate name of a body corporate constituted in relation to the trustees of a national park or historic site shall be the name specified in Column 2 of Schedule 5 opposite the name of the park or site.

(5) The Governor may, from time to time, by order published in the Gazette, amend Schedule 5 by omitting from Column 2 the corporate name of a body corporate opposite the name of a national park or historic site and by inserting instead a new corporate name for the body corporate.

(6) The common seal of a body corporate constituted in relation to the trustees of a national park or historic site shall, except in so far as the by-laws applicable to the national park or historic site otherwise provide, be kept by such trustee or officer of the trustees as the trustees from time to time determine.

(7) No matter or thing done, and no contract entered into, by the trustees of a national park or historic site in their corporate capacity, and no matter or thing done by a trustee or by any other person acting under the direction of the trustees in their corporate capacity, shall, if the matter or thing was done, or the contract was entered into, bona fide

for

for the purpose of executing this or any other Act in so far as it confers or imposes powers, authorities, duties or functions on the trustees, subject a trustee, or other person so acting, personally to any action, liability, claim or demand.

(8) Where a notification relating to a national park or historic site is published under section 32, the body corporate constituted in relation to the trustees of the park or site is dissolved on the date stated, under section 32 (3) (a), in the notification.

DIVISION 3.—*Ex-officio and honorary rangers.*

Ex-officio rangers.

16. (1) Unless removed from office under this Division, each member of the police force and each inspector within the meaning of the Fisheries and Oyster Farms Act, 1935, shall, by virtue of his office, be a ranger.

(2) Unless removed from office under this Division, each officer or employee of the Forestry Commission who belongs to a class or description prescribed for the purposes of this subsection shall, by virtue of his office, be a ranger.

Honorary rangers.

17. (1) The Director may, by instrument in writing, appoint honorary rangers.

(2) Where the term for which an honorary ranger is to hold office is specified in the instrument of his appointment, he shall, unless he is sooner removed from office under this Division, cease to hold office upon the expiration of that term.

(3) An honorary ranger shall, unless he is sooner removed from office under this Division, cease to hold office if he resigns his office by writing under his hand addressed to the Director.

Removal or suspension of ex-officio and honorary rangers.

18. (1) The Director may, by instrument in writing, remove or suspend from office any ex-officio ranger or honorary ranger.

(2) An ex-officio ranger or honorary ranger who is suspended from office under this section shall not exercise any of the powers, authorities, duties and functions of an ex-officio ranger or honorary ranger, as the case may be, during the period of his suspension.

(3) The Director may, by instrument in writing, reinstate any ex-officio ranger or honorary ranger suspended from office under this section.

19.

Powers and functions of ex-officio rangers.

19. (1) In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an ex-officio ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the regulations or the by-laws for the purposes of this subsection, but subject to such limitations and restrictions (if any) as are specified or described therein.

(2) Without affecting the generality of section 156 (2), a regulation or by-law made in relation to any matter referred to in subsection (1) may apply generally or to any ex-officio ranger or class of ex-officio rangers specified or described therein.

Powers and functions of honorary rangers.

20. In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an honorary ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the instrument of his appointment, but subject to such limitations and restrictions (if any) as are specified or described therein.

DIVISION 4.—*Delegation.*

Delegation.

21. (1) Subject to this section—

(a) the Minister may, by instrument in writing, delegate to—

(i) the Director;

(ii) any other officer of the Service;

(iii) the holder of any office in the Service; and

(b) the Director, with the approval of the Minister, may, by instrument in writing, delegate to—

(i) any officer of the Service; or

(ii) the holder of any office in the Service,

any

any power (other than this power of delegation), authority, duty or function conferred or imposed on him by this Act, the regulations, the by-laws or any other instrument under this Act.

(2) The exercise of any such delegation shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

(3) Any act or thing done or suffered by the delegate, when acting in the exercise of any such delegation and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(4) Any delegation under this section shall remain in force notwithstanding that the person who made or approved of the delegation has ceased to hold office as Minister or Director, as the case may be.

(5) The person for the time being occupying the office of Minister or Director, as the case may be, may revoke either wholly or in part any such delegation of powers, authorities, duties or functions, whether made by him or by a predecessor in that office, but no act or thing done or suffered by the delegate within the terms of any such delegation during the period in which the delegation was in force shall be invalidated by reason of that revocation.

(6) Subject to any stipulation to the contrary contained in the instrument, any instrument of delegation made under this section shall, so far as concerns any act or thing done or suffered thereunder in good faith, operate and continue in force until notice of the revocation thereof has been received by the delegate.

(7) Every act or thing within the scope of the delegation done or suffered in good faith by the delegate after revocation of the delegation and before notice thereof has been received by him shall be as effectual in all respects as if that revocation had not been made.

(8) A statutory declaration by the delegate, stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered

suffered or at any time after, shall be taken to be conclusive proof of non-revocation at the time when that act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of revocation.

(9) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may require, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

PART III.

COUNCIL AND COMMITTEES.

DIVISION 1.—*National Parks and Wildlife Advisory Council.*

The Council.

22. (1) There shall be a National Parks and Wildlife Advisory Council.

(2) Schedule 7 has effect.

Functions and duties of Council.

23. (1) The Council shall—

(a) advise the Minister on matters relating to the care, control and management of national parks, historic sites and nature reserves, and to the preservation and protection of wildlife, and on such other matters as the Minister may refer to the Council; and

(b) have such other functions and duties as are conferred on it by or under this Act.

(2) Subject to section 8 (10), the Director shall furnish to the Council full information in relation to any matters arising out of the administration of this Act which the Council may require.

DIVISION

DIVISION 2.—~~*Local*~~ **Advisory** *committees.*

24. (1) ~~A local~~ **An advisory** committee may be constituted for each national park and historic site under the care, control and management of the Director. Local **Advisory** committees.

(2) Schedule 8 has effect.

25. ~~A local~~ **An advisory** committee for a national park or historic site that becomes part of some other national park or historic site shall be deemed to have been dissolved, but a member thereof shall be eligible for appointment to any other ~~local~~ **advisory** committee. Dissolution of local **advisory** committee.

26. ~~A local~~ **An advisory** committee may make recommendations to the Council or the Director or to the superintendent of the national park or historic site for which the ~~local~~ **advisory** committee was constituted in respect of measures to improve the care, control and management of the national park or historic site. Functions of local **advisory** committee.

DIVISION 3.—*Aboriginal Relics Advisory Committee.*

27. (1) There shall be an Aboriginal Relics Advisory Committee. Relics Committee.

(2) Schedule 9 has effect.

28. The Relics Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the preservation, control of excavation, removal and custody of relics or Aboriginal places. Functions of Relics Committee.

DIVISION 4.—*National Parks Advisory Committee of Architects.*

29. (1) There shall be a National Parks Advisory Committee of Architects. Architects Committee.

(2) Schedule 10 has effect.

30.

30. The Architects Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, historic sites, nature reserves, Aboriginal areas, protected archaeological areas, wildlife refuges and game reserves which may be referred to the Architects Committee by the Minister or the Director. Functions of Architects Committee.

PART IV.

RESERVED, DEDICATED AND DECLARED LANDS.

DIVISION 1.—*National parks and historic sites.*

31. The care, control and management of such lands as are, on the commencement day, comprised within— Care, control and management of existing parks and sites.

(a) a national park or historic site (other than a national park or historic site named in Column 1 of Schedule 5)—are vested in the Director; and

(b) a national park or historic site named in Column 1 of Schedule 5—are, subject to this Act, vested in the trustees of the park or site.

32. (1) Where it is proposed to vest the care, control and management of a national park or historic site named in Column 1 of Schedule 5 in the Director, the Minister shall lay before each House of Parliament notice of the proposal. Vesting of care, etc., of areas in Schedule 5 in Director.

(2)

(2) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after the notice has been laid before it under subsection (1) (whether or not those sitting days occur during the same session) that it does not assent to the vesting in the Director of the care, control and management of the national park or historic site, the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection (2) or if, where notice has been so given, the resolution has been withdrawn or defeated or has lapsed, the Minister may, by notification published in the Gazette—

(a) declare that, as from the date stated in the notification, the care, control and management of the national park or historic site specified in the notification shall be vested in the Director; and

(b) amend Schedule 5 by omitting the name of the national park or historic site in Column 1 and the matter in Column 2 opposite that name.

(4) Where any such notification has been published in the Gazette, the persons who, immediately before the date stated in the notification under subsection (3) (a), held office as trustees of the national park or historic site specified therein shall cease to hold office and the care, control and management of the national park or historic site shall thereafter be vested in the Director.

(5) An amendment made by a notification under subsection (3) shall take effect on and from the date stated therein under subsection (3) (a).

Reservation of parks or sites.

33. (1) In this section, "prescribed lands" means—

(a) Crown lands;

(b) lands of the Crown; or

(c) lands acquired under section 145, 147 or 148.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as a national park or historic site, any prescribed lands described in the proclamation.

(3) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as part of a national park or historic site specified in the proclamation, any prescribed lands described in the proclamation.

(4) Upon the publication of a proclamation under subsection (2) or (3)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest—

(i) ~~where the lands~~ **in the case of lands that** are reserved as part of a national park or historic site named in Column 1 of Schedule 5—in the trustees of the national park or historic site; or

(ii) in any other case—in the Director,

for the purposes of this Act.

~~(5) Upon the publication of a proclamation under subsection (2)~~—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to all of the lands described in the proclamation and not to any other lands shall continue to apply to the lands so described and shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to—

(i) part only of the lands described in the proclamation; or

(ii) all of the lands so described and also to any other lands,

shall cease to apply to the lands so described.

(6) Upon the publication of a proclamation under subsection (3)—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to the national park or historic site specified in the proclamation shall apply to the lands described in the proclamation; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the lands described in the proclamation shall cease to apply to the lands so ~~described.~~

(5) Upon the publication of a proclamation under subsection (2) effecting the reservation, as a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as "the described lands")—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to all of the described lands and not to any other lands—

(i) shall continue to apply to the described lands; and

(ii) shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to—

(i) part only of the described lands; or

(ii) all of the described lands and also to any other lands,

shall cease to apply to the described lands.

(6) Upon the publication of a proclamation under subsection (3) effecting the reservation, as part of a particular national park or historic site, of any lands described in the proclamation (which lands are in this subsection referred to as "the described lands")—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to that national park or historic site shall apply to the described lands; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the described lands shall cease to apply to the described lands.

(7) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws or rules and regulations that cease to apply to any lands by virtue of subsection (5) or (6) shall, in so far as they applied to those lands, be deemed to have been repealed.

(8) To the extent to which a dedication, reservation (other than a reservation under this Division), Crown grant or vesting affects lands described in a proclamation published under subsection (2) or (3), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(9) A proclamation under subsection (2) or (3) may be made in relation to—

(a) one or more national parks or one or more historic sites; or

(b) one or more national parks and one or more historic sites.

~~(9)~~ **(10)** In this section, a reference to by-laws does not include a reference to by-laws under the Metropolitan Water, Sewerage, and Drainage Act, 1924, or the Hunter District Water, Sewerage and Drainage Act, 1938.

34. (1) Notwithstanding section 33, no lands that are Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935. **Limitations on power to reserve under s. 33.**

(2)

(2) Notwithstanding section 33, no lands that are lands of the Crown shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister or public authority in whom they were vested immediately before the reservation.

Tabling of proclamation of reservation, and disallowance.

35. (1) In this section, "prescribed time", in relation to a House of Parliament, means fourteen sitting days of that House, whether or not they occur during the same session.

(2) A copy of a proclamation published under section 33 (2) or (3) shall be laid before each House of Parliament within the prescribed time after publication thereof.

(3) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after a copy of a proclamation has been laid before it under subsection (2) (whether or not those sitting days occur during the same session) and the resolution disallows the reservation effected by the proclamation **of any lands as, or as part of, a particular national park or historic site—**

(a) the reservation thereupon ceases to have effect; and

(b) ~~the lands described in the proclamation~~ **those lands** cease to be, or to be part of, a national park or historic site.

(4) Notwithstanding section 31, where any lands cease to be, or to be part of, a national park or historic site by virtue of the disallowance of a reservation under this Division—

(a) any person holding office as trustee thereof immediately before the disallowance shall cease to be trustee thereof and shall cease to have the care, control and management thereof;

(b) where the Director had the care, control and management thereof immediately before the disallowance, he shall cease to have the care, control and management thereof;

(c) any by-laws applicable thereto immediately before the disallowance shall cease to apply to those lands;

(d) those lands may, except in the case of lands acquired under section 147 or 148, be dealt with as if they had been acquired under the Closer Settlement Acts or as Crown lands; and

(e) in the case of lands acquired under section 147 or 148, the lands shall vest in the Minister for the estate or interest held by him immediately before the reservation.

(5) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws that cease to apply to any lands by virtue of subsection (4) shall, in so far as they applied to those lands, be deemed to have been repealed.

Name of park or site.

36. The Governor—

(a) by a proclamation published under section 33 (2) or (3) or by another proclamation published in the Gazette, may assign a name to a national park or historic site; and

(b) by proclamation published in the Gazette, may from time to time—

(i) alter the name of a national park or historic site; and

(ii) in the case of a national park or historic site named in Column 1 of Schedule 5—amend that Schedule by omitting from Column 1 the name of that park or site, as so appearing, and by inserting instead the name as altered in pursuance of subparagraph (i).

Revocation, resumption or appropriation of park or site.

37. (1) Notwithstanding anything in any Act—

(a) the reservation of lands as, or as part of, a national park or historic site shall not be revoked; or

(b) lands within a national park or historic site shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Limitation on use of name "national park".

38. The word "national" shall not be used either alone or in conjunction with other words as the name of a park within New South Wales unless the park is a national park under this Act.

Existing interests.

39. (1) In this section, "existing interest" means any authority, authorisation, permit, lease, licence or occupancy.

(2) Except as provided in this Act, the reservation of lands as, or as part of, a national park or historic site does not affect—

(a) the terms and conditions of any existing interest in respect of those lands from the Crown or the trustees, current and in force at the time of the reservation; or

(b) the use permitted of those lands under the interest.

(3) Subject to subsection (4), no such interest shall be renewed nor shall the term of any such interest be extended except with the approval of the Minister and subject to such conditions as the Minister determines.

(4) The provisions of subsection (3) do not apply to any authority, authorisation, lease or licence under the Mining Act, 1973, the Coal Mining Act, 1973, the Fisheries and Oyster Farms Act, 1935, or the Petroleum Act, 1955, or any permit or licence under the Petroleum (Submerged Lands) Act, 1967.

(5) Upon the termination, surrender, forfeiture or determination of any existing interest (otherwise than for the purpose of renewing it or extending its term) referred to in subsection (2), the lands the subject of the interest are, to the extent to which they would not, but for this subsection, be lands reserved as part of the national park or historic site within which they are situated, hereby so reserved.

Restrictions on disposal of or dealing with lands within parks or sites.

40. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a national park or historic site shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a national park or historic site, shall be granted except with the concurrence in writing of the Minister.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Minister determines.

Provisions relating to mining.

41. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a national park or historic site to the extent to which those Acts are in force at that time.

(3) A mining interest granted in respect of lands within a national park or historic site granted after the commencement day shall have no force or effect unless, before the interest was granted, notice of the application therefor was laid before both Houses of Parliament and—

(a) no notice was given in either House of Parliament within fifteen sitting days of that House after notice of the application was laid before it (whether or not those sitting days occurred during the same session) of a motion that the application be refused; or

(b) where notice of such a motion was so given, the motion pursuant thereto was withdrawn or defeated or lapsed.

(4) A renewal of, or extension of the term of, a mining interest in respect of lands within a national park or historic site (other than a mining interest current and in force at the time of the reservation of the park or site) shall not be granted under the Mining Act, 1973, the Coal Mining Act, 1973, or the Petroleum Act, 1955, without the concurrence in writing of the Minister.

(5) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of a mining interest specified in the certificate shall be conclusive evidence of compliance with those requirements.

(6) Except as provided in this section, nothing in this Act affects the right, title or interest of any person (other than a person who is or was trustee of the lands comprised in a national park or historic site) in respect of minerals in any such lands.

(7) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a national park or historic site.

42. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a national park or historic site. Application of Forestry Act, 1916.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a national park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Application of Soil Conservation Act, 1938.

43. The Soil Conservation Act, 1938, applies to and in respect of lands within a national park or historic site, but any experimental or research work conducted pursuant to section 6 of that Act upon those lands shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

Application of Fisheries and Oyster Farms Act, 1935.

44. (1) Subject to subsection (2), nothing in this Act affects the operation of the Fisheries and Oyster Farms Act, 1935, in relation to lands within a national park or historic site.

(2) A lease under the Fisheries and Oyster Farms Act, 1935, shall not, without the concurrence in writing of the Minister, be granted in respect of lands within a national park or historic site or in respect of any waters beneath which those lands are submerged.

Provisions respecting animals in parks and sites.

45. (1) A person shall not—

(a) take or kill any animal that is within a national park or historic site; or

(b) discharge a prohibited weapon in a national park or historic site.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person, being a lessee or occupier of any lands within a national park or historic site, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any animal that is within those lands, other than fauna.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

Transfer of rights, liabilities and property.

46. (1) Where upon the taking effect of a notification under section 32 or a proclamation under section 33 any persons cease to hold office as trustees of lands reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the following provisions have effect:—

(a) all property and all right and interest therein (in this section referred to as "the trust property") and all management and control of any thing which immediately before that notification or proclamation took effect was vested in or belonged to the trustees and was held or used by them for or in connection with the park or site shall vest in and belong to the Director;

(b) all money and liquidated and unliquidated claims that, immediately before that notification or proclamation took effect, were payable to or recoverable by the trustees or their predecessors in relation to the park or site or the trust property or any part thereof shall be money and liquidated and unliquidated claims payable to or recoverable by the Director;

(c) all proceedings pending immediately before that notification or proclamation took effect at the suit of the trustees in relation to the park or site or the trust property or any part thereof shall be deemed to be proceedings pending at the suit of the Director and all proceedings so pending at the suit of any person against the trustees shall be deemed to be proceedings pending at the suit of that person against the Director;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the trustees or their predecessors in relation to the park or site or the trust property or any part thereof, and in force immediately before that notification or proclamation took effect, shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Director;

(e) the Director may, in addition to pursuing any other remedies or exercising any other powers that may be available to him, pursue the same remedies for the recovery of money and claims referred to in this subsection and for the prosecution of proceedings so referred to as the trustees or their predecessors might have done had they continued to be trustees of the park or site after that notification or proclamation took effect;

(f) the Director may enforce and realise any security or charge existing immediately before that notification or proclamation took effect in favour of the trustees in connection with the care, control and management of the park or site, and may exercise any powers thereby conferred on the trustees as if the security or charge were a security or charge in favour of the Director;

(g) all debts, money and claims, liquidated and unliquidated, that, immediately before that notification or proclamation took effect, were due or payable by, or recoverable against, the trustees or their predecessors in connection with the care, control and management of the park or site or the trust property or any part thereof shall be debts due and money payable by, and claims recoverable against, the Director; and

(h) all liquidated and unliquidated claims in connection with the care, control and management of the park or site for which the trustees would, but for the notification or proclamation, have been liable shall be liquidated and unliquidated claims for which the Director shall be liable.

(2) Where part only of the lands vested in trustees is, by a proclamation under section 33, reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the Director and the trustees shall, as soon as practicable after publication of that proclamation, arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the park or site and to the lands retained by the trustees may be determined, and if any difference arises between the Director and the trustees, the difference shall be determined in such manner as the Minister may direct.

(3) The provisions of subsections (1) and (2) apply also where, upon the publication of a proclamation under section 33, the care, control and management of lands are vested in the trustees of a national park or historic site named in Column 1 of Schedule 5 and so apply as if references in those provisions to the Director were references to those trustees.

Transfer of employees.

47. (1) Where any lands are reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, every person who, immediately before the vesting in the Director, was an employee, other than a casual employee, of the trustees of those lands, and was employed by them solely in connection with those lands, shall upon the vesting in the Director become and be an employee under the Public Service Act, 1902.

(2) The following provisions apply to a person referred to in subsection (1) :—

(a) that person shall, unless the Public Service Board approves of employment on some other basis, be employed under section 44 of the Public Service Act, 1902;

(b) notwithstanding anything in that Act, the Public Service Board's approval to employ that person otherwise than under section 44 of that Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided those conditions are not inconsistent with this section;

(c) the period of service with the trustees or their predecessors of that person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or extended leave, but, unless the Public Service Board otherwise approves, the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if that person had continued to be an employee of the trustees or their predecessors;

(d) that person shall be paid a salary or wages at a rate not less than the rate that was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

(e) where any condition of employment of that person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue to be so regulated until a determination in relation to that condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating that condition is made by a competent tribunal or that condition is regulated by an industrial agreement;

(f) if that person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for that person upon the same terms and subject to the same conditions as it was paid by the trustees; and

(g) if that person, while employed in the Public Service, becomes a contributor to the State Superannuation Fund as so constituted, any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for that person shall cease, but that person may elect to continue the policy on his own account or to cancel the policy and receive any money refunded by the insurer.

DIVISION 2.—*Nature reserves.*

Care, control and management of existing nature reserves.

48. The care, control and management of such lands as are, on the commencement day, comprised in a nature reserve are vested in the Director.

Dedication of nature reserves.

49. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as a nature reserve—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as part of a nature reserve specified in the proclamation—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(3) Lands within a nature reserve shall be deemed to be dedicated for the purposes of—

(a) the care, propagation, preservation and conservation of wildlife;

(b) the care, preservation and conservation of natural environments and natural phenomena;

(c) the study of wildlife, natural environments and natural phenomena; and

(d) the promotion of the appreciation and enjoyment of wildlife, natural environments and natural phenomena.

(4)

(4) Upon the publication of a proclamation under subsection (1) or (2)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest in the Director for the purposes of this Act.

(5) To the extent to which a dedication (other than a dedication under this Division), reservation, Crown grant or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(6) A proclamation under subsection (1) or (2) may be made in relation to one or more nature reserves.

Limitation on power to dedicate under section 49.

50. Notwithstanding section 49, no lands that are Crown lands with the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be dedicated under section 49 (1) or (2) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Name of nature reserve.

51. The Governor—

(a) by a proclamation published under section 49 (1) or (2) or by another proclamation published in the Gazette, may assign a name to a nature reserve; and

(b) by proclamation published in the Gazette, may, from time to time, alter the name of a nature reserve.

52.

Revocation, resumption or appropriation of nature reserve.

52. (1) Notwithstanding anything in any Act, but subject to section 8 of the Public Roads Act 1902—

(a) the dedication of lands as, or as part of, a nature reserve shall not be revoked; or

(b) lands within a nature reserve shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Restrictions on disposal of or dealing with lands within nature reserves.

53. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a nature reserve shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a nature reserve, shall be granted except with the concurrence in writing of the Director.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Director determines.

Provisions relating to mining.

54. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a nature reserve to the extent to which those Acts are in force at that time.

(3) No mining interest shall be granted in respect of lands within a nature reserve except with the concurrence of the Director and subject to such conditions as he determines.

(4) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a nature reserve.

Application of Forestry Act, 1916.

55. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a nature reserve.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a nature reserve shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Provisions respecting animals in nature reserves.

56. (1) A person shall not—

(a) take or kill any animal that is within a nature reserve;

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any animal that is within a nature reserve;

(c) carry, discharge or have in his possession any prohibited weapon in a nature reserve;

(d) carry or have in his possession any explosive, net, trap or hunting device in a nature reserve; or

(e) be accompanied by a dog in a nature reserve.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the carrying or having in his possession of a net if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of an animal that is within those lands, other than fauna.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

57. (1) Subject to section 55 (2), a person shall not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a nature reserve. Restrictions as to timber, vegetation, plants, etc., in nature reserves.

(2) A person shall not have in his possession any native plant within a nature reserve.

(3) A person who commits an offence arising under subsection (1) or (2) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(4) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX; or

(b) in pursuance of a duty imposed on him by or under any Act.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) or (2) in respect of the felling, cutting, destroying, injuring, picking, removing of, or setting fire to any tree, timber, plant, flower or vegetation, or the possession of a native plant, that is or was growing within those lands.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

58. The provisions of— Application of certain provisions to nature reserves.

(a) section 33 (5), (6), (7) and ~~(9)~~ **(10)**; By-laws, rules and regulations.

(b) section 35; Tabling of proclamation of dedication, and disallowance.

(c) section 39; Existing interests.

(d) sections 43 and 44; Application of Soil Conservation Act, 1938, and Fisheries and Oyster Farms Act, 1935.

(e) section 46 (1) and (2); and Transfer of rights, liabilities and property.

(f) section 47, Transfer of employees.

apply to and in respect of a nature reserve in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference in those provisions to—

(g) a proclamation under section 33 (2) or (3) were a reference to a proclamation under section 49 (1) or (2); and

(h)

(h) a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 3.—*Wilderness areas.*

Declaration of wilderness areas.

59. (1) Subject to section 60, the Director may, by notification published in the Gazette, declare any area of lands within a national park or nature reserve to be a wilderness area.

(2) The Director may, by notification published in the Gazette, revoke wholly or in part a declaration under this section.

Declaration of wilderness area to be in accordance with plan of management.

60. Where a plan of management is in force with respect to any lands within a national park or nature reserve, a declaration shall not be made under section 59 with respect to those lands except in accordance with the plan.

Effect of declaration of wilderness area.

61. (1) Where an area of lands is declared to be a wilderness area—

(a) the area shall be kept and maintained in a wilderness condition; and

(b) subject to subsection (2) but notwithstanding any other provisions of this Act, no structures shall be erected or constructed within the area.

(2) Notwithstanding subsection (1), the Director may—

(a) set apart any part of a wilderness area for the purpose of scientific research and authorise—

(i) scientific research to be carried out in that part; and

(ii) the erection of apparatus or of a structure in that part for the purpose of enabling that research to be carried out;

(b)

(b) authorise the erection of apparatus or of a structure in a wilderness area where, in his opinion, it is essential that the apparatus or structure be provided for the protection or preservation of the area or the national park or nature reserve in which the area is situated; and

(c) authorise the erection of a simple survival hut in a wilderness area where, in his opinion, it is essential that the hut be provided in the interests of safety.

(3) In—

(a) subsection (1), "structure" includes building, hut, ski tow or ski tow mooring; and

(b) subsection (2), "structure" includes building or hut, but does not include ski tow or ski tow mooring.

DIVISION 4.—*Aboriginal areas.*

Dedication of Aboriginal areas.

62. (1) The Governor may, with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by proclamation published in the Gazette, dedicate, as an Aboriginal area, any unoccupied Crown lands described in the proclamation.

(2) The Governor may, with the like concurrence, by proclamation published in the Gazette, dedicate, as a part of an Aboriginal area specified in the proclamation, any unoccupied Crown lands described in the proclamation.

(3) The Governor may, with the like concurrence, by a proclamation published in the Gazette, revoke wholly or in part a dedication under this section.

(4) Lands within an Aboriginal area shall be deemed to be dedicated for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein.

Care, control and management of Aboriginal areas.

63. The care, control and management of Aboriginal areas are vested in the Director.

64.

64. The provisions of— Application of certain provisions to Aboriginal areas.

(a) section 41; and Provisions relating to mining.

(b) section 42, Application of Forestry Act, 1916.

apply to and in respect of an Aboriginal area in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference to a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 5.—*Protected archaeological areas.*

65. (1) Subject to this section, the Minister may, by order published in the Gazette, declare any lands described in the order, being lands on which a relic or Aboriginal place is situated, to be a protected archaeological area. Declaration of protected archaeological areas.

(2) An order under subsection (1)—

(a) shall not be made in respect of unoccupied Crown lands;

(b) shall not be made—

(i) where the lands are Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier; or

(ii) where the lands are not Crown lands—without the consent of the owner and the occupier; and

(c) may be revoked at any time, and shall be revoked at the request of any person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area.

Control of protected archaeological area.

66. (1) Subject to this section, the Director may, in relation to lands declared to be a protected archaeological area, give directions prohibiting or regulating the entry on and use of the lands by specified persons or classes of persons or all persons other than specified persons or classes of persons.

(2) The Director—

(a) shall not exercise the powers conferred on him by subsection (1) without the consent of the person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area; and

(b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction.

(3) A person shall not enter, remain on or use, contrary to a direction given under this section, lands to which the direction relates.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves.*

Wildlife districts.

67. (1) The Governor may, by proclamation published in the Gazette, declare—

(a) any lands described in the proclamation to be a wildlife district; or

(b) any lands described in the proclamation to be part of a wildlife district specified in the proclamation.

(2)

(2) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a wildlife district either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the district.

(3) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife districts specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(4) The Governor may, by proclamation published in the Gazette, vary, amend or revoke a proclamation under this section.

(5) A proclamation shall not be made under this section with respect to any lands within a State forest, timber reserve or flora reserve without the consent of the Forestry Commission.

68. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a wildlife refuge. Wildlife refuges.

(2) Lands within a wildlife refuge shall be deemed to be dedicated for the purposes of—

(a) preserving, conserving, propagating and studying wildlife;

(b) conserving and studying natural environments; and

(c) creating simulated natural environments.

(3) A proclamation under subsection (1)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Land Consolidation Act, 1913;

(ii)

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest—without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a wildlife refuge, be required for their declaration as such a refuge.

(4) A person who is a holder or occupier of Crown lands shall be deemed, for the purposes of this section, to have given his consent, referred to in subsection (3), if, within thirty days of his being given notice that his consent is sought, he does not inform the Minister or the Director that he gives or withholds his consent.

(5) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife refuges specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (3) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

69. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a game reserve. Game reserves.

(2)

(2) Lands within a game reserve shall be deemed to be dedicated for the purposes of—

(a) propagating fauna for taking or killing as game;

(b) providing suitable land for the taking or killing of fauna as game;

(c) conserving and studying natural environments; and

(d) creating simulated natural environments.

(3) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a game reserve either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the reserve.

(4) A proclamation under subsection (1) or (3)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest— without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a game reserve, be required for their declaration as such a reserve.

(5) A proclamation under this section may be made so as—

(a) to relate to one or more game reserves specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (4) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

Provisions respecting fauna in wildlife districts, wildlife refuges and game reserves.

70. (1) A person shall not—

(a) take or kill any fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any fauna,

being fauna within a wildlife district, wildlife refuge or game reserve.

(2) A person shall not—

(a) carry, discharge or have in his possession any prohibited weapon;

(b) carry or have in his possession any explosive, net, trap or hunting device; or

(c) be accompanied by a dog,

in a wildlife refuge or game reserve.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (2) in respect of the carrying or having in his possession of a net in a wildlife refuge or game reserve if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any fauna in a wildlife district, being fauna that is not native to Australia and that is either—

(a) not protected fauna; or

(b) locally unprotected fauna under section 96.

(6) A person, being an owner, lessee or occupier of any lands within a wildlife refuge or game reserve, or a person authorised by him in that behalf, shall not be convicted of—

(a) an offence arising under subsection (1) in respect of the taking or killing of any fauna within those lands, being fauna that is not native to Australia and that is either—

(i) not protected fauna; or

(ii) locally unprotected fauna under section 96; or

(b) an offence arising under subsection (2) in relation to those lands.

(7) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

Prohibition on picking or possessing native plants within wildlife refuges.

71. (1) A person shall not pick or have in his possession any native plant within a wildlife refuge.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX or a licence issued under the Forestry Act, 1916; or

(b) in pursuance of a duty imposed on him by or under any Act.

(3) A person, being an owner, lessee or occupier of any lands within a wildlife refuge, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the picking or the possession of a native plant that is or was growing within those lands.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

PART V.

Plans of Management.

Plans of management.

72. (1) The Director—

(a) shall cause a plan of management to be prepared for each national park and historic site in existence on the commencement day, as soon as practicable after that day, unless a plan of management was adopted with respect thereto under the Act of 1967;

(b) shall cause a plan of management to be prepared for each nature reserve in existence on the commencement day, as soon as practicable after that day, unless a scheme of operations was approved with respect thereto under the Fauna Protection Act, 1948;

(c) shall cause a plan of management to be prepared for each national park or historic site reserved, or nature reserve dedicated, after the commencement day, as soon as practicable after the reservation or dedication, as the case may require; and

(d) may from time to time cause a plan of management to be prepared for any Aboriginal area, wildlife refuge or game reserve.

(2) The plan of management for a national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve shall contain a written scheme of the operations which it is proposed to undertake therein or in relation thereto to carry out the purpose and objects of this Act.

(3) The plan of management for a national park, historic site or nature reserve may relate to lands acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(4) In the preparation of a plan of management referred to in this section, regard shall be had to the following objectives :—

(a) the conservation of wildlife;

(b) the preservation of each national park, nature reserve, wildlife refuge or game reserve and the protection of the special features of the park, reserve or refuge;

(c) the prohibition of the execution of any works adversely affecting the natural condition or special features of each national park or nature reserve;

(d) the preservation of each historic site and the preservation of any historic structure or object or any relic or Aboriginal place on each national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve;

(e) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park and historic site by the public;

(f) the regulation of the appropriate use of each nature reserve and Aboriginal area;

(g) the appropriate use of each national park, historic site or nature reserve by any lessee, licensee or occupant of land therein;

(h) the preservation of each national park, historic site or nature reserve as a catchment area;

(i) the protection of each national park, historic site, nature reserve or Aboriginal area against fire and erosion;

(j) the setting apart of the whole or part of a national park or nature reserve as a wilderness area; and

(k) the utilisation of land acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(5) This section does not apply to or in respect of a wildlife refuge or game reserve that is comprised wholly or partly of lands within a State forest.

State forests.

73. (1) The Director may, from time to time, with the concurrence in writing of the Forestry Commission, cause a plan of management to be prepared for any State forest.

(2) The plan of management for a State forest shall contain a written scheme of operations which it is proposed to undertake in or in relation to that forest, consistent with the purpose and objects of this Act and the Forestry Act, 1916.

(3) This section applies to and in respect of a State forest that is comprised wholly or partly of lands within a wildlife refuge or game reserve or that is not comprised of any such lands.

Catchment areas.

74. Where any lands reserved as a national park or historic site or dedicated as a nature reserve or Aboriginal area are wholly or partly within a catchment area of The Metropolitan Water Sewerage and Drainage Board, The Hunter District Water Board or The Broken Hill Water Board, or where the waters from any lands so reserved or so dedicated drain into a catchment area or structure of any of those Boards—

(a) the Director shall, before submitting a plan of management for that national park, historic site, nature reserve or Aboriginal area to the Minister, refer it to the Board responsible for that catchment area or structure for its information; and

(b) the Minister shall before adopting that plan of management consider any representations made by the Board responsible for that catchment area or structure.

Adoption, etc., of plan of management for national park or historic site.

75. (1) Where a plan of management has been prepared for a national park or historic site, the Director shall give notice as prescribed that the plan of management has been prepared and shall, in that notice—

(a) specify the address of the place at which copies of the plan of management may be inspected; and

(b) specify the address to which representations in connection with the plan of management may be forwarded.

(2) Any person interested may, within one month or such longer period as may be specified in the notice, make representations to the Director in connection with the plan of management.

(3)

(3) The Director shall, upon the expiration of the period referred to in subsection (2), refer the plan of management, and any representations forwarded to him, to the Council for its consideration and advice.

(4) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(5) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(6) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(7) The Minister may—

(a) amend or alter a plan of management for a national park or historic site from time to time; or

(b) cancel the plan and substitute a new plan.

(8) Where the Minister proposes to amend or alter a plan of management for a national park or historic site or to cancel a plan of management for a national park or historic site and substitute a new plan of management, he shall instruct the Director to cause the amendment or alteration or the new plan of management to be prepared, and the Director shall proceed to do so as soon as practicable after being so instructed.

(9) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (6), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (8) in the same way as they apply to and in respect of a plan of management for a national park or historic site, as the case may require.

Adoption, etc., of plan of management for nature reserve.

76. (1) Where a plan of management has been prepared for a nature reserve, the Director shall refer the plan to the Council for its consideration and advice.

(2) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(3) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(4) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(5) Where the Minister refers a plan of management for a nature reserve back to the Director and the Council for further consideration, the Director shall resubmit the plan to the Minister together with any further comments and suggestions of the Council.

(6) The Minister may—

(a) amend or alter a plan of management for a nature reserve from time to time; or

(b) cancel the plan and substitute a new plan.

(7) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (5), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (6) in the same way as they apply to and in respect of a plan of management for a nature reserve.

Adoption of plan of management for Aboriginal area.

77. (1) Where a plan of management has been prepared for an Aboriginal area, the Minister may, on the recommendation of the Director, adopt the plan of management.

(2)

(2) The Minister may, on the recommendation of the Director—

(a) amend or alter a plan of management for an Aboriginal area from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of sections 72 (2) and (4) and 74 apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for an Aboriginal area.

Adoption, etc., of plan of management for wildlife refuge or game reserve.

78. (1) Where a plan of management for a wildlife refuge or game reserve has been prepared, the Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which the plan of management relates, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which a plan of management for a wildlife refuge or game reserve relates—

(a) amend or alter the plan from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of section 72 (2) and (4) apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for a wildlife refuge or game reserve, as the case may require.

Adoption, etc., of plan of management for State forest.

79. (1) Where the Director has prepared a plan of management for a State forest, the Minister may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission, adopt the plan of management.

(2)

(2) The Minister—

(a) may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission—

(i) amend or alter a plan of management for a State forest from time to time;

(ii) cancel the plan; or

(iii) cancel the plan and substitute a new plan; or

(b) shall, at the request in writing of the Forestry Commission, cancel the plan.

80. (1) Where lands submerged by water are lands that are the subject of any part of a plan of management for a national park, historic site, nature reserve or Aboriginal area, the Director shall, before submitting to the Minister for adoption by him the plan of management, refer it to the Minister administering the Fisheries and Oyster Farms Act, 1935. **Lands submerged by water.**

(2) A plan of management referred to in subsection (1)—

(a) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (a) of the definition of "Crown lands" in section 5 (1), until he has considered any representations made with respect to the plan of management by the Minister administering the Fisheries and Oyster Farms Act, 1935; and

(b) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1), without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Operations under plan of management.

81. (1) Where the Minister has adopted a plan of management for a national park or historic site, it shall, subject to subsection (5), be carried out and given effect to by the trustees of the park or site or by the Director where the care, control and management thereof have been vested in the Director.

(2) Where the Minister has adopted a plan of management for a nature reserve, Aboriginal area, wildlife refuge or game reserve, it shall, subject to subsection (5), be carried out and given effect to by the Director.

(3) Where the Minister has adopted a plan of management for a State forest, it shall be carried out and given effect to by the Director by arrangement with the Forestry Commission.

(4) Notwithstanding anything in any other Act, where the Minister has adopted a plan of management for a national park, historic site, nature reserve or Aboriginal area, no operations shall be undertaken on or in relation to the park, site, reserve or area unless the operations are in accordance with that plan of management.

(5) Where any lands to which a plan of management relates are—

(a) lands acquired or proposed to be acquired under section 145 or 147 for any purpose referred to in section 145—operations under the plan shall not be undertaken on or in relation to the lands until they have been reserved or dedicated as, or as part of, the park, site or reserve, as the case may require, to which the plan relates; or

(b) lands proposed to be acquired or occupied under section 146 or 147 for any purpose referred to in section 146—operations under the plan shall not be undertaken on or in relation to the lands until they have been so acquired or occupied.

82. Where the concurrence of the Forestry Commission is required under this Part, the concurrence shall not be given without the approval of the Minister administering the Forestry Act, 1916. Concurrence of Forestry Commission.

PART VI.

RELICS AND ABORIGINAL PLACES.

83. (1) Subject to this section— Certain relics to be Crown property.

(a) a relic that was, immediately before the commencement day, deemed to be the property of the Crown by virtue of section 33D of the Act of 1967; and

(b) a relic that is abandoned on or after that day by a person other than the Crown,

shall be, and shall be deemed always to have been, the property of the Crown.

(2) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(3) No compensation is payable in respect of the vesting of a relic by this section or section 33D of the Act of 1967.

84. The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act. Aboriginal places.

85. The Director shall be responsible— Protection of certain relics and restoration of certain areas.

(a) for the proper care, preservation and protection of any relic or Aboriginal place in a national park, historic site, nature reserve or Aboriginal area; and

(b) subject to section 87, for the proper restoration of a national park, historic site, nature reserve or Aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Offences relating to relics.

86. A person, other than the Director or a person authorised by him in that behalf, who—

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

(b) disturbs or moves on any land a relic that is the property of the Crown, other than a relic that is in the custody or under the control of The Trustees of the Australian Museum;

(c) takes possession of a relic that is in a national park, historic site, nature reserve or Aboriginal area;

(d) removes a relic from a national park, historic site, nature reserve or Aboriginal area; or

(e) erects or maintains, in a national park, historic site, nature reserve or Aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

except in accordance with the terms and conditions of an unrevoked permit issued to him under section 87, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, is guilty of an offence against this Act.

Permits relating to relics.

87. (1) Subject to section 88, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in section 86 (a), (b), (c), (d) or (e).

(2) Terms and conditions imposed by the Director under subsection (1) may include terms and conditions relating to the proper restoration of land disturbed or excavated.

(3)

(3) A failure to comply with a term or condition authorised by subsection (2) shall be deemed to be a contravention of section 86.

(4) The Director may, at any time—

(a) revoke a permit issued under this section; or

(b) vary the terms and conditions of such a permit.

The Trustees of the Australian Museum to have custody of certain relics.

88. (1) Nothing in section 87 shall be construed as authorising the Director to permit a relic to be removed from a national park, historic site, nature reserve or Aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum, except where—

(a) the relic remains in the custody or under the control of the Director; or

(b) the relic is being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area.

(2) A relic that is the property of the Crown, other than a relic—

(a) in a national park, historic site, nature reserve or Aboriginal area;

(b) being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area;

(c) in the custody or under the control of the Director; or

(d) acquired by the Minister or the Director pursuant to section 89 or by the Minister pursuant to Part XI,

shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

(3)

(3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, historic site, nature reserve or Aboriginal area and, where a relic is so deposited or exhibited, section 86 does not apply to The Trustees of the Australian Museum in relation to that relic.

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

Preservation or exhibition of certain relics.

89. (1) Subject to this section, the Minister or the Director may, by agreement with a person having the ownership or possession of—

(a) a relic that is not the property of the Crown; or

(b) an Aboriginal place,

acquire the relic or take such other action as he thinks is practicable for the preservation or exhibition of the relic or Aboriginal place.

(2) A relic acquired under this section shall be the property of the Crown.

(3) A relic that is real property shall not be acquired under this section, but nothing in this section affects anything contained in Part XI.

(4) Any relic acquired by the Minister or the Director prior to the commencement day shall be deemed to have been acquired under this section.

Destruction, etc., of relics or Aboriginal places.

90. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic or Aboriginal place is guilty of an offence against this Act.

Penalty : $1,000 or imprisonment for six months or both, and, in addition, $100 for each day during which the offence continues.

(2)

(2) The Director may give his consent for the purposes of subsection (1) subject to such conditions and restrictions as are specified therein.

(3) A person whose application for consent is refused, or who is dissatisfied with any condition or restriction subject to which the consent is given, may appeal to the Minister.

(4) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(5) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(6) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(7) Where the Director fails to grant an application for his consent, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—seven days after the application was received by the Director; or

(b) where the regulations prescribe some other period —that other period.

Notification of sites of relics.

91. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof within a reasonable time after he first becomes aware of that location is guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

PART VII.

FAUNA.

Director's responsibilities as to fauna.

92. The Director shall be the authority for the protection and care of fauna.

Amendment of Schedule 11 (unprotected fauna).

93. (1) The Governor may, by order published in the Gazette, amend Schedule 11—

(a) by omitting therefrom the name of any species of fauna; or

(b) by inserting therein the name of any species of fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 11 and by inserting instead a Schedule containing the names of species of fauna.

Amendment of Schedule 12 (endangered fauna).

94. (1) The Governor may, by order published in the Gazette, amend Schedule 12—

(a) by omitting therefrom the name of any species of protected fauna; or

(b) by inserting therein the name of any species of protected fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 12 and by inserting instead a Schedule containing the names of species of protected fauna.

95.

Open seasons.

95. (1) The Minister may, by order published in the Gazette, declare, for the purposes of section 122, an open season for protected fauna of the species named therein.

(2) An order under subsection (1) may refer to the whole of New South Wales or to a part of, or locality in, New South Wales specified or described therein, and may prescribe conditions or restrictions relating to the taking or killing of any fauna referred to therein or to the use of any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purposes of taking or killing any fauna so referred to.

(3) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to—

(a) any endangered fauna;

(b) any national park, historic site, nature reserve or wildlife refuge; or

(c) any State forest, timber reserve or flora reserve except with the concurrence in writing of the Forestry Commission.

Locally unprotected fauna.

96. (1) The Governor may, by order published in the Gazette, declare any protected fauna within a locality specified or described in the order, being fauna of a species named in the order, to be fauna to which this section applies.

(2) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to any lands within a national park, historic site or nature reserve.

(3) Any protected fauna declared to be fauna to which this section applies are, for the purposes of sections 70 (5) and (6) and 98, locally unprotected fauna.

Certain protected fauna to be the property of the Crown.

97. (1) In this section, "prescribed fauna" means—

(a) an animal that is protected fauna and that is, at the time of birth, in the lawful possession of any person other than the Crown;

(b) protected fauna, being fauna imported into New South Wales;

(c) protected fauna that was, before the commencement day, lawfully taken or in the lawful possession of any person other than the Crown and that had not been liberated before that day; or

(d) any protected fauna of a class or description prescribed for the purposes of this paragraph.

(2) Any protected fauna, other than prescribed fauna, shall, until captured or killed in accordance with this Act, be deemed to be the property of the Crown.

(3) Any prescribed fauna shall, when liberated in New South Wales, be deemed to be the property of the Crown.

Taking or killing protected fauna, other than endangered fauna.

98. (1) In this section, "protected fauna" does not include endangered fauna or locally unprotected fauna under section 96.

(2) A person shall not—

(a) take or kill any protected fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking any protected fauna.

(3) A person shall not be convicted of an offence arising under subsection (2) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

Taking or killing endangered fauna.

99. (1) A person shall not—

(a) take or kill any endangered fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any endangered fauna.

Penalty : $1,000 or imprisonment for six months or both.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by a general licence under section 120.

(3) Where the provisions of any other Act or instrument under any other Act authorise or require anything to be done that would constitute an offence arising under subsection (1)—

(a) the provisions of this section prevail; and

(b) a person shall not be convicted of an offence against that other Act or instrument by reason of his failure to comply therewith in so far as compliance therewith would constitute an offence arising under subsection (1).

Further provisions respecting taking or killing protected fauna (including endangered fauna).

100. (1) A person shall not be convicted of an offence arising under section 98 (2) or 99 (1) if he proves—

(a) that the animal concerned was in some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for promoting the welfare of the animal; or

(b)

(b) that the animal concerned had strayed or escaped from some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for securing the return of the animal.

(2) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of section 98 (2) or 99 (1) or both.

Buying, selling or possessing protected fauna.

101. (1) A person shall not buy, sell or have in his possession or control any protected fauna.

(2) A person who commits an offence arising under subsection (1) is liable to a penalty not exceeding—

(a) $200 in respect of each of the protected fauna (other than endangered fauna); or

(b) $400 in respect of each of the protected fauna being endangered fauna,

in respect of which the offence was committed, with a maximum total penalty under this subsection in respect of any offence of $1,000.

(3) The Governor may, by order published in the Gazette, exempt from subsection (1) protected fauna of a species named in the order, subject to such conditions and restrictions relating to the buying, selling or having in possession of any such protected fauna as may be prescribed in the order.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the buying or selling of any protected fauna if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed, under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or an aviary registration certificate under section 128.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the having in his possession of any protected fauna, if he proves—

(a) that the state of affairs constituting the offence existed under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or that he otherwise obtained the fauna lawfully;

(b) that the fauna is the progeny of any fauna lawfully obtained, being progeny born after the lastmentioned fauna was so obtained; or

(c) that—

(i) the animal concerned was incapable of fending for itself in its natural habitat;

(ii) he notified the Director, in the prescribed manner and within the prescribed time, that the animal came into his possession, and

(iii) he complied with any direction given to him with respect to the animal by the Director.

(6) A reference in this section to a person's having protected fauna in his possession includes a reference to his having protected fauna in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the fauna is then had or placed for his own use or the use of another.

Directions respecting protected fauna in confinement.

102. (1) The Director, or an officer of the Service duly authorised by the Director in that behalf, may, by notice given to a person who keeps protected fauna in confinement or in a domesticated state, give such directions respecting food, drink and shelter for, and the welfare of, the fauna as appear to the Director or officer to be proper.

(2) A person shall not fail to comply with any direction given to him under subsection (1).

(3) A person shall not be convicted of an offence arising under subsection (2) in respect of a failure to comply with a direction if he satisfies the court that he so failed with reasonable excuse.

Taking or killing fauna for sale.

103. (1) A person shall not take or kill fauna for the purpose of sale.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123.

(3) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing for the purposes of sale of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (4).

(4)

(4) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order, not being endangered fauna.

Fauna dealers.

104. (1) A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the business of a fauna dealer, unless he does so under and in accordance with the authority conferred—

(d) by a fauna dealer's licence under section 124; or

(e) in so far as the act constituting the offence forms part of the business of a skin dealer—by a skin dealer's licence under section 125.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (3).

(3) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order.

Skin dealers.

105. A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the

the business of a skin dealer, unless he does so under and in accordance with the authority conferred—

(d) by a skin dealer's licence under section 125; or

(e) in so far as the act constituting the offence forms part of the business of a fauna dealer—by a fauna dealer's licence under section 124.

Importing or exporting protected fauna.

106. (1) A person shall not import into or export from New South Wales any protected fauna.

(2) Subsection (1) does not apply to any protected fauna of a species prescribed for the purposes of this subsection.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by an import licence or an export licence under section 126.

Exhibiting protected fauna.

107. A person shall not exhibit any protected fauna, unless he does so under and in accordance with the authority conferred by a general licence under section 120.

Possessing 20 or more birds.

108. A person shall not have more than nineteen birds, being protected fauna, in his possession or under his control in or upon a structure, building, store, shop or other premises, unless—

(a) an aviary registration certificate under section 128 is in force with respect to that structure, building, store, shop or other premises; or

(b) that person is a fauna dealer licensed under section 124 and the structure, building, store or shop is, or the other premises are, registered under section 124.

109.

Liberation in New South Wales of exotic fauna.

109. A person shall not, in New South Wales, liberate fauna not native to New South Wales, unless he does so under and in accordance with a licence under section 127.

Use of certain substances for taking or killing fauna.

110. (1) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any protected fauna (other than birds).

Penalty : $400 or imprisonment for six months or both.

(2) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any bird (whether or not protected fauna).

Penalty : $400 or imprisonment for six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done under and in accordance with the regulations.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

(5) In this section, "substance" includes mixture or preparation.

Method of shooting fauna.

111. A person shall not, for the purpose of taking or killing any protected fauna, use any firearm of a kind other than the kind habitually raised at arm's length and fired from the shoulder without other support.

Penalty : $200.

112.

112. A person shall not be convicted of an offence against this Act in respect of the taking or killing of a snake unless it is proved that there were no grounds on which he could reasonably have believed at any relevant time that the snake was endangering, or was likely to endanger, any person or property. Taking or killing snakes.

PART VIII.

NATIVE PLANTS.

113. In this Part— Interpretation: Pt. VIII.

"Christmas Bush" means the native plant named *Ceratopetalum gummiferum*;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

114. The Director shall be the authority for the protection of native plants. Director's responsibilities as to native plants.

115. (1) The Governor may, by order published in the Gazette, amend Schedule 13— Amendment of Schedule 13 (protected native plants).

(a) by omitting therefrom the name of any species of native plant; or

(b) by inserting therein the name of any species of native plant.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 13 and by inserting instead a Schedule containing the names of species of native plants.

116. (1) Notwithstanding anything in this Act or the Forestry Act, 1916, but subject to subsection (2)— Restriction as to licences under Forestry Act, 1916.

(a) the Forestry Commission shall not issue a licence for the removal of any protected native plant from any State forest, timber reserve or Crown land; and

(b)

(b) any such licence shall cease to be operative while it relates to any protected native plant.

(2) Where, in the opinion of the Forestry Commission, any protected native plant, if not removed, would be damaged or destroyed in the taking of timber, products or forest materials under, or in the carrying on of any activity authorised by, the Forestry Act, 1916, subsection (1) does not operate to prevent the Forestry Commission from issuing a licence authorising removal of the native plant or from reinstating, to the extent necessary to authorise removal of the native plant, a licence that has, pursuant to that subsection, ceased to be operative.

Restriction on picking or possession of native plant.

117. (1) A person shall not pick or have in his possession a protected native plant.

(2) Without affecting the operation of section 57 or 71, subsection (1) does not apply in relation to the picking or possession of a protected native plant in a nature reserve or wildlife refuge.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that—

(a) the protected native plant was grown upon private land and was picked by or with the consent of the owner, lessee or occupier of that land; or

(b) the protected native plant was picked by him—

(i) under and in accordance with or by virtue of the authority conferred by a licence issued under section 131 or a licence issued under the Forestry Act, 1916; or

(ii) in pursuance of a duty imposed on him by or under any Act,

or was in his possession after having been so picked.

(4) In any prosecution for an offence arising under subsection (1), proof that a protected native plant was found in the possession of the defendant shall be prima facie evidence that the defendant picked the native plant or had the native plant in his possession in contravention of this section and the onus of proof to the contrary shall be upon the defendant.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

(6) A reference in this section to a person's having a protected native plant in his possession includes a reference to his having a protected native plant in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the plant is then had or placed for his own use or the use of another.

Restriction on selling of native plant.

118. (1) A person shall not sell a protected native plant.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of—

(a) Christmas Bush that has been grown on private land and picked by or with the consent of the owner or lessee of that land;

(b) any protected native plant that has been picked for commercial purposes in pursuance of a licence issued under section 131; or

(c) any protected native plant that has been grown in pursuance of a licence issued under section 132 and picked by or with the consent of the holder of the licence.

PART

PART IX.

LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS.

DIVISION 1.—*Preliminary.*

Interpretation: Pt. IX.

119. In this Part—

"authorised officer" means—

(a) the Director; or

(b) in relation to a provision of this Part—

(i) an officer of the Service, or any other person, duly authorised by the Director; or

(ii) any person holding an office, position or rank prescribed,

for the purposes of that provision;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

DIVISION 2.—*Fauna.*

General licence.

120. (1) An authorised officer may issue a licence (in this Act referred to as a "general licence"), authorising a person to do any or all of the following :—

(a) to take or kill or obtain any protected fauna—

(i) for the purpose of providing specimens of natural history for any scientific institution or museum;

(ii) for the purpose of carrying on any scientific investigation;

(iii) for the purpose of exhibiting the fauna; or

(iv) for any other specified purpose;

(b)

(b) to exhibit protected fauna;

(c) to dispose of, whether by sale or otherwise, any fauna taken or killed, obtained or exhibited under the authority of the licence;

(d) to sell any fauna in his lawful possession, otherwise than as a fauna dealer or skin dealer.

(2) A general licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Occupier's licence.

121. (1) An authorised officer may issue a licence (in this Act referred to as an "occupier's licence"), authorising an owner or occupier of specified lands—

(a) to take or kill; or

(b) to permit a person, holding a general licence issued to him under section 120 or a trapper's licence issued to him under section 123, to take or kill,

a specified number of fauna of a specified class found on those lands and the licence may authorise the disposal, whether by sale or otherwise, of fauna taken or killed under the authority of the licence.

(2) An occupier's licence shall not be issued unless the licensee has been supplied by the Service with labels, tags, slips or other objects sufficient in number to affix or attach, in compliance with any condition of the licence, to the skin or carcase of fauna taken or killed under the authority of the licence.

(3) An occupier's licence shall not be issued with respect to endangered fauna.

122.

Game licence.

122. (1) An authorised officer may issue a licence (in this Act referred to as a "game licence"), authorising a person—

(a) to take or kill any protected fauna of the species named in an order declaring an open season, under section 95, in the whole of New South Wales or the part of New South Wales or the locality referred to in the order, subject to the conditions and restrictions (if any) prescribed in the order; or

(b) to take or kill any fauna of the species specified in a proclamation under section 67 or 69 in a wildlife district or game reserve to which the proclamation relates, subject to the conditions and restrictions (if any) prescribed in the proclamation.

(2) A game licence does not authorise a person—

(a) to take or kill any endangered fauna;

(b) to take or kill any fauna in a national park, historic site, nature reserve or wildlife refuge; or

(c) to take or kill any fauna for the purpose of sale.

Trapper's licence.

123. (1) An authorised officer may issue a licence (in this Act referred to as a "trapper's licence"), authorising a person to take or kill fauna of a species named therein for the purposes of sale.

(2) A trapper's licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Fauna dealer's licence.

124. (1) An authorised officer may issue a licence (in this Act referred to as a "fauna dealer's licence"), authorising a person to buy or sell fauna as a fauna dealer and otherwise to exercise or carry on the business of a fauna dealer.

(2) A person licensed under subsection (1) shall not exercise or carry on business as a fauna dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a fauna dealer in New South Wales.

Skin dealer's licence.

125. (1) An authorised officer may issue a licence (in this Act referred to as a "skin dealer's licence"), authorising a person to buy or sell skins as a skin dealer and otherwise to exercise or carry on the business of a skin dealer.

(2) A person licensed under subsection (1) shall not exercise or carry on business as a skin dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a skin dealer in New South Wales.

Import and export licences.

126. (1) An authorised officer may issue a licence (in this Act referred to as an "import licence"), authorising a person to import protected fauna into New South Wales.

(2) An authorised officer may issue a licence (in this Act referred to as an "export licence"), authorising a person to export protected fauna from New South Wales.

(3) Where an application for an import licence or an export licence has been made in accordance with the regulations, the application shall not be refused except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Licence to liberate fauna.

127. An authorised officer may issue a licence authorising a person to liberate, in New South Wales, fauna not native to New South Wales.

Aviary registration certificates.

128. (1) An authorised officer may issue to any person a certificate (in this Act referred to as an "aviary registration certificate") in respect of specified premises.

(2) An aviary registration certificate authorises the person to whom it is issued—

(a) to sell any bird, being protected fauna, to a prescribed person; or

(b) to buy any bird, being protected fauna, from a prescribed person.

(3) In subsection (2), "prescribed person" means a person who—

(a) is licensed to exercise or carry on the business of a fauna dealer under section 124; or

(b) is the holder of an aviary registration certificate issued to him under this section.

Certain licences authorise shooting, etc., in national parks, etc.

129. Except in so far as the conditions and restrictions attaching thereto otherwise provide—

(a) a licence, being a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123, that authorises a person to take or kill any animal in a national park, historic site or nature reserve, also authorises that person to do, in connection with the taking or killing of any such animal, any act referred to in section 45 (1) or 56 (1); and

(b) a licence, being a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence

under

under section 123, that authorises a person to take or kill any fauna in a wildlife district, wildlife refuge or game reserve, also authorises that person to do, in connection with the taking or killing of any such fauna, any act referred to in section 70 (1) or (2).

Certain licences and certificates deemed to authorise possession.

130. Except in so far as the licence or certificate otherwise provides, a licence or certificate under this Division that authorises a person to take or kill or to obtain any fauna also authorises him to keep and have the fauna in his possession.

DIVISION 3.—*Native plants.*

Licence to pick native plants for scientific or commercial purposes.

131. An authorised officer may issue a licence authorising a person to pick the protected native plants specified therein for scientific or commercial purposes.

Licence to grow native plants for sale.

132. An authorised officer may issue a licence authorising an owner or occupier of private land to grow upon that private land, or part thereof specified in the licence, protected native plants for the purposes of sale.

DIVISION 4.—*General.*

Conditions and restrictions attaching to licences and certificates and variation of licences and certificates.

133. (1) A licence or certificate issued under this Part shall be subject to such conditions and restrictions (if any) as are for the time being prescribed in relation to licences or certificates of the class to which the licence or certificate belongs.

(2) An authorised officer may, if he thinks fit, attach any conditions or restrictions to a licence or certificate upon its issue.

(3) An authorised officer may, by notice in writing served on the holder of a licence or certificate—

(a) attach any conditions or restrictions to the licence or certificate after its issue;

(b)

(b) vary or remove any conditions or restrictions attached by any authorised officer to the licence or certificate; or

(c) otherwise vary the licence or certificate.

(4) The holder of a licence or certificate shall not contravene or fail to comply with any condition or restriction attached to the licence or certificate.

(5) Subsections (2) and (3) do not apply to an import licence or export licence under section 126.

Cancellation of licence or certificate.

134. (1) Subject to subsection (2), a licence or certificate issued under this Part may be cancelled by the Minister or the Director.

(2) An import licence or export licence under section 126 shall not be cancelled under this section except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Appeal.

135. (1) A person whose application for a licence or certificate under this Part is refused, or whose licence or certificate has been cancelled by the Director, or who is dissatisfied with any condition or restriction which an authorised officer has attached to his licence or certificate, may appeal to the Minister.

(2) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(3) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(4) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(5) Where the Director fails to grant an application for a licence or certificate under this Part, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—one month after the application was received by the Director; or

(b) where the regulations prescribe some other period—that other period.

Licences do not authorise entry, etc.

136. Where, had this Act not been enacted—

(a) the consent or permission of any person would have been required for entering any lands or doing any act on or in respect of any lands, the issue of a licence under this Part does not authorise the entering of those lands, or the doing of that act on those lands, without that consent or permission; or

(b) the doing of an act on or in respect of any lands would have been unlawful, the issue of a licence under this Part does not authorise the doing of that act.

PART

PART X.

FINANCE.

National Parks and Wildlife Fund.

137. The National Parks and Wildlife Fund established under the Act of 1967 shall continue in existence and shall be kept at the Treasury in the Special Deposits Account.

Payments into the Fund.

138. (1) There shall be paid into the Fund—

(a) all money provided by Parliament for the purposes of this Act;

(b) all money received in respect of—

(i) leases, licences, permits or occupancies within a national park, historic site, nature reserve or Aboriginal area;

(ii) leases and licences granted under section 151 (2);

(iii) royalties, fees and charges under this Act, the regulations or the by-laws;

(iv) franchises granted under section 152;

(v) easements or rights of way granted under section 153;

(vi) community service contributions;

(vii) penalties recovered pursuant to this Act, the regulations or the by-laws;

(viii) property forfeited pursuant to this Act, the regulations or the by-laws;

(ix) costs paid pursuant to an order under section 176 (3);

(x) amounts paid pursuant to an order under section 177; and

(xi) policies of insurance under which money is paid to the Minister or the Director with respect to any national park, historic site, nature reserve or Aboriginal area, or any property in the custody or under the control of the Director;

(c) any money acquired by the Minister pursuant to section 148;

(d) any money received by the Minister pursuant to section 149;

(e) any other money received in connection with any national park, historic site, nature reserve or Aboriginal area or any proposed national park, historic site, nature reserve or Aboriginal area;

(f) any money received in connection with any wildlife refuge or game reserve; and

(g) any other money received in connection with the administration of this Act, other than money received in the prescribed circumstances (if any).

(2) Where any money acquired by the Minister pursuant to section 148 is subject to any condition to which the Minister has agreed, the money shall be carried to a separate account in the Fund and shall be applied in accordance with the condition.

(3) Any money referred to in subsection (2) may, pending application in accordance with the condition so referred to, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

139. (1) No money shall be paid out of the Fund except under the authority of this Act. Payments out of the Fund.

(2) There may be paid out of the Fund—

(a) all charges, costs and expenses incurred by the Minister or the Director in exercising and performing his powers, authorities, duties and functions under this Act;

(b) all money allocated by the Minister for expenditure by trustees on any national park or historic site;

(c) the fees and travelling and other expenses payable to the members of the Council or any committee under this Act;

(d) the cost of acquiring land for national parks, historic sites or nature reserves;

(e) the cost of improvement of any land adjoining or in the vicinity of a national park, historic site, nature reserve or Aboriginal area, where in the opinion of the Minister this is desirable to provide or improve access to the park, site, reserve or area, or to provide or improve facilities or amenities for persons visiting the park, site, reserve or area;

(f) all money which the Minister directs shall be set aside to provide a reserve for insurance;

(g) all money allocated by the Minister for expenditure on Aboriginal areas;

(h) the cost of acquiring relics or land in which relics or Aboriginal places are situated;

(i) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic;

(j) the cost of entering into, and giving effect to, agreements under sections 145 and 146;

(k) the cost of carrying out the purposes for which land is acquired or occupied under section 146;

(l) all costs incurred under sections 147 and 149;

(m) all money allocated by the Minister for use in connection with a wildlife refuge or game reserve; and

(n) all money to be paid to a pastures protection board under section 141.

(3) Any money set aside, as referred to in subsection (2) (f), may be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

(4) Where—

(a) any lands are purchased under section 147 out of money wholly or partly provided by Parliament; and

(b) those lands, or any part thereof, are sold under section 149,

there shall be paid from the Fund to the Treasurer, out of the proceeds of the sale referred to in paragraph (b), such amount as the Treasurer may determine.

Community service contribution.

140. (1) The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or licence to occupy or use lands within a national park, historic site or nature reserve for the cost of providing or maintaining any community service in the park, site or reserve.

(2) The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the contribution on the holder of the lease or licence.

(3)

(3) If the contribution is not paid by the due date the amount due shall be increased by an amount calculated at the rate of nine per centum per annum simple interest until it has been paid.

(4) The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution or part thereof or the payment of any such interest or part thereof.

Payment of rates to pastures protection boards in Western Division.

141. (1) In this section, "board" means a pastures protection board for a pastures protection district within the Western Division within the meaning of the Pastures Protection Act, 1934.

(2) There shall, subject to this section, be payable to a board an amount equal to the amount that would have been payable to the board under Part III of the Pastures Protection Act, 1934, by way of rates for any period, in respect of all lands within its district reserved as national parks or historic sites or dedicated as nature reserves, had those lands been ratable lands under that Act at all relevant times after they were so reserved or dedicated.

(3) No amount is payable under subsection (2) except upon an application—

(a) made to the Director in the prescribed manner and within the prescribed time; and

(b) containing the prescribed particulars.

(4) Any dispute between the Director and a board with respect to the particulars contained in an application or the amount payable under this section shall be determined in accordance with such directions as the Minister, after consultation with the Minister for Agriculture, may give.

(5) Nothing in this section requires or authorises the payment of an amount in relation to any period before the commencement day.

Royalty.

142. (1) Royalty shall, in accordance with the regulations, be payable to the Crown at the prescribed rates upon such species of fauna and the skins of such species of fauna as may be prescribed.

(2) Notwithstanding subsection (1), royalty shall not be payable under this section in respect of a skin or carcase to which there has been affixed or attached in compliance with a condition of a licence issued under Division 2 of Part IX a label, tag, slip or other object for which a charge or fee has been paid pursuant to regulations made under section 154 (e).

Charges and fees.

143. Where the Director—

(a) supplies any service, product or commodity;

(b) grants any licence to carry on a trade, business or occupation;

(c) gives any permission or issues any licence, registration certificate or permit; or

(d) furnishes any information,

under this Act or in connection with any national park, historic site, nature reserve or Aboriginal area, he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him, subject to the maximum (if any) prescribed.

Exemption from rates.

144. Lands within a national park, historic site or nature reserve shall be exempt from rates under the Local Government Act, 1919, and that exemption shall not be affected by any lease, licence, occupancy or use of the lands.

PART

PART XI.

ACQUISITION AND DISPOSAL OF PROPERTY.

Acquisition of lands for national park, etc.

145. Where the Minister is of the opinion that it is desirable to acquire any lands—

(a) for reservation as, or as part of, a national park or historic site;

(b) for dedication as, or as part of, a nature reserve; or

(c) for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein,

he may, on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of the lands.

Acquisition or occupation of lands for certain purposes.

146. (1) For the purpose of—

(a) improving access to a national park, historic site or nature reserve;

(b) the management, maintenance or improvement of a national park, historic site or nature reserve; or

(c) carrying out works for any of those purposes,

the Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands adjoining or in the vicinity of the national park, historic site or nature reserve.

(2) The Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands for use in connection with the administration of this Act.

147.

147. Without affecting the powers of the Minister under section 145 or 146, where the Minister is, for any of the purposes referred to in either of those sections, empowered to take action under either of those sections with respect to any lands, he may, where he considers it appropriate to do so, instead of taking that action, himself acquire those lands, by purchase or exchange, for that purpose. **Power of Minister to acquire.**

148. (1) The Minister may acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and may agree to the condition of any such gift, devise or bequest. **Power of Minister to accept gifts, etc.**

(2) The rule of law against remoteness of vesting shall not apply to any such condition to which the Minister has agreed.

(3) Where the Minister acquires property under subsection (1)—

(a) neither an instrument that effects the acquisition nor any agreement pursuant to which the property is acquired is chargeable with duty under the Stamp Duties Act, 1920; and

(b) the property, or the value of property, shall not be included in the dutiable estate of the donor or testator for the purposes of assessing death duty under that Act.

(4) Notwithstanding anything in Part IV, lands acquired under this section shall not be—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve,

in contravention of any such condition to which the Minister has agreed.

Disposal of lands, gifts, etc.

149. Except where the Minister has otherwise agreed, the Minister may sell, grant leases of, dispose of or otherwise deal with any lands or other property acquired under section 147 or 148, or any interest therein, but nothing in this section applies to or in respect of lands while—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve.

Minister to be corporation sole for certain purposes.

150. (1) For the purposes of the exercise and performance of his authorities, duties and functions under sections 147, 148 and 149, the Minister is hereby constituted a corporation sole under the name of "Minister administering the National Parks and Wildlife Act, 1974".

(2) The corporation sole constituted by this section—

(a) has perpetual succession;

(b) shall have an official seal;

(c) may take proceedings and be proceeded against in the corporate name;

(d) may, in accordance with this Act, purchase, exchange, hold, dispose of and otherwise deal with property; and

(e) may do and suffer all other things that a body corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which the corporation sole is constituted.

(3) The seal of the corporation sole so constituted shall not be affixed to any instrument or document except in the presence of the Minister, and he shall attest by his signature the fact and date of the affixing of the seal.

(4)

(4) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the corporation sole so constituted that has been affixed to any instrument or document; and

(b) shall until the contrary is proved presume that the seal was properly affixed.

PART XII.

LEASES, LICENCES, EASEMENTS, ETC.

Leases of and licences over lands in a national park, historic site or nature reserve.

151. (1) The Minister may—

(a) grant leases of land within a national park or historic site for the purpose of—

(i) the erection thereon of accommodation hotels or accommodation houses; or

(ii) the provision thereon of facilities and amenities for tourists and visitors;

(b) grant leases of lands within a national park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;

(c) grant leases of lands within a national park or historic site for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for use in connection with—

(iii) the protection or preservation of the park or site from fire;

(iv) the provision of services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

(v) a surf life-saving club; or

(vi) any purpose of a like nature;

(d) grant leases of lands within a nature reserve for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for any of the purposes specified in section 49;

(e) grant leases of lands within a national park, historic site or nature reserve on which buildings have been erected for residential occupation; or

(f) grant licences to occupy or use lands within a national park, historic site or nature reserve.

(2) The Minister may—

(a) for any purpose specified in section 146 (1) (a), (b) or (c) grant a lease of, or a licence with respect to, lands acquired or occupied under section 146 (1); or

(b) for use in connection with the administration of this Act grant a lease of, or a licence with respect to, lands referred to in section 146 (2).

(3) Nothing in this section affects the powers of the Minister under section 149 with respect to lands referred to in that section.

(4) Subject to subsection (5), any lease or licence granted under this section or section 149 shall be subject to such terms and conditions as the Minister may determine.

(5) Where any term or condition of a lease or licence granted under this section purports to affect lands within a national park, historic site or nature reserve that are lands submerged by water and the term or condition is inconsistent with a plan of management in force for the park, site or reserve, the term or condition shall, to the extent of the inconsistency, have no force or effect.

Trade within a national park or historic site.

152. (1) The Director may grant licences to carry on trades, businesses or occupations within a national park or historic site.

(2) Subject to any by-laws, the Minister may prohibit the carrying on of any trade, business or occupation within a national park or historic site otherwise than by some person licensed by the Director.

(3) The Minister may grant a franchise to any person, on such terms and conditions as the Minister may determine, for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park or historic site.

(4) Any franchise granted by the trustees of the whole or part of lands reserved after the commencement day as a national park or historic site, and in force immediately before the lands were so reserved, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

Easements.

153. (1) The Minister may upon such terms and conditions as he thinks fit grant for joint or several use easements or rights of way through, upon or in a national park, historic site or nature reserve for the purpose of providing access to any area included in any lease or licence within the park, site

or

or reserve, or for the construction of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

(2) The Minister may from time to time revoke or vary any grant under this section.

(3) Any easement or right of way over lands in a national park or historic site reserved under this Act, which was in force immediately before the lands were reserved as, or as part of, the park or site, as the case may be, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over lands in a nature reserve dedicated under this Act, which was in force immediately before the land was dedicated as, or as part of, the nature reserve shall continue in force and shall be deemed to have been granted under this section.

PART XIII.

Regulations and By-Laws.

154. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act and, in particular, for or with respect to— **Regulations.**

(a) the powers, authorities, duties and functions of the Director, the officers of the Service, ex-officio rangers, honorary rangers, the Council, ~~local~~ **advisory** committees, the Relics Committee or the Architects Committee;

(b)

(b) the procedure for the calling of meetings of the Council, ~~local~~ **advisory** committees, the Relics Committee or the Architects Committee and the conduct of business at those meetings;

(c) licences and registration certificates under Part IX, including the classification thereof, applications therefor and the issue and expiry thereof;

(d) the records to be kept and returns to be furnished by persons holding licences or registration certificates under Part IX and the inspection of those records by officers of the Service;

(e) the issuing and the making of a charge or fee for supplying a label, tag, slip or object for affixing or attaching to the skin or carcase of any fauna in compliance with any condition of a licence under Part IX;

(f) the issuing and the making of a charge for supplying a label, tag, slip or object for affixing or attaching to any protected native plant or packages or bundles thereof in compliance with any condition of a licence under Part IX;

(g) the protection, care, preservation and propagation of any fauna;

(h) prescribing the conditions under which any fauna, whether protected or unprotected, may be consigned or offered for sale or transported or caged or housed;

(i) the inspection of premises registered under section 124, 125 or 128 and the inspection of premises in which fauna are housed or caged in pursuance of a licence issued under section 120;

(j) the entry upon and inspection of any lands upon which protected native plants are grown by a person in pursuance of a licence issued under section 132 and the requiring of the doing of any thing or things designed to prevent the lands from being stripped of protected native plants;

(k) the records to be kept and returns to be furnished by persons holding permits issued under section 87;

(l) tendering for leases and licences under Part XI or XII;

(m) the form and design of signs, symbols, emblems, insignia and uniforms for use in connection with the administration of this Act, the regulations and the by-laws, and the regulation, control or prohibition of the making, reproducing or using of those signs, symbols, emblems, insignia and uniforms; and

(n) the forms or other documents to be used for the purposes of this Act and the regulations.

By-laws.

155. (1) In this section, "park" means national park, historic site, nature reserve or Aboriginal area.

(2) The Governor may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) the regulation of the use and enjoyment of parks;

(b) the securing of decency and order in parks;

(c) the removal of trespassers and other persons causing annoyance or inconvenience in parks;

(d) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, parks;

(e) the regulation, control or prohibition of the taking of animals on or into parks and public and other roads traversing parks or the permitting or suffering of animals to be on or in parks and any such roads;

(f) the regulation, control or prohibition of mooring, parking, camping or residing in parks, the making of charges for mooring, parking, camping or residing in parks and the collecting and receiving of those charges by the Minister or by other persons;

(g) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in parks;

(h) the conditions under which trees or timber may be cut or removed from parks and the amount of royalties, fees and charges payable in respect thereof;

(i) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a park, or the removal of any such substance from a park and the amount of royalties, fees and charges payable in respect thereof;

(j) the preservation or protection of any animals in parks;

(k) the preservation or protection of, or prevention of damage to, any relic or Aboriginal place in a park;

(l) the regulation, control or prohibition of the use of any relic or Aboriginal place for commercial purposes in a park;

(m) the making of charges or entrance fees for persons, clubs or associations or for vehicles using or entering a park, or any specified part of a park, or any public or other road traversing or bounding a park or such a part, and the collecting, receiving and waiving of those charges and fees by the Director or by other persons;

(n) the reservation of any portion of a park for such separate or exclusive use as the by-laws may prescribe;

(o) the closing of, or the regulation, control or prohibition of the entry of any person or class of persons into, a park or parts of a park and the conditions to be observed with regard thereto;

(p) the regulation, control or prohibition of private trading in a park;

(q) the use of roads, tracks, trails and other ways within a park and the circumstances under which roads, tracks, trails and other ways therein shall be open or may be closed to public traffic or use;

(r) the powers and duties of any officer of the Service appointed in respect of a park;

(s) the regulation of the use of vehicles and the conditions under which they may be used in a park;

(t) the regulation of the speed of vehicles in a park;

(u) the regulation of the use of chair lifts, surface tows and ski jumps and the conditions under which they may be used in a park;

(v) the regulation, control or prohibition of the erection of buildings, marinas, structures, signs or other improvements in a park;

(w) the protection of buildings, marinas, structures, signs and other improvements in parks;

(x) the regulation, control or prohibition of exotic plants in parks;

(y) the collection of scientific specimens, the preservation or protection of marine life (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and the pursuit of research in parks;

(z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in parks;

(aa) the management and maintenance of pounds within a park;

(bb) the procedure for the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park and for their subsequent disposal, sale or destruction;

(cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park;

(dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of cattle, horses, asses, mules, sheep, goats, swine and dogs impounded within a park; and

(ee) the procedure for the calling of meetings of trustees and the conduct of business at those meetings.

(3) Without affecting the generality of section 156 (2) or (3), by-laws made for or with respect to parks may be made to apply generally to all parks or may be limited to any park or any part thereof specified in the by-laws and unless so limited shall be taken to apply generally to all parks.

(4) Where any provision of a by-law made to apply to any specified park or any part thereof is inconsistent with a provision of any by-law relating to parks generally, the firstmentioned provision shall prevail.

General provisions.

156. (1) A regulation or by-law may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $200; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

(2)

(2) A regulation or by-law may be made so as to apply differently according to such factors as may be specified therein.

(3) A regulation or by-law may be made so as to apply to or in respect of—

(a) any matter, or all matters, or any class of matters specified or described therein; or

(b) all matters, or any class of matters, so specified or described other than—

(i) any matter so specified or described that is expressed to be excluded; or

(ii) any class of matters so specified or described that is expressed to be excluded.

(4) A regulation or by-law may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

PART XIV.

MISCELLANEOUS.

Requirement to state name and address.

157. (1) The Director or any officer of the Service may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(2) The Director, or any other officer of the Service duly authorised by the Director in that behalf, may require the driver of a motor vehicle in a national park, historic site, nature reserve or Aboriginal area to produce his driver's licence and to state his full name and his place of abode.

(3)

(3) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1) or (2); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

Requirement for owner of motor vehicle and others to give information.

158. (1) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act, the regulations or the by-laws, the Director or any other officer of the Service may—

(a) require the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, to give forthwith information (which shall, if so required, be given in the form of a statement in writing, signed by that owner or person) as to the name and place of abode of the driver; or

(b) require any other person to give any information which it is in his power to give and which may lead to the identification of the driver.

(2) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1); or

(b) in purported compliance with such a requirement, give any information that is false or misleading in a material particular.

Penalty : $200.

(3) In a prosecution for an offence in respect of a failure or refusal to comply with a requirement under subsection (1) (a), it is a defence if the defendant proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the name or place of abode of the driver concerned or both, as the case may require.

(4) Where a statement in writing purporting to be furnished under subsection (1) (a) and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act, the regulations or the by-laws is produced in any court in proceedings against the person named therein as the driver for the offence, the statement shall, if that person does not appear before the court, be evidence without proof of signature that he was the driver of the vehicle at that time.

Liability of vehicle owner for parking offences.

159. (1) In this section—

"owner", in relation to a vehicle, includes—

(a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

(b) in the case of a vehicle that is a motor vehicle—

(i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; **or**

(ii)

(ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

"parking offence" means the offence committed by a person who, in contravention of the regulations or by-laws made under this Act—

(a) moors or parks a vehicle; or

(b) causes or permits a vehicle to be moored or parked or to stand or wait.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation or by-law relating to the parking offence in all respects as if he were the actual offender guilty of the parking offence unless—

(a) in any case where the parking offence is dealt with under section 160, the owner satisfies the prescribed person referred to in that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or

(b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 160, he—

(i) within twenty-one days after service on him of a notice under that section alleging that he has been guilty of that offence, supplies by statutory declaration to the prescribed person referred to in that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the prescribed person so referred to that he does not know, and cannot with reasonable diligence ascertain, that name and address; or

(b) in any other case, he—

(i) within twenty-one days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

(6) Where a statutory declaration supplying the name and address of a person for the purposes of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is prima facie evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act, the regulations or the by-laws or any other Act or regulation, by-law or ordinance under any other Act.

Penalty notice for certain offences.

160. (1) In this section, "owner" and "parking offence" have the meanings respectively ascribed thereto in section 159.

(2) Where it appears to a prescribed person that another person is, by virtue of section 159, guilty of an offence, the prescribed person may serve a notice on that other person to the effect that, if that other person does not desire to have the matter determined by a court he may, within a time specified in the notice, pay to a person so specified the amount of penalty prescribed for the offence if dealt with under this section.

(3) A notice under subsection (2)—

(a) may be served as provided by section 174; or

(b) may be addressed to the owner of the vehicle to which the parking offence relates without naming him or stating his address and may be served by leaving it on, or attaching it to, the vehicle.

(4)

(4) A person alleged to have committed an offence referred to in subsection (2) shall not be dealt with under this section if he declines so to be dealt with and, if any such person fails within the time specified in a notice given to him under subsection (2) (or within such further time as, in his case, may have been allowed) to pay the penalty so specified he shall be deemed to have declined to be dealt with under this section.

(5) Where the penalty for an offence dealt with under this section is paid pursuant to this section in respect of an alleged offence—

(a) no person may be proceeded against for the alleged offence; and

(b) the payment shall not be construed as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the facts constituting the alleged offence.

(6) The penalty prescribed for an offence dealt with under this section shall not exceed the maximum penalty that might be imposed by a court if the offence were dealt with otherwise than under this section.

(7) This section shall be construed as supplementing, and not as derogating from, any other Act in relation to proceedings that may be taken in respect of offences.

Seizure of motor vehicles.

161. (1) An officer of the Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away, or cause to be removed or towed away, any motor vehicle which he believes on reasonable grounds—

(a) to be a danger or unreasonable obstruction to traffic; or

(b) to be unattended and to have been abandoned,

in a national park, historic site, nature reserve or Aboriginal area.

(2)

(2) Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose.

(3) Notwithstanding anything in subsection (1), before seizure of a motor vehicle under this section, the officer referred to in that subsection shall—

(a) if no person is in charge of the motor vehicle—

(i) make reasonable inquiry for the purpose of locating the owner or driver of the vehicle; and

(ii) if upon inquiry under subparagraph (i) the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request; or

(b) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

(4) The inquiry referred to in subsection (3) (a) shall be made in the vicinity of the place where the vehicle is found.

(5) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to the owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded; or

(b)

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to the owner if he can, after reasonable inquiry, be located a notice setting out the particulars referred to in paragraph (a); or

(ii) if the owner cannot, after reasonable inquiry, be located, cause a notice setting out the particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(6) Except in the case of a motor vehicle which is dealt with under the provisions of subsection (7), the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section :—

(a) the application for the release shall be made by the owner of the vehicle or by a person acting for and on behalf of the owner to an officer-in-charge of the place at which the vehicle is kept or impounded (in this subsection referred to as the "officer-in-charge");

(b) the applicant shall furnish evidence as to the ownership of the vehicle to the satisfaction of the officer-in-charge; and

(c) the vehicle shall not be released from custody unless—

(i) the officer-in-charge is satisfied that the applicant is the owner of the vehicle or that he possesses authority to act for and on behalf of the owner;

(ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the vehicle has been paid to the officer-in-charge; and

(iii) the applicant has signed a receipt for the delivery of the vehicle on a form supplied to him by the officer-in-charge.

(7) If within a period of three months after the date upon which the motor vehicle has been seized the owner has failed to claim the vehicle and to pay the amount referred to in subsection (6) (c) (ii), the vehicle may, after the expiration of that period, be disposed of or destroyed in accordance with the directions of the Director.

(8) In this section, "motor vehicle" includes a trailer or caravan designed or adapted to be towed by a motor vehicle (as defined in section 5 (1)), whether or not the trailer or caravan is in the course of being towed.

Impounding.

162. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, historic site, nature reserve or Aboriginal area, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of lands under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of that Act shall, with such modifications as are necessary, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection (1), Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) sections 423, 423A, 426 (2) and (3), 427, 428, 429, 430 (2), 431 (1), (2) and (4), 439, 441 and 442 had been omitted therefrom;

(b)

(b) the words "at large in any public place or" had been omitted from section 426 (1);

(c) "animal" meant any cattle, horse, ass, mule, sheep, goat, swine or dog;

(d) "prescribed" meant prescribed by, or by by-laws made under, this Act;

(e) a reference to the mayor or president of a council were a reference to the Director; and

(f) a direction for the payment of money to a council, or to the General Fund of a council, were a direction for payment of the money to the National Parks and Wildlife Fund.

(3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, historic site, nature reserve or Aboriginal area.

(4) The Director, in relation to a national park, historic site, nature reserve or Aboriginal area, shall have and may exercise the powers conferred by the provisions of section 15 of the Impounding Act, 1898, and section 429 (1) of the Local Government Act, 1919, on an occupant in relation to his lands, but may, instead of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national park, historic site, nature reserve or Aboriginal area the same powers as are conferred by section 438 of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

(6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, historic site, nature reserve or Aboriginal area, being a pound that will be available for use for impounding animals trespassing on a national park, historic site, nature reserve or Aboriginal area.

(7) Where an animal trespassing on a national park, historic site, nature reserve or Aboriginal area is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Government Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(8) In subsection (6), "public pound" includes a place referred to in section 23 (b) of the Dog Act, 1966.

Application of Dog Act, 1966.

163. (1) In this section, "area", "council" and "dog" have the meanings respectively ascribed thereto in section 4 (1) of the Dog Act, 1966.

(2) Part III of the Dog Act, 1966, does not apply to or in respect of the seizure of a dog in a national park, historic site, nature reserve or Aboriginal area by an officer of the Service, but if he causes the dog to be delivered to any duly authorised servant or agent of the council of the area in which the dog was seized at a place provided for the purpose in accordance with section 23 (b) of that Act, section 11 of that Act applies to and in respect of that dog as if it had been seized under section 10 of that Act.

(3) Nothing in this section applies with respect to the seizure of a dog with respect to which Part III of the Dog Act, 1966, would not have applied had this Part not been enacted.

164.

164. (1) The Director or an officer of the Service duly authorised by the Director in that behalf— Powers of entry and seizure.

(a) may at all times, if he suspects on reasonable grounds that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that any animal, native plant, relic or article in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence is likely to be in or upon any premises or vehicle, on production of the prescribed evidence of his authority—

(i) stop any such vehicle;

(ii) enter and search any such premises or vehicle; and

(iii) subject to his giving a receipt in the prescribed form seize any such animal, native plant, relic (not being real property) or article found therein or thereon together with any books, papers or records relating to the suspected offence and make copies of, or take extracts from, any such papers, books or records;

(b) may at all times, on production of the prescribed evidence of his authority, enter any premises or vehicle for the purpose of—

(i) inspecting any premises registered under section 124, 125 or 128;

(ii) inspecting any premises in which fauna are housed or caged under the authority of a general licence under section 120;

(iii) inspecting any lands on which protected native plants are grown under the authority of a licence under section 132; or

(iv)

(iv) searching for and inspecting any articles that are being or could be used in contravention of this Act, the regulations or the by-laws; and

(c) may, for the enforcement of the provisions of this Act, the regulations or the by-laws, exercise the powers and authority of a constable.

(2) Subsection (1) does not—

(a) apply in relation to an offence of a class or description prescribed for the purposes of this subsection;

(b) authorise the seizure of a vehicle within the meaning of paragraph (a), (b), (c) or (e) of the definition of "vehicle" in section 5 (1) or any prescribed article; or

(c) authorise any person to enter in or upon that portion of a building that is used for residential purposes except under written authority given by the Minister.

(3) An authority referred to in subsection (2) (c)—

(a) may be general in its application or may be limited to specified premises;

(b) subject to paragraph (c), shall remain in force for the specified period; and

(c) may be revoked at any time by the Minister.

(4) The power of seizure under subsection (1) (a) may be exercised without exercising any of the other powers under subsection (1) (a).

(5) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, complains on oath that he has reason to suspect, and believes, that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that there may be an animal, native plant, relic or article, in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence, on specified premises or on a specified vehicle, a stipendiary magistrate may, by warrant under his hand, authorise the complainant to enter and search those premises or that vehicle.

(6) A person authorised under subsection (5) to enter premises or a vehicle may use force, whether by breaking open doors or otherwise, for the purpose of entering the premises and may—

(a) execute the warrant; and

(b) exercise the power of seizure under subsection (1) (a),

with the aid of such assistants as he deems necessary.

(7) A warrant may be issued under subsection (5) authorising a person to enter in or upon that portion of a building that is used for residential purposes notwithstanding that a written authority referred to in subsection (2) (c) has not been given authorising that person to make that entry.

Persons to deliver up fauna, etc., when required.

165. (1) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, suspects on reasonable grounds any person to be committing an offence against any of the provisions of this Act, the regulations or the by-laws, he may, on production of the prescribed evidence of his authority, require that person to deliver up any animal, native plant, relic (not being real property) or article in his possession in respect of which the suspected offence is being committed or which is being used in connection with the suspected offence.

(2) Any such person after being so required shall not fail to deliver up forthwith any animal, native plant, relic (not being real property) or article to the Director or any such officer requiring him so to do.

Definition of "article" for sections 164 and 165.

166. In sections 164 and 165, "article" means prohibited weapon, firearm, explosive, net, trap, hunting device, substance, mixture, preparation, instrument, implement or any other thing.

Disposal of fauna and perishable goods when seized or delivered up.

167. (1) Where any property seized under section 164 or delivered up under section 165 is fauna or is perishable, it may forthwith be disposed of, by way of sale or otherwise, by the Director or an officer of the Service duly authorised by the Director in that behalf.

(2) The proceeds of any sale under subsection (1) shall be paid into the Fund.

(3) The payment to a person from the Fund of an amount equal to the proceeds of the sale of any property under subsection (1) operates as a discharge of any obligation to deliver up that property to that person and such a payment in discharge of any such obligation imposed by an order of the court prescribed in relation to the property under section 168 is hereby authorised.

Disposal of property seized or delivered up.

168. (1) Subject to this section, where—

(a) a person is convicted of an offence against this Act, the regulations or the by-laws;

(b) property relating to the offence, or in the possession of the offender at the time of the commission of the offence, has been seized under section 164 or delivered up under section 165; and

(c)

(c) any person applies to the court prescribed in relation to the property for an order that the property be delivered to a specified person,

that court may, whether or not it is the court making the conviction, make such an order.

(2) Subject to this section, where—

(a) property has been seized under section 164 or delivered up under section 165; and

(b) an information for an offence (being an offence on or after a conviction for which an order could be made under subsection (1) in respect of the property) has not been laid within six months after the seizure or delivering up of the property,

the court prescribed in relation to the property may, on the application of any person, order that the property be delivered to a specified person.

(3) An application for an order under subsection (1) may be made at the time of the conviction referred to in that subsection if the court making the conviction is the court prescribed in relation to the property to which the application relates.

(4) An application for an order under subsection (1) or (2) may not be made—

(a) in the case of an application for an order under subsection (1)—later than one month after the conviction referred to in that subsection; or

(b) in the case of an application for an order under subsection (2)—later than three months after the expiration of the period of six months referred to in that subsection.

(5) Where property has been seized under section 164 or delivered up under section 165 and—

(a) no application for an order under subsection (1) or (2) has been duly made; or

(b) such an application has been duly made and such an order has been refused,

the property the subject of the application and, where the property has been sold under section 167, the proceeds of the sale, shall be deemed to have been forfeited.

(6) For the purposes of this section—

(a) the value of any property sold under section 167 is an amount equal to the amount of the net proceeds of sale; and

(b) the court prescribed in relation to any property is—

(i) where the value of the property does not exceed $500—the court of petty sessions for the district in which the property was seized;

(ii) where the value of the property exceeds $500 but does not exceed $10,000—the District Court of New South Wales; and

(iii) where the value of the property exceeds $10,000—the Supreme Court of New South Wales.

Impersonating, assaulting, resisting or obstructing an officer, etc.

169. (1) A person shall not impersonate the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger.

(2) A person shall not—

(a) assault, threaten, resist, delay, obstruct or use abusive language to; or

(b)

(b) incite or encourage any other person to assault, threaten, resist, delay, obstruct or use abusive language to,

the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger, in the exercise of any of his powers, authorities, duties or functions under this Act, the regulations or the by-laws.

Corruption.

170. A person shall not, without lawful authority, offer, make or give to an officer of the Service, an ex-officio ranger or an honorary ranger any payment, gratuity or present in consideration that the officer or ranger will do or omit to do any act or thing pertaining to his powers, authorities, duties or functions as such an officer or ranger.

Penalty : $200 or imprisonment for six months or both.

Authority of officers of Service to take or kill, etc.

171. (1) The Director may authorise an officer of the Service, an ex-officio ranger or an honorary ranger—

(a) to take or kill—

(i) any animals of a class or description specified by the Director, being animals within a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve; or

(ii) any animals of a class or description specified by the Director, being protected fauna outside a park, site, reserve, area, district or refuge referred to in subparagraph (i), other than fauna that are not the property of the Crown;

(b)

(b) to fell, cut, destroy, injure, remove or set fire to any tree, timber or vegetation of a class or description specified by the Director, within a nature reserve; or

(c) to pick or have in his possession any native plant of a class or description specified by the Director, within a nature reserve.

(2) An officer of the Service, an ex-officio ranger or an honorary ranger shall not be convicted of an offence against this Act if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed, under the authority of the Director under subsection (1).

(3) For the purposes of this Act, the Director shall be deemed to be authorised under subsection (1) with respect to all animals, and all trees, timber, vegetation and native plants, to which that subsection relates or may relate.

(4) Except in so far as the Director otherwise directs, his authorisation of a person under subsection (1) with respect to any animals also authorises that person to do, in connection with the taking and killing of any such animal, any act referred to in section 45 (1) or 56 (1).

(5) Subsection (1) (a) (i) does not apply with respect to an animal that is not the property of the Crown unless the animal apparently has no owner and is not under control or unless an officer of the Service believes on reasonable grounds that the animal is endangering, or likely to endanger, any other animals or any persons or property within the park, site, reserve, area, district or refuge referred to in subsection (1) (a) (i).

(6) Nothing in this section affects the provisions of section 155 (2) (bb).

Member of police force.

172. A member of the police force shall not be convicted of an offence against this Act in respect of an act done in pursuance of or as part of his duties as such a member.

Removal of trespassers.

173. (1) Where, but for this section, section 255 of the Crown Lands Consolidation Act, 1913, would not apply to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, that section, subject to subsection (2), applies to and in respect of those lands in the same way as it applies to and in respect of Crown lands within the meaning of that Act.

(2) In the application of section 255 of the Crown Lands Consolidation Act, 1913, whether by virtue of subsection (1) or otherwise, to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, a reference in that section to any person duly authorised by the Minister includes a reference to the Director or any person duly authorised by the Director.

Service of notices.

174. Any notice given under or for the purposes of this Act, the regulations or the by-laws may, unless otherwise specially provided, be given in any one of the following ways :—

(a) personally to the person to whom the notice is addressed; or

(b) by letter sent through the post by mail and directed to the last known place of abode or business in New South Wales of the person to whom the notice is addressed.

General offence and penalties.

175. (1) A person who—

(a) does that which by this Act (Parts II, III and V excepted) he is forbidden to do; or

(b) fails or neglects to do that which by this Act (Parts II, III and V excepted) he is required or directed to do,

is guilty of an offence against this Act.

(2) A person guilty of an offence against this Act, whether pursuant to subsection (1) or otherwise, is, where no other penalty is prescribed, liable to a penalty not exceeding—

(a) in the case of the first offence for which he is liable to a penalty under this section—$200;

(b) in the case of a second offence for which he is liable to a penalty under this section—$500; and

(c) in the case of a third or subsequent offence for which he is liable to a penalty under this section—$1,000.

Recovery of penalties.

176. (1) Any penalty imposed by this Act, the regulations or the by-laws may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

(3) Where any person is convicted of an offence against this Act, the regulations or the by-laws and the magistrate or justices before whom he was convicted makes or make an order under section 81 of the Justices Act, 1902, for the payment by the defendant of costs, those costs shall be paid into the Fund.

Compensation.

177. (1) Where any person is convicted of an offence against this Act, the regulations or the by-laws whereby the Minister or Director incurs any charge, cost or expense or which results in or causes loss or damage to—

(a) any national park, historic site, nature reserve or Aboriginal area or to any structure or improvements thereon; or

(b) any lands vested in, surrendered to or leased to Her Majesty for the purposes of this Act or occupied under licence for the purposes of this Act, or acquired by the Minister under section 147, or to any structure or improvements thereon,

the magistrate or justices before whom he was convicted may order payment of such sum as he or they think fit by way of compensation for that charge, cost, expense, loss or damage.

(2) Any order under subsection (1) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

Recovery of charges, etc.

178. (1) Any charge, fee or money due to the Director under the provisions of this Act, the regulations or the by-laws may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

(2) The amount of any royalty due and payable under this Act or the regulations and unpaid may be recovered as a debt due to the Director from the person liable to pay that amount in a court of competent jurisdiction.

Authority to take proceedings.

179. (1) Any legal proceedings for an offence against this Act or to recover any charge, fee or money due under the provisions of this Act, the regulations or the by-laws may only be taken by a member of the police force or by a person duly authorised by the Director in that behalf, either generally or in any particular case.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of the authority without proof of the Director's signature.

Continuance of authority.

180. Any person duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised that person has ceased to hold office as Director, but any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

Evidentiary provisions, etc.

181. (1) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that any lands in question form part of a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve shall be sufficient without proof of the matter so alleged unless the defendant proves to the contrary.

(2) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that a standard, sign, symbol, notice or device was erected, displayed or marked with the authority of the Director, or that a standard, sign, symbol, notice or device was erected, displayed, marked, interfered with, altered or removed without the authority of the Director, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

(3) In any proceedings for an offence against this Act, the regulations or the by-laws, a certificate purporting to be signed by the officer for the time being in charge of the records kept under the law for the time being in force in any part of the Commonwealth relating to the ownership of motor vehicles and naming the owner of a motor vehicle as shown on those records shall be prima facie evidence of the name of the owner of the motor vehicle.

(4) In any prosecution under this Act, any allegation in any information that any person is unlicensed or acting without permission or authority need not be proved,

and

and that person shall be deemed to be unlicensed or acting without permission or authority, as the case may be, until the contrary is proved by the production of a licence, permit or authority or otherwise.

182. (1) In this section— **Morton National Park.**

"Board" means The Metropolitan Water Sewerage and Drainage Board;

"Park" means Morton National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Board may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board;

(c) where the site has been so determined, the Governor may, notwithstanding section 37, by notification published in the Gazette—

(i) revoke the reservation of the Park as to so much of the lands reserved as are within that site; and

(ii) declare those lands to be vested in the Board,

and thereupon those lands shall vest in the Board; and

(d) the Minister may, from to time, grant to the Board such easements and licences over lands within the Park for pipelines, power lines and other purposes

as

as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

(3) Anything done under or for the purposes of section 21 (2) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Macquarie Pass National Park.

183. (1) In this section—

"Commission" means The Water Conservation and Irrigation Commission;

"Park" means Macquarie Pass National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Commission may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission; and

(c) the Minister may, from time to time, upon such terms as he thinks fit grant to the Commission such easements and licences over lands within the Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and ancillary works.

(3) Anything done under or for the purposes of section 21 (3) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Bouddi National Park.

184. (1) The Governor may, by proclamation published in the Gazette, declare that this section applies to such of the lands comprised in Bouddi National Park as are described in the proclamation.

(2) Upon the publication of the proclamation under subsection (1), the lands described in the proclamation shall cease to be part of Bouddi National Park and shall be deemed to have been reserved as a national park.

(3) Without affecting the generality of section 36, a reference in that section to a proclamation includes a reference to the proclamation under subsection (1).

Catchment areas.

185. (1) In this section, "the Acts" means the Metropolitan Water, Sewerage, and Drainage Act, 1924, and the Hunter District Water, Sewerage and Drainage Act, 1938.

(2) Nothing in this Act affects the operation of any of the provisions of either of the Acts in relation to lands within a national park, historic site or nature reserve, in so far as those provisions relate to catchment areas.

(3) Without affecting the generality of subsection (2), nothing in this Act—

(a) affects, or affects the operation of, any proclamation or by-law under either of the Acts relating to a catchment area and in force at the time of the reservation or dedication of any lands as, or as part of, a national park, historic site or nature reserve, being lands to which the proclamation or by-law relates; or

(b) affects the power of the Governor to make any proclamation or by-law under either of the Acts in relation to any lands within a national park, historic site or nature reserve.

(4) Notwithstanding anything in this Act, a lease, licence, easement or right of way shall not be granted under this Act in respect of any lands within a catchment area within the meaning of—

(a) the Metropolitan Water, Sewerage, and Drainage Act, 1924, except with the concurrence of The

Metropolitan

Metropolitan Water Sewerage and Drainage Board; or

(b) the Hunter District Water, Sewerage and Drainage Act, 1938, except with the concurrence of The Hunter District Water Board.

SCHEDULE 1.

Sec. 4 (1).

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1927, No. 2..	Wild Flowers and Native Plants Protection Act, 1927.	The whole Act.
1931, No. 35..	Wild Flowers and Native Plants Protection (Amendment) Act, 1931.	The whole Act.
1945, No. 8..	Wild Flowers and Native Plants Protection (Amendment) Act, 1945.	The whole Act.
1948, No. 47..	Fauna Protection Act, 1948. ..	The whole Act.
1959, No. 7..	Wild Flowers and Native Plants Protection (Amendment) Act, 1959.	The whole Act.
1964, No. 50..	Fauna Protection (Amendment) Act, 1964.	The whole Act.
1967, No. 35..	National Parks and Wildlife Act, 1967.	The whole Act.
1969, No. 78..	National Parks and Wildlife (Amendment) Act, 1969.	The whole Act.
1971, No. 36..	National Parks and Wildlife (Amendment) Act, 1971.	The whole Act.
1972, No. 20..	National Parks and Wildlife (Amendment) Act, 1972.	The whole Act.
1972, No. 61..	Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act, 1972.	Section 12.
1973, No. 9..	District Court Act, 1973.	So much of Schedule 2 as amends Act No. 35, 1967.
1973, No. 11..	Justices (Amendment) Act, 1973...	Section 9.

SCHEDULE

SCHEDULE 2.

Sec. 4 (2).

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 95..	Public Roads Act 1902.	Section 8 (4) (b) (ii)— Omit "1967", insert instead "1974".
1912, No. 42..	Liquor Act, 1912.	Section 168 (2) (c)— (a) Omit "state park"; (b) Omit "1967", insert instead "1974".
1919, No. 41..	Local Government Act, 1919.	Section 289A— (a) Omit "and" where secondly occurring from paragraph (b1) of the definition of "authorised person" in subsection (1); (b) After paragraph (b1) of that definition insert the following paragraph:— (b2) an officer of the National Parks and Wildlife Service appointed by the Director to be an authorised person for the purposes of this Division; and (c) After that definition insert the following definition:— "Director" means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1974; (d) Omit "state park, historic site or aboriginal area within the meaning of the National Parks and Wildlife Act, 1967, and a nature reserve within the meaning of the Fauna Protection Act, 1948" from the definition of "public place" in subsection (1), insert instead "historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974"; (e) Omit "or (b1)" in subsection (3) (a), insert instead ", (b1) or (b2)".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41..	Local Government Act, 1919—*continued*	Section 289B (2)— (a) Omit from paragraph (b) "provided by, or with the approval of, the council", insert instead the following words:— "provided— (i) except as provided in sub-paragraph (ii)—by, or with the approval of, the council; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974, by the Director or the trustees thereof (if any) or by, or with the approval of, the council and with the consent of the Director or those trustees"; (b) Omit from paragraph (c) "published by the council notifying that it will remove the litter and", insert instead the following words:— "published— (i) except as provided in sub-paragraph (ii)—by the council notifying that it will remove the litter; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974—under the authority of the Director or the trustees (if any) thereof or by the council with the consent of the Director or those trustees, and".
1924, No. 24..	Main Roads Act, 1924.	Section 3 (2) (i)— (a) Omit "state park" wherever occurring; (b) Omit "1967" wherever occurring, insert instead "1974".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1935, No. 40..	Wool, Hide and Skin Dealers Act, 1935.	Section 2 (1)— Omit "a protected animal within the meaning of the Birds and Animals Protection Act, 1918–1930, or any Act amending that Act" from the definition of "Hide" or "skin", insert instead "protected fauna within the meaning of the National Parks and Wildlife Act, 1974".
1938, No. 10..	Soil Conservation Act, 1938.	Section 21A— Omit paragraph (c) of the definition of "protected land", insert instead the following paragraph:— (c) any national park, historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974.
1949, No. 31..	Bush Fires Act, 1949.	Sections 10 (7), 13 (6), 14 (3), 22 (2), 22 (3c) and 51 (1c)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 15 (5)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 51 (1c)— Omit "that Service", insert instead "the Director of National Parks and Wildlife".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1955, No. 28..	Petroleum Act, 1955.	Section 46 (2)— Omit "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained." Section 46— Insert at the end of the section the following subsection:— (3) The Minister shall not grant his consent under this section in respect of lands within a national park, historic site or nature reserve under the National Parks and Wildlife Act, 1974, without the concurrence in writing of the Minister for Lands.
1960, No. 10..	The National Trust of Australia (New South Wales) Act, 1960.	Section 9 (4) (b)— Omit "1967", insert instead "1974".
1973, No. 42..	Mining Act, 1973.	Section 86 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974".
1973, No. 81..	Coal Mining Act, 1973.	Sections 25 (4) and 69 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974". Fourth Schedule— Omit so much of the Schedule as amends Act No. 47, 1948, and Act No. 35, 1967.

SCHEDULE 3. Sec. 4 (3).

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule— Interpretation.

"repealed enactments" means the enactments repealed by this Act;

"state park" means a state park within the meaning of the Act of 1967.

2. (1) The person holding office as Director of National Parks and Wildlife under the Act of 1967 immediately before the commencement day shall be deemed to have been appointed Director under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. The Director.

(2) All acts, matters and things done or omitted by, or done or suffered in relation to, the Director of National Parks and Wildlife appointed under the Act of 1967 before the commencement day shall, on and from that day, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Director appointed under this Act.

(3) Without affecting the generality of Schedule 4, clauses 10 and 11 of that Schedule apply to and in respect of the person holding office as Director immediately before the commencement day as if this Act had been in force at the time when he was appointed Director under the Act of 1967.

3. The members of ~~a local~~ **an advisory** committee constituted for any lands under the Act of 1967 and holding office immediately before the commencement day shall be deemed to be members of ~~a local~~ **an advisory** committee constituted for those lands under this Act as if this Act had been in force at the time of the constitution of the committee. Local **Advisory** committees.

4. A person holding office as a member of the Aboriginal Relics Advisory Committee under section 33A of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Relics Committee under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. Relics Committee.

5. A person holding office as an appointed member of the National Parks Advisory Committee of Architects under section 40 of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Architects Committee under Architects Committee.

this

this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967.

Delegations.

6. (1) Any delegation in force under section 7 of the Act of 1967 shall be deemed to be a delegation under section 21.

(2) Section 7 of the Act of 1967 continues to apply to and in respect of any act or thing done by a delegate under that section before the commencement day.

Reserved, dedicated and declared lands.

7. (1) Lands comprised within a national park or state park under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a national park under this Act.

(2) Lands comprised within a historic site under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a historic site under this Act.

(3) Lands comprised within a nature reserve under the Fauna Protection Act, 1948, immediately before the commencement day shall be deemed to be dedicated as a nature reserve under this Act.

(4) A proclamation under section 20 of the Act of 1967 in force immediately before the commencement day in relation to a national park, state park or historic site under that Act shall be deemed to be a proclamation under section 33.

(5) To the extent that section 20 (5) and (6) of the Act of 1967 would, had this Act not been enacted, apply or continue to apply to or in respect of a proclamation published under section 20 of that Act before the commencement day, section 35 applies to or in respect of that proclamation.

(6) An order under section 33B of the Act of 1967 in force immediately before the commencement day in relation to an aboriginal area under that Act shall be deemed to be a proclamation in force under section 62.

(7) An order under section 33I of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be an order in force under section 65.

(8) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a wildlife refuge under that Act shall be deemed to be a proclamation in force under section 68.

(9) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a game reserve under that Act shall be deemed to be a proclamation in force under section 69.

(10) A direction under section 33J of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be a direction in force under section 66.

References to state parks.

8. (1) A reference, in any other Act, or in any regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature, to—

(a) a state park shall be read as a reference to a national park under this Act; or

(b) a particular state park under the Act of 1967 shall be read as a reference to the national park deemed to be reserved under clause 7 (1) and comprising the lands within that state park.

(2) Without affecting the generality of subclause (1), a reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read as a reference to the Kosciusko National Park deemed to be reserved under this Act, and a reference to the Kosciusko State Park Trust shall be read as a reference to the Director.

Plans of management.

9. (1) A plan of management under the Act of 1967 shall be deemed to be a plan of management under this Act.

(2) A working plan under the Fauna Protection Act, 1948, shall be deemed to be a plan of management under this Act.

Mining.

10. (1) A notice under section 24 (2) (a) of the Act of 1967 shall be deemed to be a notice under section 41, and anything done or commenced to be done under section 24 (2) (a) of the Act of 1967 shall be deemed to have been done or commenced under section 41.

(2) A reference in subclause (1) to section 41 includes a reference to that section as applied by any other provision of this Act.

Certain existing interests.

11. (1) In this clause, "prescribed interest" means an authority, authorisation, permit, lease, licence or occupancy to which section 22 of the Act of 1967 applied immediately before the commencement day.

(2) Section 39 applies to and in respect of a prescribed interest granted with respect to lands comprised in a national park, state park or historic site under the Act of 1967 as if this Act had been in force when that national park, state park or historic site was reserved under that Act.

Licences, etc.

12. (1) A licence, registration certificate, franchise, permit, permission, concurrence, consent, authorisation or authority, issued or given under any of the repealed enactments, shall be deemed to be issued or given under this Act.

(2) Notwithstanding subsection (1), a permit granted under section 33 of the Fauna Protection Act, 1948, shall be deemed to be a licence issued under section 127.

Open seasons.

13. A notice of an open season under section 18 of the Fauna Protection Act, 1948, in force immediately before the commencement day shall be deemed to be an order in force under section 95.

Property.

14. (1) Any property acquired by the Minister under the Act of 1967 shall be deemed to have been acquired by him under this Act.

(2) Lands acquired under section 19A of the Act of 1967 shall be deemed to have been acquired under section 145.

(3) Lands acquired under section 19B of the Act of 1967 shall be deemed to have been acquired under section 146 (1).

(4) A lease or licence granted under the Act of 1967 and in force immediately before the commencement day shall be deemed to have been granted under this Act.

(5) A franchise in force under section 32 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 152.

(6) An easement or right of way in force under section 31 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 153.

Community service contribution.

15. (1) Any community service contribution under section 37 of the Act of 1967 due and payable immediately before the commencement day shall be deemed to be due and payable under section 140.

(2) Section 140 applies to and in respect of any community service provided or maintained under section 37 of the Act of 1967 before the commencement day and in respect of which a notice of the amount of contribution had not been served under that section before that day.

Forfeiture and seizure.

16. The provisions of any of the repealed enactments continue to apply to and in respect of any forfeiture or seizure under those provisions before the commencement day, and so apply as if this Act had not been enacted.

17. Any regulations in force under any of the repealed enactments immediately before the commencement day shall be deemed to be regulations made under this Act, but any such regulations shall, to the extent to which they would be by-laws if made under this Act, be deemed to be by-laws made under this Act. Regulations and by-laws.

18. The amendments made by sections 52, 53, 54 and 56 of the Act of 1967 continue to have the same force and effect as if those sections had not been repealed by this Act. Certain amendments made by Act of 1967.

19. Where, by virtue of section 37 of the Interpretation Act, 1897, any act or thing is to be done under this Act before the commencement day, and the act or thing is to be done by or in relation to the Director appointed under this Act, the act or thing may be done by or in relation to the Director of National Parks and Wildlife appointed under the Act of 1967, or a person duly acting in his place, and when so done, shall have the same effect as if done by the Director under this Act. Exercise of powers before commencement day.

SCHEDULE 4. Sec. 7 (2).

THE DIRECTOR.

1. In this Schedule, "statutory body" means any body declared under clause 2 to be a statutory body for the purposes of this Schedule. Interpretation.

2. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of the definition of "statutory body" in clause 1. Declaration of statutory bodies.

3. The Director shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is, if otherwise qualified, eligible for reappointment from time to time for such further period or periods as the Governor may appoint. Term of office.

4. The salary of the Director shall be as fixed by the Governor from time to time. Salary.

5. The Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to that Act during his term of office. Application of Public Service Act, 1902.

6. A person who is of or above the age of sixty-five years is not eligible for appointment as Director. Ineligibility by reason of age.

7. The Director shall cease to hold office on the day on which he attains the age of sixty-five years. Director attaining 65 years of age.

8.

8. The Governor may for any cause which to him seems sufficient remove the Director from office. Removal from office.

9. The Director shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

10. (1) In this clause, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act. Preservation of certain rights of Director if previously public servant, etc.

(2) Subject to subclause (3) and to the terms of his appointment, where the Director was, immediately before his appointment as Director—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

(c) an officer employed by any statutory body; or

(d) a person in respect of whom provision was made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Director; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Director, and—

(h) his service as Director shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Government of New South Wales shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.

(3)

(3) Where the Director would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his appointment as Director or at any later time while he holds office as Director) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Government of New South Wales in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to the Director upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) The Director shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Director entitled to re-appointment in former employment in certain cases.

11. (1) In this clause, "retiring age" means—

(a) in relation to a person who was, immediately before his appointment as Director, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as Director, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Director), as the case may be, of that statutory body are entitled to retire.

(2) Where a person ceases to be Director, otherwise than pursuant to clause 9 (paragraph (b) excepted), he shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Director, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that statutory body,

not lower in classification and salary than that which he held immediately before his appointment as Director.

SCHEDULE

SCHEDULE 5.

Sec. 31.

NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

Column 1.	Column 2.
Name of national park or historic site.	Corporate name of trustees.
Brisbane Water National Park ..	Trustees of Brisbane Water National Park.
Dorrigo National Park	Trustees of Dorrigo National Park.
Gibraltar Range National Park ..	Trustees of Gibraltar Range National Park.
Mount Kaputar National Park ..	Trustees of Mount Kaputar National Park.
New England National Park ..	Trustees of New England National Park.
Warrumbungle National Park ..	Trustees of Warrumbungle National Park.
Captain Cook's Landing Place Historic Site.	Trustees of Captain Cook's Landing Place Historic Site.
Vaucluse House Historic Site ..	Trustees of Vaucluse House Historic Site.

SCHEDULE 6.

Sec. 13 (2).

TRUSTEES.

Term of office.

1. (1) A trustee holding office on the commencement day shall, subject to this Act, hold office for a period of five years, and is eligible for further appointment as a trustee.

(2) A trustee appointed after the commencement day shall, subject to this Act, hold office for such period not exceeding five years as may be specified in the notification of his appointment, and is eligible for further appointment as a trustee.

Ineligibility by reason of age.

2. A person who is of or above the age of seventy years is not eligible for appointment as a trustee.

Trustee attaining 70 years of age.

3. A trustee shall cease to hold office on the day on which he attains the age of seventy years.

Removal from office.

4. The Governor may for any cause which to him seems sufficient remove from office any trustee.

5. A trustee shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

6. The Minister may, from time to time, by notification published in the Gazette, fill any vacancy that occurs in the office of trustee and may, by a like notification, appoint additional trustees. New trustees.

7. (1) A majority of the trustees of a national park or historic site shall form a quorum at any meeting of the trustees and any duly convened meeting at which a quorum is present shall be competent to transact any business of the trustees. Quorum.

(2) Questions arising at a meeting of the trustees of a national park or historic site shall be determined by a majority of votes of the trustees present and voting.

8. The procedure for the calling of meetings of the trustees of a national park or historic site and for the conduct of business at those meetings shall, subject to this Schedule and any by-laws made in relation thereto applicable to the national park or historic site, be as determined by the trustees. Procedure.

9. The trustees shall cause to be forwarded to the Minister during the month of July in each year financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case may require. Report.

SCHEDULE 7. Sec. 22 (2).

THE COUNCIL.

1. (1) The Council shall consist of— Composition.

(a) the Director; and

(b) twelve other members (in this Schedule referred to as "appointed members") appointed by the Minister.

(2)

(2) In making appointments under this Schedule, the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or interests, to undertake wild-life conservation.

(3) Of the appointed members—

(a) three shall be persons each of whom is a trustee of, or a member of ~~a local~~ **an advisory** committee for, a national park;

(b) one shall be a person who is a trustee of, or a member of the ~~local~~ **advisory** committee for, a historic site;

(c) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;

(d) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;

(e) one shall be a person experienced in the science of botany nominated by the Minister;

(f) one shall be a person who is a member of the National Parks Association of New South Wales;

(g) one shall be a person nominated in the manner prescribed by one or more of the universities functioning within New South Wales;

(h) one shall be an officer of the Australian Museum nominated by the Minister administering the Australian Museum Act, 1902;

(i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949, as amended, of the Parliament of the Commonwealth; and

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

Term of office.

2. An appointed member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Ineligibility by reason of age.

3. A person who is of or above the age of seventy years is not eligible for appointment as an appointed member.

Appointed member attaining 70 years of age.

4. An appointed member shall cease to hold office on the day on which he attains the age of seventy years.

5.

5. The Governor may for any cause which to him seems sufficient remove from office any appointed member. **Removal from office.**

6. An appointed member shall be deemed to have vacated his office if he— **Vacation of office.**

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed, except in the case of a member appointed pursuant to clause 1 (3) (a) or (b) who ceases to hold that qualification by reason of the care, control and management of the national park or historic site having become vested in the Director; or

(e) is removed from office by the Governor.

7. On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (3) in the same manner as that predecessor. **Filling casual vacancy.**

8. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (3) in the same manner as the person for whom he is the alternate member. **Alternate members.**

(2) An alternate member shall have and may exercise, while acting as a member of the Council, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

9. (1) The Director shall be the chairman of the Council. **Chairman.**

(2) The chairman shall preside at all meetings of the Council at which he is present.

10. In the absence of the chairman at any meeting, the members present at the meeting may elect one of their number to preside as chairman. **Absence of chairman.**

11. The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote. Chairman's vote.

12. (1) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council. Quorum.

(2) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

13. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Council. Procedure.

14. A member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him. Fees.

SCHEDULE 8. Sec. 24 (2).

~~Local~~ **Advisory** Committees.

1. The ~~local~~ **advisory** committee first constituted for each national park or historic site after the date upon which the care, control and management thereof have been vested in the Director shall be the persons who, immediately before that date, were the trustees or the members of the body corporate which was trustee thereof, or where there were no trustees or was no trustee, such persons as the Minister may appoint. Initial composition.

2. The Governor may for any cause which to him seems sufficient remove from office any member of ~~a local~~ **an advisory** committee. Removal from office.

3. A member of ~~a local~~ **an advisory** committee shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

4. After the first constitution of ~~a local~~ **an advisory** committee, the members of the ~~local~~ **advisory** committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy. Subsequent composition.

5. The members of ~~a local~~ **an advisory** committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such period not exceeding five years as may be specified in the respective instruments of appointment, and are eligible for further appointment under this Schedule. Term of office.

6. A person who is of or above the age of seventy years is not eligible for appointment under this section as a member. Ineligibility by reason of age.

7. A member of ~~a local~~ **an advisory** committee shall cease to hold office on the day on which he attains the age of seventy years. Member attaining 70 years of age.

8. (1) A majority of the members of ~~a local~~ **an advisory** committee shall form a quorum at any meeting of the committee and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the committee. Quorum.

(2) Questions arising at a meeting of ~~a local~~ **an advisory** committee shall be determined by a majority of votes of the members present and voting.

9. The procedure for the calling of meetings of ~~a local~~ **an advisory** committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the ~~local~~ **advisory** committee. Procedure.

10. A member of ~~a local~~ **an advisory** committee shall be entitled to receive such travelling and other expenses (if any) as the Minister may determine in respect of him. Expenses.

SCHEDULE 9.

Sec. 27 (2).

THE RELICS COMMITTEE.

1. (1) The Relics Committee shall consist of eight members appointed by the Minister. Composition.

(2) Of the members of the Relics Committee—

(a) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;

(b) one shall be an archaeologist or anthropologist on the staff of the Australian Museum;

(c)

(c) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;

(d) one shall be a person nominated by The National Trust of Australia (New South Wales);

(e) one shall be an officer of the Department of Mines; and

(f) one shall be an officer of the Service.

Term of office.

2. A member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Removal from office.

3. The Minister may for any cause which to him seems sufficient remove from office any member of the Relics Committee.

Vacation of office.

4. A member of the Relics Committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

Filling casual vacancy.

5. On the occurrence of a vacancy in the office of a member of the Relics Committee, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (2) in the same manner (if any) as that predecessor.

Alternate members.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Relics Committee, a person qualified under clause 1 (2) in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Relics Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

7. (1) Five members shall form a quorum at any meeting of the Relics Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee. Quorum.

(2) Questions arising at a meeting of the Relics Committee shall be determined by a majority of votes of the members present and voting.

8. The procedure for the calling of meetings of the Relics Committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Relics Committee. Procedure.

9. A member of the Relics Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him. Fees.

SCHEDULE 10.

Sec. 29 (2).

THE ARCHITECTS COMMITTEE.

1. (1) The Architects Committee shall consist of seven members. Composition.

(2) One of the members shall be the person who for the time being holds the office of Government Architect.

(3) The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting of the Architects Committee which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(4) The other six members (in this Schedule referred to as "appointed members") shall be appointed by the Minister and shall be architects registered under the Architects Act, 1921, of whom—

(a) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

(b) one other shall be qualified as a landscape architect.

2. An appointed member shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member. Term of office.

3. The Minister may for any cause which to him seems sufficient remove from office any appointed member. Removal from office.

4. An appointed member shall be deemed to have vacated his office if he— **Vacation of office.**

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

5. On the occurrence of a vacancy in the office of an appointed member, otherwise that by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (4) in the same manner (if any) as that predecessor. **Filling of casual vacancy.**

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (4) in the same manner (if any) as the person for whom he is the alternate member. **Alternate members.**

(2) An alternate member shall have and may exercise, while acting as a member of the Architects Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

7. (1) Four members shall form a quorum at any meeting of the Architects Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee. **Quorum.**

(2) Questions arising at a meeting of the Architects Committee shall be determined by a majority of votes of the members present and voting.

8. The procedure for the calling of meetings of the Architects Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Architects Committee. **Procedure.**

9. A member of the Architects Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him. **Fees.**

SCHEDULE

SCHEDULE 11. Secs. 5 (1), 93.

UNPROTECTED FAUNA.

MAMMALS

Carnivora other than Pinnipedia	Bears, lions, dogs, etc.
Insectivora	Moles, hedgehogs.
Artiodactyla, other than *Cervus timorensis* (Javan Rusa deer) ..	Cloven hoofed animals.
Perissodactyla	Horses, donkeys, etc.
Primates	Apes, monkeys.
Subungulates	Elephants.
Pteropus policephalus and *Pteropus scapulatus*	Fruit bat or flying fox.
Lepus europaeus	Hare.
Oryctolagus cuniculus	Rabbit.
Sciurus palmarum	Indian Palm Squirrel.

BIRDS

Carduelis carduelis	Goldfinch.
Chloris chloris	Greenfinch.
Passer domesticus	Sparrow.
Zosterops lateralis	Eastern Silvereye.
Phalacrocorax carbo	Black Cormorant or Shag.
Phalacrocorax varius	Pied Cormorant.
Phalacrocorax sulcirostris ..	Little Black Cormorant.
Phalacrocorax melanoleucus ..	Little Pied Cormorant.
Corvus cecilae	Crow.
Corvus coronoides	Raven.
Strepera graculina	Pied Currawong.
Cacatua galerita	Sulphur-crested or White Cockatoo.
Cacatua roseicapilla	Rose-breasted Cockatoo or Galah.
Platycercus elegans	Crimson Rosella.
Platycercus eximius	Eastern Rosella.
Sturnis vulgaris	Common Starling.
Pycnonotus jocosus	Red-whiskered Bul Bul.
Turdus merula	Blackbird.
Passer montanus	Tree Sparrow.
Acridotheres tristis	Indian Myna.
Streptopelia chinensis	Indian Turtle Dove.
Corvus bennetti	Little Crow.
Lonchura punctulata	Spice (nutmeg) Finch.
Lonchura ferruginosa	Black-headed Mannikin.
Anas platyrhynchos	Mallard Duck.

SCHEDULE 12.

Secs. 5 (1), 94.

ENDANGERED FAUNA.

MAMMALS

Onychogalea fraenata	Bridled Nail-tailed Wallaby.
Petrogale xanthopus	Yellow-footed Rock-Wallaby.
Burramys parvus	Mountain Pygmy Possum.
Planigale tenuirostris	Southern Planigale.
Antechinus maculatus	Pigmy Marsupial Mouse.
Antechinus laniger	Eastern Jerboa Marsupial.
Planigale gilesi	Giles Planigale.
Dasyurus viverrinus	Eastern Native Cat.

REPTILES

Hoplocephalus bungaroides ..	Broad-headed Snake.

BIRDS

Pterodroma leucoptera	Gould Petrel.
Xenorhynchus asiaticus	Jabiru.
Stictonetta naevosa	Freckled Duck.
Aviceda subcristata	Crested Hawk.
Falco hypoleucos	Grey Falcon.
Haematopus ostralegus	Pied Oystercatcher.
Charadrius cucullatus	Hooded Dotterel.
Sterna albifrons sinensis	Little Tern.
Leipoa ocellata	Mallee Fowl.
Pedionomus torquatus	Plain Wanderer.
Grus rubicunda	Brolga.
Eupodotis australis	Australian Bustard.
Megaloprepia magnifica	Wompoo Pigeon.
Geophaps scripta	Squatter Pigeon.
Cacatua tenuirostris	Long-billed Corella.
Opopsitta diopthalma coxeni ..	Fig Parrot.
Psephotus pulcherrimus	Paradise Parrot.
Pezoporus wallicus	Ground Parrot.
Tyto longimembris	Grass Owl.
Podargus plumiferus	Plumed Frogmouth.
Menura alberti	Albert Lyrebird.
Atrichornis rufescens	Rufous Scrub-Bird.
Dasyornis brachypterus	Eastern Bristle-Bird.
Amytornis barbatus	Grey Grasswren.
Amytornis striatus	Striated Grasswren.
Pachycephala rufogularis	Red-lored Whistler.
Manorina melanotis	Black-eared Miner.
Strepera versicolor melanoptera ..	Black-winged Currawong.

SCHEDULE 13.

Secs. 5 (1), 115.

PROTECTED NATIVE PLANTS.

SEED PLANTS

Actinotus helianthi	Flannel Flower.
Archontophoenix cunninghamiana	Bangalow Palm.
Blandfordia, all native species ..	Christmas Bells.
Boronia, all native species ..	Boronia.
Bulbophyllum, all native species ..	Orchid.
Calanthe triplicata	Orchid.
Casuarina cunninghamiana ..	River Oak.
Caustis, all native species ..	Curly Sedge.
Ceratopetalum gummiferum ..	Christmas Bush.
Clianthus formosus	Sturt's Desert Pea.
Crowea, all native species ..	Crowea.
Cymbidium, all native species ..	Orchid.
Dendrobium, all native species ..	Orchid.
Dipodium, all native species ..	Orchid.
Doryanthes, all native species ..	Giant Lily.
Eriostemon, all native species ..	Wax Plant.
Galeola, all native species ..	Orchid.
Geodorum pictum	Orchid.
Grevillea aspleniifolia	Fern-leaved Grevillea.
Grevillea caleyi	Caley's Grevillea.
Grevillea longifolia	Fern-leaved Grevillea.
Liparis, all native species ..	Orchid.
Livistona australis	Cabbage Tree Palm.
Lomatia silaifolia	Crinkle Bush.
Microstrobos fitzgeraldii ..	.....
Oberonia, all native species ..	Orchid.
Pandanus, all native species ..	Pandanus.
Papillilabium beckleri	Orchid.
Parasarcochilus, all native species	.....
Peristeranthus hillii	Orchid.
Persoonia pinifolia	Pine-leaved Geebung.
Phaius tancarvilliae	Orchid.
Phreatia, all native species ..	Orchid.
Restio tetraphyllus	Restio.
Rhinerrhiza divitiflora	Orchid.
Sarcochilus, all native species ..	Orchid.

SCHEDULE 13—*continued.*

SEED PLANTS—*continued*	
Schistotylus purpuratus	Orchid.
Sprengelia incarnata	Sprengelia.
Taeniophyllum, all native species	Orchid.
Telopea, all native species ..	Waratah.
Xylomelum, all native species ..	Woody Pear.

All native species of epiphytic and lithophytic orchids not included elsewhere in this Schedule.

FERNS AND FERN ALLIES	
Adiantum, all native species ..	Maiden Hair Fern.
Asplenium nidus	Bird's Nest Fern.
Asplenium falcatum	.....
Cyathea, all native species ..	Tree Fern.
Davallia pyxidata	Hare's Foot Fern.
Dicksonia, all native species ..	Tree Fern.
Lycopodium deuterodensum ..	Mountain Moss.
Platycerium, all native species ..	Elk Horn and Stag Horn.
Tmesipteris, all native species ..	.....
Todea barbara	Tree Fern.
MOSSES	
Sphagnum, all native species ..	Sphagnum Moss.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[$1.35]

This PUBLIC BILL *originated in the* LEGISLATIVE ASSEMBLY, *and, having this day passed, is now ready for presentation to the* LEGISLATIVE COUNCIL *for its concurrence.*

R. E. WARD,
Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 17 *September,* 1974.

New South Wales

ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

* *

Act No. , 1974.

An Act to consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal relics; to repeal the Wild Flowers and Native Plants Protection Act, 1927, the Fauna Protection Act, 1948, the National Parks and Wildlife Act, 1967, and certain other enactments; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

BE

51369 49—A

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "National Parks and Wildlife Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—ADMINISTRATION—*ss.* 6–21.

DIVISION 1.—*National Parks and Wildlife Service*—*ss.* 6–12.

DIVISION 2.—*Trustees of certain areas*—*ss.* 13–15.

DIVISION 3.—*Ex-officio and honorary rangers*—*ss.* 16–20.

DIVISION 4.—*Delegation*—*s.* 21.

PART

PART III.—COUNCIL AND COMMITTEES—*ss.* 22–30.

DIVISION 1.—*National Parks and Wildlife Advisory Council—ss.* 22, 23.

DIVISION 2.—*Local committees—ss.* 24–26.

DIVISION 3.—*Aboriginal Relics Advisory Committee —ss.* 27, 28.

DIVISION 4.—*National Parks Advisory Committee of Architects—ss.* 29, 30.

PART IV.—RESERVED, DEDICATED AND DECLARED LANDS—*ss.* 31–71.

DIVISION 1.—*National parks and historic sites—ss.* 31–47.

DIVISION 2.—*Nature reserves—ss.* 48–58.

DIVISION 3.—*Wilderness areas—ss.* 59–61.

DIVISION 4.—*Aboriginal areas—ss.* 62–64.

DIVISION 5.—*Protected archaeological areas—ss.* 65, 66.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves—ss.* 67–71.

PART V.—PLANS OF MANAGEMENT—*ss.* 72–82.

PART VI.—RELICS AND ABORIGINAL PLACES—*ss.* 83–91.

PART VII.—FAUNA—*ss.* 92–112.

PART VIII.—NATIVE PLANTS—*ss.* 113–118.

PART IX.—LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS—*ss.* 119–136.

DIVISION 1.—*Preliminary—s.* 119.

DIVISION 2.—*Fauna—ss.* 120–130.

DIVISION 3.—*Native plants—ss.* 131, 132.

DIVISION 4.—*General—ss.* 133–136.

PART

PART X.—FINANCE—*ss.* 137–144.

PART XI.—ACQUISITION AND DISPOSAL OF PROPERTY —*ss.* 145–150.

PART XII.—LEASES, LICENCES, EASEMENTS, ETC.—*ss.* 151–153.

PART XIII.—REGULATIONS AND BY-LAWS—*ss.* 154–156.

PART XIV.—MISCELLANEOUS—*ss.* 157–185.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

SCHEDULE 4.—THE DIRECTOR.

SCHEDULE 5.—NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

SCHEDULE 6.—TRUSTEES.

SCHEDULE 7.—THE COUNCIL.

SCHEDULE 8.—LOCAL COMMITTEES.

SCHEDULE 9.—THE RELICS COMMITTEE.

SCHEDULE 10.—THE ARCHITECTS COMMITTEE.

SCHEDULE 11.—UNPROTECTED FAUNA.

SCHEDULE 12.—ENDANGERED FAUNA.

SCHEDULE 13.—PROTECTED NATIVE PLANTS.

4. (1) Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed. Repeals, amendments, savings, transitional and other provisions.

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2.

(3) Schedule 3 has effect.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Aboriginal area" means lands dedicated as an Aboriginal area under this Act;

"Aboriginal place" means any place declared to be an Aboriginal place under section 84;

"Act of 1967" means the National Parks and Wildlife Act, 1967;

"animal" means any animal, whether vertebrate or invertebrate, and at whatever stage of development, but does not include fish within the meaning of the Fisheries and Oyster Farms Act, 1935, other than aquatic or amphibious mammals or aquatic or amphibious reptiles;

"Architects Committee" means the National Parks Advisory Committee of Architects constituted under this Act;

"bird" means any bird, whether native, introduced or imported, and includes the eggs and the young thereof and the skin, feathers or any other part thereof, but does not include any domestic bird;

"by-laws" means by-laws under this Act;

"commencement day" means the day appointed and notified under section 2 (2);

"community service" includes the supply, provision or maintenance of access roads, parking areas or mooring areas, an electricity, gas or water service and a sewerage or garbage disposal service;

"Council"

"Council" means the National Parks and Wildlife Advisory Council constituted under this Act;

"Crown lands" means—

(a) Crown lands within the meaning of the Crown Lands Consolidation Act, 1913; and

(b) those parts of the seabed and of the waters beneath which it is submerged that are within the territorial jurisdiction of New South Wales and not within the Eastern Division described in the Second Schedule to the Crown Lands Consolidation Act, 1913;

"Director" means the Director of National Parks and Wildlife appointed under this Act;

"endangered fauna" means protected fauna of a species named in Schedule 12;

"ex-officio ranger" means a person who, by the operation of section 16, is a ranger by virtue of his office;

"explosive" means an explosive within the meaning of the Explosives Act, 1905;

"fauna" means any mammal, bird or reptile;

"fauna dealer" means a person who exercises or carries on the business of dealing in fauna, whether by buying or selling or by buying and selling, and whether on his own behalf or on behalf of any other person, and whether or not he deals in other things, and whether or not he exercises or carries on any other business;

"flora reserve" means a flora reserve within the meaning of the Forestry Act, 1916;

"Forestry Commission" means the Forestry Commission of New South Wales constituted under the Forestry Act, 1916;

"Fund" means the National Parks and Wildlife Fund referred to in section 137;

"game

"game reserve" means lands declared to be a game reserve under this Act;

"historic site" means lands reserved as a historic site under this Act;

"honorary ranger" means a person appointed as an honorary ranger under this Act;

"lands of the Crown" means lands vested in a Minister of the Crown or in a public authority;

"mammal" means any mammal, whether native, introduced or imported, and includes an aquatic or amphibious mammal, the eggs and the young of a mammal, and the skin or any other part of a mammal, but does not include any introduced or imported domestic mammal or any rat or mouse not native to Australia;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

"national park" means lands reserved as a national park under this Act;

"native plant" means any tree, shrub, fern, creeper, vine, palm or plant that is native to New South Wales, and includes the flower and any other part thereof;

"nature reserve" means lands dedicated as a nature reserve under this Act;

"officer of the Service" means a person referred to in section 6;

"owner"

"owner", in relation to lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to the lands for any estate of freehold in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, or any other Act relating to the alienation of lands of the Crown; or

(c) is entitled to receive, or is in receipt of, or if the lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"pastures protection board" means a pastures protection board within the meaning of the Pastures Protection Act, 1934;

"pick", in relation to a native plant, means gather, pluck, cut, pull up, destroy, take, dig up, remove or injure the plant or any part thereof;

"plan of management" means a plan of management under Part V;

"premises" includes building, store, shop, tent, hut or other structure, or place, whether built upon or not, or any part thereof;

"prescribed" means prescribed by this Act or the regulations;

"prohibited weapon" means—

(a) a gun, rifle, weapon or other article—

(i) from which a bullet, shot or other hurtful thing or material may be discharged, whether by an explosive or by any other means whatever; or

(ii) that is designed to be used to discharge, whether by an explosive or by any other means whatever, a dart or other thing or material containing, coated or impregnated with a drug or other substance, for the purpose of tranquillising or immobilising an animal by means of the administration to the animal of the drug or other substance,

and any telescopic sight, silencer or other accessory attached to the gun, rifle, weapon or article;

(b) any other weapon prescribed for the purposes of this paragraph; and

(c) an article or device that, but for the absence of, or a defect in, some part thereof, or some obstruction therein, would be a gun, rifle, weapon or article referred to in paragraph (a) or a weapon prescribed for the purposes of paragraph (b);

"protected archaeological area" means lands declared to be a protected archaeological area under this Act;

"protected fauna" means fauna of a species not named in Schedule 11;

"protected native plant" means a native plant of a species named in Schedule 13;

"regulations" means regulations under this Act;

"relic" means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the

area

area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction;

"Relics Committee" means the Aboriginal Relics Advisory Committee constituted under this Act;

"reptile" means a snake, lizard, crocodile, tortoise, turtle or other member of the class reptilia (whether native, introduced or imported), and includes the eggs and the young thereof and the skin or any other part thereof;

"sell" includes—

(a) auction, barter, exchange or supply;

(b) offer, expose, supply or receive for sale;

(c) send, forward or deliver for sale or on sale;

(d) dispose of under a hire-purchase agreement;

(e) cause, permit or suffer the doing of an act referred to in paragraph (a), (b), (c) or (d);

(f) offer or attempt to do an act so referred to;

(g) cause, permit or suffer to be sold;

(h) attempt to sell or offer to sell; or

(i) have in possession for sale;

"Service" means the National Parks and Wildlife Service constituted by this Act;

"skin",

"skin", in relation to fauna, means the whole or part of the integument of any fauna, whether dressed or tanned or otherwise processed, but does not include any manufactured article;

"skin dealer" means a person who exercises or carries on—

(a) the business of dealing in the skins of protected fauna, whether by buying or selling or by buying and selling, and whether or not he deals in other things; or

(b) the business of tanning the skins of protected fauna, whether or not he tans other skins,

or both, and whether on his own behalf or on behalf of any other person, and whether or not he exercises or carries on any other business;

"species" includes order, class or description;

"specified", in relation to a licence or other instrument under this Act, means specified in the licence or other instrument;

"State forest" means a State forest within the meaning of the Forestry Act, 1916;

"take or kill", in relation to any fauna, includes hunt, shoot, poison, net, snare, spear, pursue, capture, disturb, lure or injure;

"timber reserve" means a timber reserve within the meaning of the Forestry Act, 1916;

"vehicle" includes—

(a) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(b) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(c) a motor vehicle;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed;

"wilderness area" means lands declared to be a wilderness area under this Act;

"wildlife" means fauna and native plants;

"wildlife district" means lands declared to be a wildlife district under this Act;

"wildlife refuge" means lands declared to be a wildlife refuge under this Act.

(2) In this Act, a reference to the Minister administering the Crown Lands Consolidation Act, 1913, is—

(a) in relation to lands that are not within an irrigation area within the meaning of that Act—a reference to the Minister for Lands; or

(b) in relation to lands that are within such an irrigation area—a reference to the Minister for the time being administering the Irrigation Act, 1912.

(3) In this Act, a reference to a licence or certificate under Part IX is a reference to such a licence or certificate that is valid and in force.

(4) Without affecting the generality of any of the definitions in subsection (1), a reference in this Act to protected fauna includes fauna in New South Wales that is of a species not named in Schedule 11 and that has been imported, or is being imported, into New South Wales.

(5) In Schedule 5, a reference to a national park or historic site includes a reference to the lands for the time being comprised in the national park or historic site.

(6) Nothing in this Act shall be construed as operating to affect the law from time to time in force with respect to the navigation of the waters referred to in paragraph (b) of the definition of "Crown lands" in subsection (1).

PART II.

ADMINISTRATION.

DIVISION 1.—*National Parks and Wildlife Service.*

The Service.

6. There shall be a National Parks and Wildlife Service, which shall be constituted by—

(a) the Director;

(b) the officers and employees, referred to in section 10, for the time being engaged in the administration of this Act; and

(c) the persons in respect of whom any arrangements under section 11 are for the time being in force.

Director.

7. (1) The Governor may appoint a Director of National Parks and Wildlife.

(2) Schedule 4 has effect.

Miscellaneous powers and functions of Director.

8. (1) The Director shall consider and may investigate proposals for the addition of areas to any national park, historic site, nature reserve or Aboriginal area or for the reservation of any new national park or historic site or for the dedication of any new nature reserve or Aboriginal area.

(2) For the purpose of any such proposals as are referred to in subsection (1), the Director shall have regard to the following principles :—

(a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural phenomena;

(b) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance or areas in which relics, or Aboriginal places, of special significance are situated;

(c) the areas to be dedicated as nature reserves are areas of special scientific interest containing wildlife or natural environments or natural phenomena; and

(d) the areas to be dedicated as Aboriginal areas are areas in which relics, or Aboriginal places, of significance are situated.

(3) The Director shall in the case of every nature reserve and Aboriginal area and any national park or historic site the care, control and management of which have been vested in him and may in the case of any other national park or historic site—

(a) promote such educational activities as he considers necessary in respect thereof;

(b) arrange for the carrying out of such works as he considers necessary for or in connection with the management and maintenance thereof; and

(c) undertake such scientific research as he considers necessary for or in connection with the preservation, protection, management and use thereof.

(4) The Director may promote such educational activities, and undertake such scientific research, in respect of relics and Aboriginal places as he thinks fit, either separately or in conjunction with other persons or bodies.

(5)

(5) As soon as practicable after a relic is discovered in a national park, historic site, nature reserve or Aboriginal area, the Director shall, after such consultation with The Trustees of the Australian Museum as he thinks necessary or expedient, assess the scientific importance of the relic.

(6) The Director may consider and investigate proposals in relation to existing or proposed Aboriginal places, wilderness areas, protected archaeological areas, wildlife districts, wildlife refuges and game reserves.

(7) The Director—

(a) may promote such educational activities as he considers necessary to awaken and maintain an appreciation of the value of animal and plant life;

(b) may enter into arrangements for the carrying out of such works as he considers necessary for or in connection with the protection and care of fauna and the protection of native plants;

(c) may undertake such scientific research as he considers necessary for or in connection with the preservation, protection and care of fauna and the protection of native plants and other flora, either separately or in conjunction with other persons or bodies; and

(d) shall co-operate with the trustees of any lands dedicated or reserved under the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, in connection with—

(i) the preservation of, the protection and care of, and the promotion of the study of, fauna; and

(ii) the protection of, and the promotion of the study of, native plants and other flora,

and generally shall co-operate with any other persons or bodies in the establishment, care and development of areas of lands set apart for the conservation and preservation of wildlife.

(8) The Director may promote such educational activities as he considers necessary for the instruction and training of ex-officio rangers, honorary rangers and prospective honorary rangers.

(9) Without affecting the generality of any other provision of this Act conferring powers on the Director, he may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or performance by the Director or the Service of his or its responsibilities, powers, authorities, duties or functions conferred or imposed by or under this Act.

(10) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions under this Act, the regulations and the by-laws, be subject to the control and direction of the Minister.

Acting Director.

9. (1) The Minister may, by writing under his hand, appoint any officer referred to in section 6 (b) as Acting Director to act in the office of the Director while the Director is absent from his office through illness or any other cause or where the Director is deemed to have vacated his office, and the person so appointed, while so acting, shall have and may exercise or perform the powers, authorities, duties and functions of the Director vested in the Director by or under this or any other Act, and shall be subject to the control and direction of the Minister.

(2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Acting Director to act in the office of the Director and all acts or things done or omitted by the Acting Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

Officers and employees.

10. The Governor may, under and subject to the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for the administration of this Act.

11.

Use of services of officers, etc., of Departments, etc.

11. (1) For the purposes of this Act, the Minister or the Director may, with the approval of the Minister administering the Department concerned, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(2) For the purposes of this Act, the Minister or the Director may, with the approval of the statutory corporation or council concerned, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of a statutory corporation or of the council of an area or county district under the Local Government Act, 1919.

(3) For the purposes of this Act, the Minister or the Director may, with the approval of the trustees of any national park or historic site named in Schedule 5, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of those trustees.

Powers and functions of Service.

12. The Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks and historic sites, for the conservation and protection of nature reserves and wildlife, for the preservation and protection of, and prevention of damage to, relics and Aboriginal places in national parks, historic sites, nature reserves, Aboriginal areas and protected archaeological areas and for the exploration of lands with the object of discovering relics.

DIVISION 2.—*Trustees of certain areas.*

Trustees of national parks and historic sites named in Schedule 5.

13. (1) The persons who, immediately before the commencement day, held office as trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 shall, subject to this Act, hold office as trustees of the national park or historic site.

(2) Schedule 6 has effect.

Powers and functions of trustees.

14. The powers, authorities, duties and functions of the trustees of a national park or historic site shall be those conferred or imposed by or under this Act.

15. (1) Where the trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 were constituted a body corporate under section 18 (2) of the Act of 1967, the body corporate continues in existence and its members are the trustees for the time being of the national park or historic site. Corporate nature of trustees.

(2) The powers, authorities, duties and functions of the trustees of a national park or historic site shall be deemed to be conferred or imposed on the body corporate constituted in relation to those trustees.

(3) Section 38 (subsection (II) excepted) of the Interpretation Act, 1897, applies to and in respect of a body corporate referred to in subsection (1) in the same way as it would have applied had the body corporate been constituted by this Act, but section 38 (I) (d) of that Act does not so apply in relation to real property or leasehold interests.

(4) The corporate name of a body corporate constituted in relation to the trustees of a national park or historic site shall be the name specified in Column 2 of Schedule 5 opposite the name of the park or site.

(5) The Governor may, from time to time, by order published in the Gazette, amend Schedule 5 by omitting from Column 2 the corporate name of a body corporate opposite the name of a national park or historic site and by inserting instead a new corporate name for the body corporate.

(6) The common seal of a body corporate constituted in relation to the trustees of a national park or historic site shall, except in so far as the by-laws applicable to the national park or historic site otherwise provide, be kept by such trustee or officer of the trustees as the trustees from time to time determine.

(7) No matter or thing done, and no contract entered into, by the trustees of a national park or historic site in their corporate capacity, and no matter or thing done by a trustee or by any other person acting under the direction of the trustees in their corporate capacity, shall, if the matter or thing was done, or the contract was entered into, bona fide

for

for the purpose of executing this or any other Act in so far as it confers or imposes powers, authorities, duties or functions on the trustees, subject a trustee, or other person so acting, personally to any action, liability, claim or demand.

(8) Where a notification relating to a national park or historic site is published under section 32, the body corporate constituted in relation to the trustees of the park or site is dissolved on the date stated, under section 32 (3) (a), in the notification.

DIVISION 3.—*Ex-officio and honorary rangers.*

Ex-officio rangers.

16. (1) Unless removed from office under this Division, each member of the police force and each inspector within the meaning of the Fisheries and Oyster Farms Act, 1935, shall, by virtue of his office, be a ranger.

(2) Unless removed from office under this Division, each officer or employee of the Forestry Commission who belongs to a class or description prescribed for the purposes of this subsection shall, by virtue of his office, be a ranger.

Honorary rangers.

17. (1) The Director may, by instrument in writing, appoint honorary rangers.

(2) Where the term for which an honorary ranger is to hold office is specified in the instrument of his appointment, he shall, unless he is sooner removed from office under this Division, cease to hold office upon the expiration of that term.

(3) An honorary ranger shall, unless he is sooner removed from office under this Division, cease to hold office if he resigns his office by writing under his hand addressed to the Director.

Removal or suspension of ex-officio and honorary rangers.

18. (1) The Director may, by instrument in writing, remove or suspend from office any ex-officio ranger or honorary ranger.

(2) An ex-officio ranger or honorary ranger who is suspended from office under this section shall not exercise any of the powers, authorities, duties and functions of an ex-officio ranger or honorary ranger, as the case may be, during the period of his suspension.

(3) The Director may, by instrument in writing, reinstate any ex-officio ranger or honorary ranger suspended from office under this section.

19.

19. (1) In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an ex-officio ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the regulations or the by-laws for the purposes of this subsection, but subject to such limitations and restrictions (if any) as are specified or described therein. Powers and functions of ex-officio rangers.

(2) Without affecting the generality of section 156 (2), a regulation or by-law made in relation to any matter referred to in subsection (1) may apply generally or to any ex-officio ranger or class of ex-officio rangers specified or described therein.

20. In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an honorary ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the instrument of his appointment, but subject to such limitations and restrictions (if any) as are specified or described therein. Powers and functions of honorary rangers.

DIVISION 4.—*Delegation.*

21. (1) Subject to this section— Delegation.

(a) the Minister may, by instrument in writing, delegate to—

(i) the Director;

(ii) any other officer of the Service;

(iii) the holder of any office in the Service; and

(b) the Director, with the approval of the Minister, may, by instrument in writing, delegate to—

(i) any officer of the Service; or

(ii) the holder of any office in the Service,

any

any power (other than this power of delegation), authority, duty or function conferred or imposed on him by this Act, the regulations, the by-laws or any other instrument under this Act.

(2) The exercise of any such delegation shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

(3) Any act or thing done or suffered by the delegate, when acting in the exercise of any such delegation and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(4) Any delegation under this section shall remain in force notwithstanding that the person who made or approved of the delegation has ceased to hold office as Minister or Director, as the case may be.

(5) The person for the time being occupying the office of Minister or Director, as the case may be, may revoke either wholly or in part any such delegation of powers, authorities, duties or functions, whether made by him or by a predecessor in that office, but no act or thing done or suffered by the delegate within the terms of any such delegation during the period in which the delegation was in force shall be invalidated by reason of that revocation.

(6) Subject to any stipulation to the contrary contained in the instrument, any instrument of delegation made under this section shall, so far as concerns any act or thing done or suffered thereunder in good faith, operate and continue in force until notice of the revocation thereof has been received by the delegate.

(7) Every act or thing within the scope of the delegation done or suffered in good faith by the delegate after revocation of the delegation and before notice thereof has been received by him shall be as effectual in all respects as if that revocation had not been made.

(8) A statutory declaration by the delegate, stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered

suffered or at any time after, shall be taken to be conclusive proof of non-revocation at the time when that act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of revocation.

(9) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may require, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

PART III.

COUNCIL AND COMMITTEES.

DIVISION 1.—*National Parks and Wildlife Advisory Council.*

The Council.

22. (1) There shall be a National Parks and Wildlife Advisory Council.

(2) Schedule 7 has effect.

Functions and duties of Council.

23. (1) The Council shall—

(a) advise the Minister on matters relating to the care, control and management of national parks, historic sites and nature reserves, and to the preservation and protection of wildlife, and on such other matters as the Minister may refer to the Council; and

(b) have such other functions and duties as are conferred on it by or under this Act.

(2) Subject to section 8 (10), the Director shall furnish to the Council full information in relation to any matters arising out of the administration of this Act which the Council may require.

DIVISION

DIVISION 2.—*Local committees.*

Local committees.

24. (1) A local committee may be constituted for each national park and historic site under the care, control and management of the Director.

(2) Schedule 8 has effect.

Dissolution of local committee.

25. A local committee for a national park or historic site that becomes part of some other national park or historic site shall be deemed to have been dissolved, but a member thereof shall be eligible for appointment to any other local committee.

Functions of local committee.

26. A local committee may make recommendations to the Council or the Director or to the superintendent of the national park or historic site for which the local committee was constituted in respect of measures to improve the care, control and management of the national park or historic site.

DIVISION 3.—*Aboriginal Relics Advisory Committee.*

Relics Committee.

27. (1) There shall be an Aboriginal Relics Advisory Committee.

(2) Schedule 9 has effect.

Functions of Relics Committee.

28. The Relics Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the preservation, control of excavation, removal and custody of relics or Aboriginal places.

DIVISION 4.—*National Parks Advisory Committee of Architects.*

Architects Committee.

29. (1) There shall be a National Parks Advisory Committee of Architects.

(2) Schedule 10 has effect.

30.

30. The Architects Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, historic sites, nature reserves, Aboriginal areas, protected archaeological areas, wildlife refuges and game reserves which may be referred to the Architects Committee by the Minister or the Director. Functions of Architects Committee.

PART IV.

RESERVED, DEDICATED AND DECLARED LANDS.

DIVISION 1.—*National parks and historic sites.*

31. The care, control and management of such lands as are, on the commencement day, comprised within— Care, control and management of existing parks and sites.

(a) a national park or historic site (other than a national park or historic site named in Column 1 of Schedule 5)—are vested in the Director; and

(b) a national park or historic site named in Column 1 of Schedule 5—are, subject to this Act, vested in the trustees of the park or site.

32. (1) Where it is proposed to vest the care, control and management of a national park or historic site named in Column 1 of Schedule 5 in the Director, the Minister shall lay before each House of Parliament notice of the proposal. Vesting of care, etc., of areas in Schedule 5 in Director.

(2) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after the notice has been laid before it under subsection (1) (whether or not those sitting days occur during

the

the same session) that it does not assent to the vesting in the Director of the care, control and management of the national park or historic site, the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection (2) or if, where notice has been so given, the resolution has been withdrawn or defeated or has lapsed, the Minister may, by notification published in the Gazette—

(a) declare that, as from the date stated in the notification, the care, control and management of the national park or historic site specified in the notification shall be vested in the Director; and

(b) amend Schedule 5 by omitting the name of the national park or historic site in Column 1 and the matter in Column 2 opposite that name.

(4) Where any such notification has been published in the Gazette, the persons who, immediately before the date stated in the notification under subsection (3) (a), held office as trustees of the national park or historic site specified therein shall cease to hold office and the care, control and management of the national park or historic site shall thereafter be vested in the Director.

(5) An amendment made by a notification under subsection (3) shall take effect on and from the date stated therein under subsection (3) (a).

Reservation of parks or sites.

33. (1) In this section, "prescribed lands" means—

(a) Crown lands;

(b) lands of the Crown; or

(c) lands acquired under section 145, 147 or 148.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as a national park or historic site, any prescribed lands described in the proclamation.

(3)

(3) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as part of a national park or historic site specified in the proclamation, any prescribed lands described in the proclamation.

(4) Upon the publication of a proclamation under subsection (2) or (3)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest—

(i) where the lands are reserved as part of a national park or historic site named in Column 1 of Schedule 5—in the trustees of the national park or historic site; or

(ii) in any other case—in the Director,

for the purposes of this Act.

(5) Upon the publication of a proclamation under subsection (2)—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to all of the lands described in the proclamation and not to any other lands shall continue to apply to the lands so described and shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to—

(i) part only of the lands described in the proclamation; or

(ii) all of the lands so described and also to any other lands,

shall cease to apply to the lands so described.

(6) Upon the publication of a proclamation under subsection (3)—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to the national park or historic site specified in the proclamation shall apply to the lands described in the proclamation; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the lands described in the proclamation shall cease to apply to the lands so described.

(7) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws or rules and regulations that cease to apply to any lands by virtue of subsection (5) or (6) shall, in so far as they applied to those lands, be deemed to have been repealed.

(8) To the extent to which a dedication, reservation (other than a reservation under this Division), Crown grant or vesting affects lands described in a proclamation published under subsection (2) or (3), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(9) In this section, a reference to by-laws does not include a reference to by-laws under the Metropolitan Water, Sewerage, and Drainage Act, 1924, or the Hunter District Water, Sewerage and Drainage Act, 1938.

Limitations on power to reserve under s. 33.

34. (1) Notwithstanding section 33, no lands that are Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) Notwithstanding section 33, no lands that are lands of the Crown shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister or public authority in whom they were vested immediately before the reservation.

Tabling of proclamation of reservation, and disallowance.

35. (1) In this section, "prescribed time", in relation to a House of Parliament, means fourteen sitting days of that House, whether or not they occur during the same session.

(2) A copy of a proclamation published under section 33 (2) or (3) shall be laid before each House of Parliament within the prescribed time after publication thereof.

(3) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after a copy of a proclamation has been laid before it under subsection (2) (whether or not those sitting days occur during the same session) and the resolution disallows the reservation effected by the proclamation—

(a) the reservation thereupon ceases to have effect; and

(b) the lands described in the proclamation cease to be, or to be part of, a national park or historic site.

(4) Notwithstanding section 31, where any lands cease to be, or to be part of, a national park or historic site by virtue of the disallowance of a reservation under this Division—

(a) any person holding office as trustee thereof immediately before the disallowance shall cease to be trustee thereof and shall cease to have the care, control and management thereof;

(b) where the Director had the care, control and management thereof immediately before the disallowance, he shall cease to have the care, control and management thereof;

(c) any by-laws applicable thereto immediately before the disallowance shall cease to apply to those lands;

(d) those lands may, except in the case of lands acquired under section 147 or 148, be dealt with as if they had been acquired under the Closer Settlement Acts or as Crown lands; and

(e) in the case of lands acquired under section 147 or 148, the lands shall vest in the Minister for the estate or interest held by him immediately before the reservation.

(5) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws that cease to apply to any lands by virtue of subsection (4) shall, in so far as they applied to those lands, be deemed to have been repealed.

Name of park or site.

36. The Governor—

(a) by a proclamation published under section 33 (2) or (3) or by another proclamation published in the Gazette, may assign a name to a national park or historic site; and

(b) by proclamation published in the Gazette, may from time to time—

(i) alter the name of a national park or historic site; and

(ii) in the case of a national park or historic site named in Column 1 of Schedule 5—amend that Schedule by omitting from Column 1 the name of that park or site, as so appearing, and by inserting instead the name as altered in pursuance of subparagraph (i).

Revocation, resumption or appropriation of park or site.

37. (1) Notwithstanding anything in any Act—

(a) the reservation of lands as, or as part of, a national park or historic site shall not be revoked; or

(b) lands within a national park or historic site shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Limitation on use of name "national park".

38. The word "national" shall not be used either alone or in conjunction with other words as the name of a park within New South Wales unless the park is a national park under this Act.

Existing interests.

39. (1) In this section, "existing interest" means any authority, authorisation, permit, lease, licence or occupancy.

(2) Except as provided in this Act, the reservation of lands as, or as part of, a national park or historic site does not affect—

(a) the terms and conditions of any existing interest in respect of those lands from the Crown or the trustees, current and in force at the time of the reservation; or

(b) the use permitted of those lands under the interest.

(3) Subject to subsection (4), no such interest shall be renewed nor shall the term of any such interest be extended except with the approval of the Minister and subject to such conditions as the Minister determines.

(4) The provisions of subsection (3) do not apply to any authority, authorisation, lease or licence under the Mining Act, 1973, the Coal Mining Act, 1973, the Fisheries and Oyster Farms Act, 1935, or the Petroleum Act, 1955, or any permit or licence under the Petroleum (Submerged Lands) Act, 1967.

(5) Upon the termination, surrender, forfeiture or determination of any existing interest (otherwise than for the purpose of renewing it or extending its term) referred to in subsection (2), the lands the subject of the interest are, to the extent to which they would not, but for this subsection, be lands reserved as part of the national park or historic site within which they are situated, hereby so reserved.

Restrictions on disposal of or dealing with lands within parks or sites.

40. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a national park or historic site shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2)

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a national park or historic site, shall be granted except with the concurrence in writing of the Minister.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Minister determines.

Provisions relating to mining.

41. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a national park or historic site to the extent to which those Acts are in force at that time.

(3) A mining interest granted in respect of lands within a national park or historic site granted after the commencement day shall have no force or effect unless, before the interest was granted, notice of the application therefor was laid before both Houses of Parliament and—

(a) no notice was given in either House of Parliament within fifteen sitting days of that House after notice of the application was laid before it (whether or not those sitting days occurred during the same session) of a motion that the application be refused; or

(b) where notice of such a motion was so given, the motion pursuant thereto was withdrawn or defeated or lapsed.

(4) A renewal of, or extension of the term of, a mining interest in respect of lands within a national park or historic site (other than a mining interest current and in force at the time of the reservation of the park or site) shall not be granted under the Mining Act, 1973, the Coal Mining Act, 1973, or the Petroleum Act, 1955, without the concurrence in writing of the Minister.

(5) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of a mining interest specified in the certificate shall be conclusive evidence of compliance with those requirements.

(6) Except as provided in this section, nothing in this Act affects the right, title or interest of any person (other than a person who is or was trustee of the lands comprised in a national park or historic site) in respect of minerals in any such lands.

(7) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a national park or historic site.

42. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a national park or historic site. Application of Forestry Act, 1916.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a national park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Application of Soil Conservation Act, 1938.

43. The Soil Conservation Act, 1938, applies to and in respect of lands within a national park or historic site, but any experimental or research work conducted pursuant to section 6 of that Act upon those lands shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

Application of Fisheries and Oyster Farms Act, 1935.

44. (1) Subject to subsection (2), nothing in this Act affects the operation of the Fisheries and Oyster Farms Act, 1935, in relation to lands within a national park or historic site.

(2) A lease under the Fisheries and Oyster Farms Act, 1935, shall not, without the concurrence in writing of the Minister, be granted in respect of lands within a national park or historic site or in respect of any waters beneath which those lands are submerged.

Provisions respecting animals in parks and sites.

45. (1) A person shall not—

(a) take or kill any animal that is within a national park or historic site; or

(b) discharge a prohibited weapon in a national park or historic site.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person, being a lessee or occupier of any lands within a national park or historic site, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any animal that is within those lands, other than fauna.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

Transfer of rights, liabilities and property.

46. (1) Where upon the taking effect of a notification under section 32 or a proclamation under section 33 any persons cease to hold office as trustees of lands reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the following provisions have effect:—

(a) all property and all right and interest therein (in this section referred to as "the trust property") and all management and control of any thing which immediately before that notification or proclamation took effect was vested in or belonged to the trustees and was held or used by them for or in connection with the park or site shall vest in and belong to the Director;

(b) all money and liquidated and unliquidated claims that, immediately before that notification or proclamation took effect, were payable to or recoverable by the trustees or their predecessors in relation to the park or site or the trust property or any part thereof shall be money and liquidated and unliquidated claims payable to or recoverable by the Director;

(c) all proceedings pending immediately before that notification or proclamation took effect at the suit of the trustees in relation to the park or site or the trust property or any part thereof shall be deemed to be proceedings pending at the suit of the Director and all proceedings so pending at the suit of any person against the trustees shall be deemed to be proceedings pending at the suit of that person against the Director;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the trustees or their predecessors in relation to the park or site or the trust property or any part thereof, and in force immediately before that notification or proclamation took effect, shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Director;

(e) the Director may, in addition to pursuing any other remedies or exercising any other powers that may be available to him, pursue the same remedies for the recovery of money and claims referred to in this subsection and for the prosecution of proceedings so referred to as the trustees or their predecessors might have done had they continued to be trustees of the park or site after that notification or proclamation took effect;

(f) the Director may enforce and realise any security or charge existing immediately before that notification or proclamation took effect in favour of the trustees in connection with the care, control and management of the park or site, and may exercise any powers thereby conferred on the trustees as if the security or charge were a security or charge in favour of the Director;

(g) all debts, money and claims, liquidated and unliquidated, that, immediately before that notification or proclamation took effect, were due or payable by, or recoverable against, the trustees or their predecessors in connection with the care, control and management of the park or site or the trust property or any part thereof shall be debts due and money payable by, and claims recoverable against, the Director; and

(h) all liquidated and unliquidated claims in connection with the care, control and management of the park or site for which the trustees would, but for the notification or proclamation, have been liable shall be liquidated and unliquidated claims for which the Director shall be liable.

(2) Where part only of the lands vested in trustees is, by a proclamation under section 33, reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the Director and the trustees shall, as soon as practicable after publication of that proclamation, arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the park or site and to the lands retained by the trustees may be determined, and if any difference arises between the Director and the trustees, the difference shall be determined in such manner as the Minister may direct.

(3) The provisions of subsections (1) and (2) apply also where, upon the publication of a proclamation under section 33, the care, control and management of lands are vested in the trustees of a national park or historic site named in Column 1 of Schedule 5 and so apply as if references in those provisions to the Director were references to those trustees.

Transfer of employees.

47. (1) Where any lands are reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, every person who, immediately before the vesting in the Director, was an employee, other than a casual employee, of the trustees of those lands, and was employed by them solely in connection with those lands, shall upon the vesting in the Director become and be an employee under the Public Service Act, 1902.

(2) The following provisions apply to a person referred to in subsection (1) :—

(a) that person shall, unless the Public Service Board approves of employment on some other basis, be employed under section 44 of the Public Service Act, 1902;

(b) notwithstanding anything in that Act, the Public Service Board's approval to employ that person otherwise than under section 44 of that Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided those conditions are not inconsistent with this section;

(c) the period of service with the trustees or their predecessors of that person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or extended leave, but, unless the Public Service Board otherwise approves, the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if that person had continued to be an employee of the trustees or their predecessors;

(d) that person shall be paid a salary or wages at a rate not less than the rate that was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

(e) where any condition of employment of that person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue to be so regulated until a determination in relation to that condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating that condition is made by a competent tribunal or that condition is regulated by an industrial agreement;

(f) if that person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for that person upon the same terms and subject to the same conditions as it was paid by the trustees; and

(g) if that person, while employed in the Public Service, becomes a contributor to the State Superannuation Fund as so constituted, any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for that person shall cease, but that person may elect to continue the policy on his own account or to cancel the policy and receive any money refunded by the insurer.

DIVISION 2.—*Nature reserves.*

Care, control and management of existing nature reserves.

48. The care, control and management of such lands as are, on the commencement day, comprised in a nature reserve are vested in the Director.

Dedication of nature reserves.

49. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as a nature reserve—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as part of a nature reserve specified in the proclamation—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(3) Lands within a nature reserve shall be deemed to be dedicated for the purposes of—

(a) the care, propagation, preservation and conservation of wildlife;

(b) the care, preservation and conservation of natural environments and natural phenomena;

(c) the study of wildlife, natural environments and natural phenomena; and

(d) the promotion of the appreciation and enjoyment of wildlife, natural environments and natural phenomena.

(4)

(4) Upon the publication of a proclamation under subsection (1) or (2)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest in the Director for the purposes of this Act.

(5) To the extent to which a dedication (other than a dedication under this Division), reservation, Crown grant or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

Limitation on power to dedicate under section 49.

50. Notwithstanding section 49, no lands that are Crown lands with the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be dedicated under section 49 (1) or (2) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Name of nature reserve.

51. The Governor—

(a) by a proclamation published under section 49 (1) or (2) or by another proclamation published in the Gazette, may assign a name to a nature reserve; and

(b) by proclamation published in the Gazette, may, from time to time, alter the name of a nature reserve.

52.

Revocation, resumption or appropriation of nature reserve.

52. (1) Notwithstanding anything in any Act, but subject to section 8 of the Public Roads Act 1902—

(a) the dedication of lands as, or as part of, a nature reserve shall not be revoked; or

(b) lands within a nature reserve shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Restrictions on disposal of or dealing with lands within nature reserves.

53. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a nature reserve shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a nature reserve, shall be granted except with the concurrence in writing of the Director.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Director determines.

Provisions relating to mining.

54. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2)

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a nature reserve to the extent to which those Acts are in force at that time.

(3) No mining interest shall be granted in respect of lands within a nature reserve except with the concurrence of the Director and subject to such conditions as he determines.

(4) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a nature reserve.

Application of Forestry Act, 1916.

55. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a nature reserve.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a nature reserve shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Provisions respecting animals in nature reserves.

56. (1) A person shall not—

(a) take or kill any animal that is within a nature reserve;

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any animal that is within a nature reserve;

(c) carry, discharge or have in his possession any prohibited weapon in a nature reserve;

(d) carry or have in his possession any explosive, net, trap or hunting device in a nature reserve; or

(e) be accompanied by a dog in a nature reserve.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the carrying or having in his possession of a net if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of an animal that is within those lands, other than fauna.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

57. (1) Subject to section 55 (2), a person shall not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a nature reserve. Restrictions as to timber, vegetation, plants, etc., in nature reserves.

(2) A person shall not have in his possession any native plant within a nature reserve.

(3) A person who commits an offence arising under subsection (1) or (2) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(4) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX; or

(b) in pursuance of a duty imposed on him by or under any Act.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) or (2) in respect of the felling, cutting, destroying, injuring, picking, removing of, or setting fire to any tree, timber, plant, flower or vegetation, or the possession of a native plant, that is or was growing within those lands.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

58. The provisions of— Application of certain provisions to nature reserves.

(a) section 33 (5), (6), (7) and (9); By-laws, rules and regulations.

(b) section 35; Tabling of proclamation of dedication, and disallowance.

(c) section 39; Existing interests.

(d) sections 43 and 44; Application of Soil Conservation Act, 1938, and Fisheries and Oyster Farms Act, 1935.

(e) section 46 (1) and (2); and Transfer of rights, liabilities and property.

(f) section 47, Transfer of employees.

apply to and in respect of a nature reserve in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference in those provisions to—

(g) a proclamation under section 33 (2) or (3) were a reference to a proclamation under section 49 (1) or (2); and

(h)

(h) a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 3.—*Wilderness areas.*

Declaration of wilderness areas.

59. (1) Subject to section 60, the Director may, by notification published in the Gazette, declare any area of lands within a national park or nature reserve to be a wilderness area.

(2) The Director may, by notification published in the Gazette, revoke wholly or in part a declaration under this section.

Declaration of wilderness area to be in accordance with plan of management.

60. Where a plan of management is in force with respect to any lands within a national park or nature reserve, a declaration shall not be made under section 59 with respect to those lands except in accordance with the plan.

Effect of declaration of wilderness area.

61. (1) Where an area of lands is declared to be a wilderness area—

(a) the area shall be kept and maintained in a wilderness condition; and

(b) subject to subsection (2) but notwithstanding any other provisions of this Act, no structures shall be erected or constructed within the area.

(2) Notwithstanding subsection (1), the Director may—

(a) set apart any part of a wilderness area for the purpose of scientific research and authorise—

(i) scientific research to be carried out in that part; and

(ii) the erection of apparatus or of a structure in that part for the purpose of enabling that research to be carried out;

(b)

(b) authorise the erection of apparatus or of a structure in a wilderness area where, in his opinion, it is essential that the apparatus or structure be provided for the protection or preservation of the area or the national park or nature reserve in which the area is situated; and

(c) authorise the erection of a simple survival hut in a wilderness area where, in his opinion, it is essential that the hut be provided in the interests of safety.

(3) In—

(a) subsection (1), "structure" includes building, hut, ski tow or ski tow mooring; and

(b) subsection (2), "structure" includes building or hut, but does not include ski tow or ski tow mooring.

DIVISION 4.—*Aboriginal areas.*

Dedication of Aboriginal areas.

62. (1) The Governor may, with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by proclamation published in the Gazette, dedicate, as an Aboriginal area, any unoccupied Crown lands described in the proclamation.

(2) The Governor may, with the like concurrence, by proclamation published in the Gazette, dedicate, as a part of an Aboriginal area specified in the proclamation, any unoccupied Crown lands described in the proclamation.

(3) The Governor may, with the like concurrence, by a proclamation published in the Gazette, revoke wholly or in part a dedication under this section.

(4) Lands within an Aboriginal area shall be deemed to be dedicated for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein.

Care, control and management of Aboriginal areas.

63. The care, control and management of Aboriginal areas are vested in the Director.

64.

64. The provisions of— Application of certain provisions to Aboriginal areas.

(a) section 41; and Provisions relating to mining.

(b) section 42, Application of Forestry Act, 1916.

apply to and in respect of an Aboriginal area in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference to a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 5.—*Protected archaeological areas.*

65. (1) Subject to this section, the Minister may, by order published in the Gazette, declare any lands described in the order, being lands on which a relic or Aboriginal place is situated, to be a protected archaeological area. Declaration of protected archaeological areas.

(2) An order under subsection (1)—

(a) shall not be made in respect of unoccupied Crown lands;

(b) shall not be made—

(i) where the lands are Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier; or

(ii) where the lands are not Crown lands—without the consent of the owner and the occupier; and

(c) may be revoked at any time, and shall be revoked at the request of any person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area.

Control of protected archaeological area.

66. (1) Subject to this section, the Director may, in relation to lands declared to be a protected archaeological area, give directions prohibiting or regulating the entry on and use of the lands by specified persons or classes of persons or all persons other than specified persons or classes of persons.

(2) The Director—

(a) shall not exercise the powers conferred on him by subsection (1) without the consent of the person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area; and

(b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction.

(3) A person shall not enter, remain on or use, contrary to a direction given under this section, lands to which the direction relates.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves.*

Wildlife districts.

67. (1) The Governor may, by proclamation published in the Gazette, declare—

(a) any lands described in the proclamation to be a wildlife district; or

(b) any lands described in the proclamation to be part of a wildlife district specified in the proclamation.

(2)

(2) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a wildlife district either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the district.

(3) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife districts specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(4) The Governor may, by proclamation published in the Gazette, vary, amend or revoke a proclamation under this section.

(5) A proclamation shall not be made under this section with respect to any lands within a State forest, timber reserve or flora reserve without the consent of the Forestry Commission.

Wildlife refuges.

68. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a wildlife refuge.

(2) Lands within a wildlife refuge shall be deemed to be dedicated for the purposes of—

(a) preserving, conserving, propagating and studying wildlife;

(b) conserving and studying natural environments; and

(c) creating simulated natural environments.

(3) A proclamation under subsection (1)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii)

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest—without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a wildlife refuge, be required for their declaration as such a refuge.

(4) A person who is a holder or occupier of Crown lands shall be deemed, for the purposes of this section, to have given his consent, referred to in subsection (3), if, within thirty days of his being given notice that his consent is sought, he does not inform the Minister or the Director that he gives or withholds his consent.

(5) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife refuges specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (3) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

69. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a game reserve. Game reserves.

(2)

(2) Lands within a game reserve shall be deemed to be dedicated for the purposes of—

(a) propagating fauna for taking or killing as game;

(b) providing suitable land for the taking or killing of fauna as game;

(c) conserving and studying natural environments; and

(d) creating simulated natural environments.

(3) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a game reserve either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the reserve.

(4) A proclamation under subsection (1) or (3)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest— without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a game reserve, be required for their declaration as such a reserve.

(5)

(5) A proclamation under this section may be made so as—

(a) to relate to one or more game reserves specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (4) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

Provisions respecting fauna in wildlife districts, wildlife refuges and game reserves.

70. (1) A person shall not—

(a) take or kill any fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any fauna,

being fauna within a wildlife district, wildlife refuge or game reserve.

(2) A person shall not—

(a) carry, discharge or have in his possession any prohibited weapon;

(b) carry or have in his possession any explosive, net, trap or hunting device; or

(c) be accompanied by a dog,

in a wildlife refuge or game reserve.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (2) in respect of the carrying or having in his possession of a net in a wildlife refuge or game reserve if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any fauna in a wildlife district, being fauna that is not native to Australia and that is either—

(a) not protected fauna; or

(b) locally unprotected fauna under section 96.

(6) A person, being an owner, lessee or occupier of any lands within a wildlife refuge or game reserve, or a person authorised by him in that behalf, shall not be convicted of—

(a) an offence arising under subsection (1) in respect of the taking or killing of any fauna within those lands, being fauna that is not native to Australia and that is either—

(i) not protected fauna; or

(ii) locally unprotected fauna under section 96; or

(b) an offence arising under subsection (2) in relation to those lands.

(7) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

Prohibition on picking or possessing native plants within wildlife refuges.

71. (1) A person shall not pick or have in his possession any native plant within a wildlife refuge.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX or a licence issued under the Forestry Act, 1916; or

(b) in pursuance of a duty imposed on him by or under any Act.

(3) A person, being an owner, lessee or occupier of any lands within a wildlife refuge, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the picking or the possession of a native plant that is or was growing within those lands.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

PART V.

PLANS OF MANAGEMENT.

Plans of management.

72. (1) The Director—

(a) shall cause a plan of management to be prepared for each national park and historic site in existence on the commencement day, as soon as practicable after that day, unless a plan of management was adopted with respect thereto under the Act of 1967;

(b) shall cause a plan of management to be prepared for each nature reserve in existence on the commencement day, as soon as practicable after that day, unless a scheme of operations was approved with respect thereto under the Fauna Protection Act, 1948;

(c) shall cause a plan of management to be prepared for each national park or historic site reserved, or nature reserve dedicated, after the commencement day, as soon as practicable after the reservation or dedication, as the case may require; and

(d) may from time to time cause a plan of management to be prepared for any Aboriginal area, wildlife refuge or game reserve.

(2) The plan of management for a national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve shall contain a written scheme of the operations which it is proposed to undertake therein or in relation thereto to carry out the purpose and objects of this Act.

(3) The plan of management for a national park, historic site or nature reserve may relate to lands acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(4) In the preparation of a plan of management referred to in this section, regard shall be had to the following objectives :—

(a) the conservation of wildlife;

(b) the preservation of each national park, nature reserve, wildlife refuge or game reserve and the protection of the special features of the park, reserve or refuge;

(c) the prohibition of the execution of any works adversely affecting the natural condition or special features of each national park or nature reserve;

(d) the preservation of each historic site and the preservation of any historic structure or object or any relic or Aboriginal place on each national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve;

(e) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park and historic site by the public;

(f) the regulation of the appropriate use of each nature reserve and Aboriginal area;

(g) the appropriate use of each national park, historic site or nature reserve by any lessee, licensee or occupant of land therein;

(h) the preservation of each national park, historic site or nature reserve as a catchment area;

(i) the protection of each national park, historic site, nature reserve or Aboriginal area against fire and erosion;

(j) the setting apart of the whole or part of a national park or nature reserve as a wilderness area; and

(k) the utilisation of land acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(5) This section does not apply to or in respect of a wildlife refuge or game reserve that is comprised wholly or partly of lands within a State forest.

State forests.

73. (1) The Director may, from time to time, with the concurrence in writing of the Forestry Commission, cause a plan of management to be prepared for any State forest.

(2) The plan of management for a State forest shall contain a written scheme of operations which it is proposed to undertake in or in relation to that forest, consistent with the purpose and objects of this Act and the Forestry Act, 1916.

(3) This section applies to and in respect of a State forest that is comprised wholly or partly of lands within a wildlife refuge or game reserve or that is not comprised of any such lands.

Catchment areas.

74. Where any lands reserved as a national park or historic site or dedicated as a nature reserve or Aboriginal area are wholly or partly within a catchment area of The Metropolitan Water Sewerage and Drainage Board, The Hunter District Water Board or The Broken Hill Water Board, or where the waters from any lands so reserved or so dedicated drain into a catchment area or structure of any of those Boards—

(a) the Director shall, before submitting a plan of management for that national park, historic site, nature reserve or Aboriginal area to the Minister, refer it to the Board responsible for that catchment area or structure for its information; and

(b) the Minister shall before adopting that plan of management consider any representations made by the Board responsible for that catchment area or structure.

Adoption, etc., of plan of management for national park or historic site.

75. (1) Where a plan of management has been prepared for a national park or historic site, the Director shall give notice as prescribed that the plan of management has been prepared and shall, in that notice—

(a) specify the address of the place at which copies of the plan of management may be inspected; and

(b) specify the address to which representations in connection with the plan of management may be forwarded.

(2) Any person interested may, within one month or such longer period as may be specified in the notice, make representations to the Director in connection with the plan of management.

(3)

(3) The Director shall, upon the expiration of the period referred to in subsection (2), refer the plan of management, and any representations forwarded to him, to the Council for its consideration and advice.

(4) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(5) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(6) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(7) The Minister may—

(a) amend or alter a plan of management for a national park or historic site from time to time; or

(b) cancel the plan and substitute a new plan.

(8) Where the Minister proposes to amend or alter a plan of management for a national park or historic site or to cancel a plan of management for a national park or historic site and substitute a new plan of management, he shall instruct the Director to cause the amendment or alteration or the new plan of management to be prepared, and the Director shall proceed to do so as soon as practicable after being so instructed.

(9) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (6), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (8) in the same way as they apply to and in respect of a plan of management for a national park or historic site, as the case may require.

Adoption, etc., of plan of management for nature reserve.

76. (1) Where a plan of management has been prepared for a nature reserve, the Director shall refer the plan to the Council for its consideration and advice.

(2) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(3) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(4) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(5) Where the Minister refers a plan of management for a nature reserve back to the Director and the Council for further consideration, the Director shall resubmit the plan to the Minister together with any further comments and suggestions of the Council.

(6) The Minister may—

(a) amend or alter a plan of management for a nature reserve from time to time; or

(b) cancel the plan and substitute a new plan.

(7) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (5), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (6) in the same way as they apply to and in respect of a plan of management for a nature reserve.

Adoption of plan of management for Aboriginal area.

77. (1) Where a plan of management has been prepared for an Aboriginal area, the Minister may, on the recommendation of the Director, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director—

(a) amend or alter a plan of management for an Aboriginal area from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of sections 72 (2) and (4) and 74 apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for an Aboriginal area.

Adoption, etc., of plan of management for wildlife refuge or game reserve.

78. (1) Where a plan of management for a wildlife refuge or game reserve has been prepared, the Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which the plan of management relates, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which a plan of management for a wildlife refuge or game reserve relates—

(a) amend or alter the plan from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of section 72 (2) and (4) apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for a wildlife refuge or game reserve, as the case may require.

Adoption, etc., of plan of management for State forest.

79. (1) Where the Director has prepared a plan of management for a State forest, the Minister may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission, adopt the plan of management.

(2) The Minister—

(a) may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission—

(i) amend or alter a plan of management for a State forest from time to time;

(ii) cancel the plan; or

(iii) cancel the plan and substitute a new plan; or

(b) shall, at the request in writing of the Forestry Commission, cancel the plan.

Lands submerged by water.

80. (1) Where lands submerged by water are lands that are the subject of any part of a plan of management for a national park, historic site, nature reserve or Aboriginal area, the Director shall, before submitting to the Minister for adoption by him the plan of management, refer it to the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) A plan of management referred to in subsection (1)—

(a) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (a) of the definition of "Crown lands" in section 5 (1), until he has considered any representations made with respect to the plan of management by the Minister administering the Fisheries and Oyster Farms Act, 1935; and

(b) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1), without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Operations under plan of management.

81. (1) Where the Minister has adopted a plan of management for a national park or historic site, it shall, subject to subsection (5), be carried out and given effect to by the trustees of the park or site or by the Director where the care, control and management thereof have been vested in the Director.

(2) Where the Minister has adopted a plan of management for a nature reserve, Aboriginal area, wildlife refuge or game reserve, it shall, subject to subsection (5), be carried out and given effect to by the Director.

(3) Where the Minister has adopted a plan of management for a State forest, it shall be carried out and given effect to by the Director by arrangement with the Forestry Commission.

(4) Notwithstanding anything in any other Act, where the Minister has adopted a plan of management for a national park, historic site, nature reserve or Aboriginal area, no operations shall be undertaken on or in relation to the park, site, reserve or area unless the operations are in accordance with that plan of management.

(5) Where any lands to which a plan of management relates are—

(a) lands acquired or proposed to be acquired under section 145 or 147 for any purpose referred to in section 145—operations under the plan shall not be undertaken on or in relation to the lands until they have been reserved or dedicated as, or as part of, the park, site or reserve, as the case may require, to which the plan relates; or

(b) lands proposed to be acquired or occupied under section 146 or 147 for any purpose referred to in section 146—operations under the plan shall not be undertaken on or in relation to the lands until they have been so acquired or occupied.

82. Where the concurrence of the Forestry Commission is required under this Part, the concurrence shall not be given without the approval of the Minister administering the Forestry Act, 1916. Concurrence of Forestry Commission.

PART VI.

Relics and Aboriginal Places.

83. (1) Subject to this section— Certain relics to be Crown property.

(a) a relic that was, immediately before the commencement day, deemed to be the property of the Crown by virtue of section 33D of the Act of 1967; and

(b) a relic that is abandoned on or after that day by a person other than the Crown,

shall be, and shall be deemed always to have been, the property of the Crown.

(2) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(3) No compensation is payable in respect of the vesting of a relic by this section or section 33D of the Act of 1967.

84. The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act. Aboriginal places.

85. The Director shall be responsible— Protection of certain relics and restoration of certain areas.

(a) for the proper care, preservation and protection of any relic or Aboriginal place in a national park, historic site, nature reserve or Aboriginal area; and

(b) subject to section 87, for the proper restoration of a national park, historic site, nature reserve or Aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

86. A person, other than the Director or a person authorised by him in that behalf, who— **Offences relating to relics.**

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

(b) disturbs or moves on any land a relic that is the property of the Crown, other than a relic that is in the custody or under the control of The Trustees of the Australian Museum;

(c) takes possession of a relic that is in a national park, historic site, nature reserve or Aboriginal area;

(d) removes a relic from a national park, historic site, nature reserve or Aboriginal area; or

(e) erects or maintains, in a national park, historic site, nature reserve or Aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

except in accordance with the terms and conditions of an unrevoked permit issued to him under section 87, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, is guilty of an offence against this Act.

87. (1) Subject to section 88, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in section 86 (a), (b), (c), (d) or (e). **Permits relating to relics.**

(2) Terms and conditions imposed by the Director under subsection (1) may include terms and conditions relating to the proper restoration of land disturbed or excavated.

(3)

(3) A failure to comply with a term or condition authorised by subsection (2) shall be deemed to be a contravention of section 86.

(4) The Director may, at any time—

(a) revoke a permit issued under this section; or

(b) vary the terms and conditions of such a permit.

The Trustees of the Australian Museum to have custody of certain relics.

88. (1) Nothing in section 87 shall be construed as authorising the Director to permit a relic to be removed from a national park, historic site, nature reserve or Aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum, except where—

(a) the relic remains in the custody or under the control of the Director; or

(b) the relic is being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area.

(2) A relic that is the property of the Crown, other than a relic—

(a) in a national park, historic site, nature reserve or Aboriginal area;

(b) being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area;

(c) in the custody or under the control of the Director; or

(d) acquired by the Minister or the Director pursuant to section 89 or by the Minister pursuant to Part XI,

shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

(3)

(3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, historic site, nature reserve or Aboriginal area and, where a relic is so deposited or exhibited, section 86 does not apply to The Trustees of the Australian Museum in relation to that relic.

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

Preservation or exhibition of certain relics.

89. (1) Subject to this section, the Minister or the Director may, by agreement with a person having the ownership or possession of—

(a) a relic that is not the property of the Crown; or

(b) an Aboriginal place,

acquire the relic or take such other action as he thinks is practicable for the preservation or exhibition of the relic or Aboriginal place.

(2) A relic acquired under this section shall be the property of the Crown.

(3) A relic that is real property shall not be acquired under this section, but nothing in this section affects anything contained in Part XI.

(4) Any relic acquired by the Minister or the Director prior to the commencement day shall be deemed to have been acquired under this section.

Destruction, etc., of relics or Aboriginal places.

90. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic or Aboriginal place is guilty of an offence against this Act.

Penalty : $1,000 or imprisonment for six months or both, and, in addition, $100 for each day during which the offence continues.

(2)

(2) The Director may give his consent for the purposes of subsection (1) subject to such conditions and restrictions as are specified therein.

(3) A person whose application for consent is refused, or who is dissatisfied with any condition or restriction subject to which the consent is given, may appeal to the Minister.

(4) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(5) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(6) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(7) Where the Director fails to grant an application for his consent, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—seven days after the application was received by the Director; or

(b) where the regulations prescribe some other period —that other period.

91. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof within a reasonable time after he first becomes aware of that location is guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic. Notification of sites of relics.

PART VII.

FAUNA.

92. The Director shall be the authority for the protection and care of fauna. Director's responsibilities as to fauna.

93. (1) The Governor may, by order published in the Gazette, amend Schedule 11— Amendment of Schedule 11 (unprotected fauna).

(a) by omitting therefrom the name of any species of fauna; or

(b) by inserting therein the name of any species of fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 11 and by inserting instead a Schedule containing the names of species of fauna.

94. (1) The Governor may, by order published in the Gazette, amend Schedule 12— Amendment of Schedule 12 (endangered fauna).

(a) by omitting therefrom the name of any species of protected fauna; or

(b) by inserting therein the name of any species of protected fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 12 and by inserting instead a Schedule containing the names of species of protected fauna.

95.

Open seasons.

95. (1) The Minister may, by order published in the Gazette, declare, for the purposes of section 122, an open season for protected fauna of the species named therein.

(2) An order under subsection (1) may refer to the whole of New South Wales or to a part of, or locality in, New South Wales specified or described therein, and may prescribe conditions or restrictions relating to the taking or killing of any fauna referred to therein or to the use of any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purposes of taking or killing any fauna so referred to.

(3) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to—

(a) any endangered fauna;

(b) any national park, historic site, nature reserve or wildlife refuge; or

(c) any State forest, timber reserve or flora reserve except with the concurrence in writing of the Forestry Commission.

Locally unprotected fauna.

96. (1) The Governor may, by order published in the Gazette, declare any protected fauna within a locality specified or described in the order, being fauna of a species named in the order, to be fauna to which this section applies.

(2) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to any lands within a national park, historic site or nature reserve.

(3) Any protected fauna declared to be fauna to which this section applies are, for the purposes of sections 70 (5) and (6) and 98, locally unprotected fauna.

Certain protected fauna to be the property of the Crown.

97. (1) In this section, "prescribed fauna" means—

(a) an animal that is protected fauna and that is, at the time of birth, in the lawful possession of any person other than the Crown;

(b) protected fauna, being fauna imported into New South Wales;

(c) protected fauna that was, before the commencement day, lawfully taken or in the lawful possession of any person other than the Crown and that had not been liberated before that day; or

(d) any protected fauna of a class or description prescribed for the purposes of this paragraph.

(2) Any protected fauna, other than prescribed fauna, shall, until captured or killed in accordance with this Act, be deemed to be the property of the Crown.

(3) Any prescribed fauna shall, when liberated in New South Wales, be deemed to be the property of the Crown.

Taking or killing protected fauna, other than endangered fauna.

98. (1) In this section, "protected fauna" does not include endangered fauna or locally unprotected fauna under section 96.

(2) A person shall not—

(a) take or kill any protected fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking any protected fauna.

(3) A person shall not be convicted of an offence arising under subsection (2) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

Taking or killing endangered fauna.

99. (1) A person shall not—

(a) take or kill any endangered fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any endangered fauna.

Penalty : $1,000 or imprisonment for six months or both.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by a general licence under section 120.

(3) Where the provisions of any other Act or instrument under any other Act authorise or require anything to be done that would constitute an offence arising under subsection (1)—

(a) the provisions of this section prevail; and

(b) a person shall not be convicted of an offence against that other Act or instrument by reason of his failure to comply therewith in so far as compliance therewith would constitute an offence arising under subsection (1).

Further provisions respecting taking or killing protected fauna (including endangered fauna).

100. (1) A person shall not be convicted of an offence arising under section 98 (2) or 99 (1) if he proves—

(a) that the animal concerned was in some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for promoting the welfare of the animal; or

(b)

(b) that the animal concerned had strayed or escaped from some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for securing the return of the animal.

(2) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of section 98 (2) or 99 (1) or both.

Buying, selling or possessing protected fauna.

101. (1) A person shall not buy, sell or have in his possession or control any protected fauna.

(2) A person who commits an offence arising under subsection (1) is liable to a penalty not exceeding—

(a) $200 in respect of each of the protected fauna (other than endangered fauna); or

(b) $400 in respect of each of the protected fauna being endangered fauna,

in respect of which the offence was committed, with a maximum total penalty under this subsection in respect of any offence of $1,000.

(3) The Governor may, by order published in the Gazette, exempt from subsection (1) protected fauna of a species named in the order, subject to such conditions and restrictions relating to the buying, selling or having in possession of any such protected fauna as may be prescribed in the order.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the buying or selling of any protected fauna if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed, under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or an aviary registration certificate under section 128.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the having in his possession of any protected fauna, if he proves—

(a) that the state of affairs constituting the offence existed under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or that he otherwise obtained the fauna lawfully;

(b) that the fauna is the progeny of any fauna lawfully obtained, being progeny born after the lastmentioned fauna was so obtained; or

(c) that—

(i) the animal concerned was incapable of fending for itself in its natural habitat;

(ii) he notified the Director, in the prescribed manner and within the prescribed time, that the animal came into his possession. and

(iii) he complied with any direction given to him with respect to the animal by the Director.

(6) A reference in this section to a person's having protected fauna in his possession includes a reference to his having protected fauna in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the fauna is then had or placed for his own use or the use of another.

Directions respecting protected fauna in confinement.

102. (1) The Director, or an officer of the Service duly authorised by the Director in that behalf, may, by notice given to a person who keeps protected fauna in confinement or in a domesticated state, give such directions respecting food, drink and shelter for, and the welfare of, the fauna as appear to the Director or officer to be proper.

(2) A person shall not fail to comply with any direction given to him under subsection (1).

(3) A person shall not be convicted of an offence arising under subsection (2) in respect of a failure to comply with a direction if he satisfies the court that he so failed with reasonable excuse.

Taking or killing fauna for sale.

103. (1) A person shall not take or kill fauna for the purpose of sale.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123.

(3) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing for the purposes of sale of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (4).

(4) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order, not being endangered fauna.

Fauna dealers.

104. (1) A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the business of a fauna dealer, unless he does so under and in accordance with the authority conferred—

(d) by a fauna dealer's licence under section 124; or

(e) in so far as the act constituting the offence forms part of the business of a skin dealer—by a skin dealer's licence under section 125.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (3).

(3) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order.

Skin dealers.

105. A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the

the business of a skin dealer, unless he does so under and in accordance with the authority conferred—

(d) by a skin dealer's licence under section 125; or

(e) in so far as the act constituting the offence forms part of the business of a fauna dealer—by a fauna dealer's licence under section 124.

Importing or exporting protected fauna.

106. (1) A person shall not import into or export from New South Wales any protected fauna.

(2) Subsection (1) does not apply to any protected fauna of a species prescribed for the purposes of this subsection.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by an import licence or an export licence under section 126.

Exhibiting protected fauna.

107. A person shall not exhibit any protected fauna, unless he does so under and in accordance with the authority conferred by a general licence under section 120.

Possessing 20 or more birds.

108. A person shall not have more than nineteen birds, being protected fauna, in his possession or under his control in or upon a structure, building, store, shop or other premises, unless—

(a) an aviary registration certificate under section 128 is in force with respect to that structure, building, store, shop or other premises; or

(b) that person is a fauna dealer licensed under section 124 and the structure, building, store or shop is, or the other premises are, registered under section 124.

Liberation in New South Wales of exotic fauna.

109. A person shall not, in New South Wales, liberate fauna not native to New South Wales, unless he does so under and in accordance with a licence under section 127.

Use of certain substances for taking or killing fauna.

110. (1) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any protected fauna (other than birds).

Penalty : $400 or imprisonment for six months or both.

(2) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any bird (whether or not protected fauna).

Penalty : $400 or imprisonment for six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done under and in accordance with the regulations.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

(5) In this section, "substance" includes mixture or preparation.

Method of shooting fauna.

111. A person shall not, for the purpose of taking or killing any protected fauna, use any firearm of a kind other than the kind habitually raised at arm's length and fired from the shoulder without other support.

Penalty : $200.

112.

112. A person shall not be convicted of an offence against this Act in respect of the taking or killing of a snake unless it is proved that there were no grounds on which he could reasonably have believed at any relevant time that the snake was endangering, or was likely to endanger, any person or property. Taking or killing snakes.

PART VIII.

NATIVE PLANTS.

113. In this Part— Interpretation: Pt. VIII.

"Christmas Bush" means the native plant named *Ceratopetalum gummiferum*;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

114. The Director shall be the authority for the protection of native plants. Director's responsibilities as to native plants.

115. (1) The Governor may, by order published in the Gazette, amend Schedule 13— Amendment of Schedule 13 (protected native plants).

(a) by omitting therefrom the name of any species of native plant; or

(b) by inserting therein the name of any species of native plant.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 13 and by inserting instead a Schedule containing the names of species of native plants.

116. (1) Notwithstanding anything in this Act or the Forestry Act, 1916, but subject to subsection (2)— Restriction as to licences under Forestry Act, 1916.

(a) the Forestry Commission shall not issue a licence for the removal of any protected native plant from any State forest, timber reserve or Crown land; and

(b)

(b) any such licence shall cease to be operative while it relates to any protected native plant.

(2) Where, in the opinion of the Forestry Commission, any protected native plant, if not removed, would be damaged or destroyed in the taking of timber, products or forest materials under, or in the carrying on of any activity authorised by, the Forestry Act, 1916, subsection (1) does not operate to prevent the Forestry Commission from issuing a licence authorising removal of the native plant or from reinstating, to the extent necessary to authorise removal of the native plant, a licence that has, pursuant to that subsection, ceased to be operative.

Restriction on picking or possession of native plant.

117. (1) A person shall not pick or have in his possession a protected native plant.

(2) Without affecting the operation of section 57 or 71, subsection (1) does not apply in relation to the picking or possession of a protected native plant in a nature reserve or wildlife refuge.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that—

(a) the protected native plant was grown upon private land and was picked by or with the consent of the owner, lessee or occupier of that land; or

(b) the protected native plant was picked by him—

(i) under and in accordance with or by virtue of the authority conferred by a licence issued under section 131 or a licence issued under the Forestry Act, 1916; or

(ii) in pursuance of a duty imposed on him by or under any Act,

or was in his possession after having been so picked.

(4) In any prosecution for an offence arising under subsection (1), proof that a protected native plant was found in the possession of the defendant shall be prima facie evidence that the defendant picked the native plant or had the native plant in his possession in contravention of this section and the onus of proof to the contrary shall be upon the defendant.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

(6) A reference in this section to a person's having a protected native plant in his possession includes a reference to his having a protected native plant in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the plant is then had or placed for his own use or the use of another.

Restriction on selling of native plant.

118. (1) A person shall not sell a protected native plant.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of—

(a) Christmas Bush that has been grown on private land and picked by or with the consent of the owner or lessee of that land;

(b) any protected native plant that has been picked for commercial purposes in pursuance of a licence issued under section 131; or

(c) any protected native plant that has been grown in pursuance of a licence issued under section 132 and picked by or with the consent of the holder of the licence.

PART

PART IX.

LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS.

DIVISION 1.—*Preliminary.*

119. In this Part— Interpretation: Pt. IX.

"authorised officer" means—

(a) the Director; or

(b) in relation to a provision of this Part—

(i) an officer of the Service, or any other person, duly authorised by the Director; or

(ii) any person holding an office, position or rank prescribed,

for the purposes of that provision;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

DIVISION 2.—*Fauna.*

120. (1) An authorised officer may issue a licence (in this Act referred to as a "general licence"), authorising a person to do any or all of the following :— General licence.

(a) to take or kill or obtain any protected fauna—

(i) for the purpose of providing specimens of natural history for any scientific institution or museum;

(ii) for the purpose of carrying on any scientific investigation;

(iii) for the purpose of exhibiting the fauna; or

(iv) for any other specified purpose;

(b)

(b) to exhibit protected fauna;

(c) to dispose of, whether by sale or otherwise, any fauna taken or killed, obtained or exhibited under the authority of the licence;

(d) to sell any fauna in his lawful possession, otherwise than as a fauna dealer or skin dealer.

(2) A general licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Occupier's licence.

121. (1) An authorised officer may issue a licence (in this Act referred to as an "occupier's licence"), authorising an owner or occupier of specified lands—

(a) to take or kill; or

(b) to permit a person, holding a general licence issued to him under section 120 or a trapper's licence issued to him under section 123, to take or kill,

a specified number of fauna of a specified class found on those lands and the licence may authorise the disposal, whether by sale or otherwise, of fauna taken or killed under the authority of the licence.

(2) An occupier's licence shall not be issued unless the licensee has been supplied by the Service with labels, tags, slips or other objects sufficient in number to affix or attach, in compliance with any condition of the licence, to the skin or carcase of fauna taken or killed under the authority of the licence.

(3) An occupier's licence shall not be issued with respect to endangered fauna.

Game licence.

122. (1) An authorised officer may issue a licence (in this Act referred to as a "game licence"), authorising a person—

(a) to take or kill any protected fauna of the species named in an order declaring an open season, under section 95, in the whole of New South Wales or the part of New South Wales or the locality referred to in the order, subject to the conditions and restrictions (if any) prescribed in the order; or

(b) to take or kill any fauna of the species specified in a proclamation under section 67 or 69 in a wildlife district or game reserve to which the proclamation relates, subject to the conditions and restrictions (if any) prescribed in the proclamation.

(2) A game licence does not authorise a person—

(a) to take or kill any endangered fauna;

(b) to take or kill any fauna in a national park, historic site, nature reserve or wildlife refuge; or

(c) to take or kill any fauna for the purpose of sale.

Trapper's licence.

123. (1) An authorised officer may issue a licence (in this Act referred to as a "trapper's licence"), authorising a person to take or kill fauna of a species named therein for the purposes of sale.

(2) A trapper's licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Fauna dealer's licence.

124. (1) An authorised officer may issue a licence (in this Act referred to as a "fauna dealer's licence"), authorising a person to buy or sell fauna as a fauna dealer and otherwise to exercise or carry on the business of a fauna dealer.

(2)

(2) A person licensed under subsection (1) shall not exercise or carry on business as a fauna dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a fauna dealer in New South Wales.

Skin dealer's licence.

125. (1) An authorised officer may issue a licence (in this Act referred to as a "skin dealer's licence"), authorising a person to buy or sell skins as a skin dealer and otherwise to exercise or carry on the business of a skin dealer.

(2) A person licensed under subsection (1) shall not exercise or carry on business as a skin dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a skin dealer in New South Wales.

Import and export licences.

126. (1) An authorised officer may issue a licence (in this Act referred to as an "import licence"), authorising a person to import protected fauna into New South Wales.

(2) An authorised officer may issue a licence (in this Act referred to as an "export licence"), authorising a person to export protected fauna from New South Wales.

(3) Where an application for an import licence or an export licence has been made in accordance with the regulations, the application shall not be refused except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Licence to liberate fauna.

127. An authorised officer may issue a licence authorising a person to liberate, in New South Wales, fauna not native to New South Wales.

Aviary registration certificates.

128. (1) An authorised officer may issue to any person a certificate (in this Act referred to as an "aviary registration certificate") in respect of specified premises.

(2) An aviary registration certificate authorises the person to whom it is issued—

(a) to sell any bird, being protected fauna, to a prescribed person; or

(b) to buy any bird, being protected fauna, from a prescribed person.

(3) In subsection (2), "prescribed person" means a person who—

(a) is licensed to exercise or carry on the business of a fauna dealer under section 124; or

(b) is the holder of an aviary registration certificate issued to him under this section.

Certain licences authorise shooting, etc., in national parks, etc.

129. Except in so far as the conditions and restrictions attaching thereto otherwise provide—

(a) a licence, being a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123, that authorises a person to take or kill any animal in a national park, historic site or nature reserve, also authorises that person to do, in connection with the taking or killing of any such animal, any act referred to in section 45 (1) or 56 (1); and

(b) a licence, being a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence

under

under section 123, that authorises a person to take or kill any fauna in a wildlife district, wildlife refuge or game reserve, also authorises that person to do, in connection with the taking or killing of any such fauna, any act referred to in section 70 (1) or (2).

Certain licences and certificates deemed to authorise possession.

130. Except in so far as the licence or certificate otherwise provides, a licence or certificate under this Division that authorises a person to take or kill or to obtain any fauna also authorises him to keep and have the fauna in his possession.

DIVISION 3.—*Native plants.*

Licence to pick native plants for scientific or commercial purposes.

131. An authorised officer may issue a licence authorising a person to pick the protected native plants specified therein for scientific or commercial purposes.

Licence to grow native plants for sale.

132. An authorised officer may issue a licence authorising an owner or occupier of private land to grow upon that private land, or part thereof specified in the licence, protected native plants for the purposes of sale.

DIVISION 4.—*General.*

Conditions and restrictions attaching to licences and certificates and variation of licences and certificates.

133. (1) A licence or certificate issued under this Part shall be subject to such conditions and restrictions (if any) as are for the time being prescribed in relation to licences or certificates of the class to which the licence or certificate belongs.

(2) An authorised officer may, if he thinks fit, attach any conditions or restrictions to a licence or certificate upon its issue.

(3) An authorised officer may, by notice in writing served on the holder of a licence or certificate—

(a) attach any conditions or restrictions to the licence or certificate after its issue;

(b)

(b) vary or remove any conditions or restrictions attached by any authorised officer to the licence or certificate; or

(c) otherwise vary the licence or certificate.

(4) The holder of a licence or certificate shall not contravene or fail to comply with any condition or restriction attached to the licence or certificate.

(5) Subsections (2) and (3) do not apply to an import licence or export licence under section 126.

Cancellation of licence or certificate.

134. (1) Subject to subsection (2), a licence or certificate issued under this Part may be cancelled by the Minister or the Director.

(2) An import licence or export licence under section 126 shall not be cancelled under this section except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Appeal.

135. (1) A person whose application for a licence or certificate under this Part is refused, or whose licence or certificate has been cancelled by the Director, or who is dissatisfied with any condition or restriction which an authorised officer has attached to his licence or certificate, may appeal to the Minister.

(2) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(3) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(4) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(5) Where the Director fails to grant an application for a licence or certificate under this Part, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—one month after the application was received by the Director; or

(b) where the regulations prescribe some other period—that other period.

Licences do not authorise entry, etc.

136. Where, had this Act not been enacted—

(a) the consent or permission of any person would have been required for entering any lands or doing any act on or in respect of any lands, the issue of a licence under this Part does not authorise the entering of those lands, or the doing of that act on those lands, without that consent or permission; or

(b) the doing of an act on or in respect of any lands would have been unlawful, the issue of a licence under this Part does not authorise the doing of that act.

PART

PART X.

FINANCE.

National Parks and Wildlife Fund.

137. The National Parks and Wildlife Fund established under the Act of 1967 shall continue in existence and shall be kept at the Treasury in the Special Deposits Account.

Payments into the Fund.

138. (1) There shall be paid into the Fund—

(a) all money provided by Parliament for the purposes of this Act;

(b) all money received in respect of—

(i) leases, licences, permits or occupancies within a national park, historic site, nature reserve or Aboriginal area;

(ii) leases and licences granted under section 151 (2);

(iii) royalties, fees and charges under this Act, the regulations or the by-laws;

(iv) franchises granted under section 152;

(v) easements or rights of way granted under section 153;

(vi) community service contributions;

(vii) penalties recovered pursuant to this Act, the regulations or the by-laws;

(viii) property forfeited pursuant to this Act, the regulations or the by-laws;

(ix) costs paid pursuant to an order under section 176 (3);

(x) amounts paid pursuant to an order under section 177; and

(xi) policies of insurance under which money is paid to the Minister or the Director with respect to any national park, historic site, nature reserve or Aboriginal area, or any property in the custody or under the control of the Director;

(c) any money acquired by the Minister pursuant to section 148;

(d) any money received by the Minister pursuant to section 149;

(e) any other money received in connection with any national park, historic site, nature reserve or Aboriginal area or any proposed national park, historic site, nature reserve or Aboriginal area;

(f) any money received in connection with any wildlife refuge or game reserve; and

(g) any other money received in connection with the administration of this Act, other than money received in the prescribed circumstances (if any).

(2) Where any money acquired by the Minister pursuant to section 148 is subject to any condition to which the Minister has agreed, the money shall be carried to a separate account in the Fund and shall be applied in accordance with the condition.

(3) Any money referred to in subsection (2) may, pending application in accordance with the condition so referred to, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

139. (1) No money shall be paid out of the Fund except under the authority of this Act. **Payments out of the Fund.**

(2) There may be paid out of the Fund—

(a) all charges, costs and expenses incurred by the Minister or the Director in exercising and performing his powers, authorities, duties and functions under this Act;

(b) all money allocated by the Minister for expenditure by trustees on any national park or historic site;

(c) the fees and travelling and other expenses payable to the members of the Council or any committee under this Act;

(d) the cost of acquiring land for national parks, historic sites or nature reserves;

(e) the cost of improvement of any land adjoining or in the vicinity of a national park, historic site, nature reserve or Aboriginal area, where in the opinion of the Minister this is desirable to provide or improve access to the park, site, reserve or area, or to provide or improve facilities or amenities for persons visiting the park, site, reserve or area;

(f) all money which the Minister directs shall be set aside to provide a reserve for insurance;

(g) all money allocated by the Minister for expenditure on Aboriginal areas;

(h) the cost of acquiring relics or land in which relics or Aboriginal places are situated;

(i) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic;

(j) the cost of entering into, and giving effect to, agreements under sections 145 and 146;

(k) the cost of carrying out the purposes for which land is acquired or occupied under section 146;

(l) all costs incurred under sections 147 and 149;

(m) all money allocated by the Minister for use in connection with a wildlife refuge or game reserve; and

(n) all money to be paid to a pastures protection board under section 141.

(3) Any money set aside, as referred to in subsection (2) (f), may be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

(4) Where—

(a) any lands are purchased under section 147 out of money wholly or partly provided by Parliament; and

(b) those lands, or any part thereof, are sold under section 149,

there shall be paid from the Fund to the Treasurer, out of the proceeds of the sale referred to in paragraph (b), such amount as the Treasurer may determine.

Community service contribution.

140. (1) The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or licence to occupy or use lands within a national park, historic site or nature reserve for the cost of providing or maintaining any community service in the park, site or reserve.

(2) The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the contribution on the holder of the lease or licence.

(3)

(3) If the contribution is not paid by the due date the amount due shall be increased by an amount calculated at the rate of nine per centum per annum simple interest until it has been paid.

(4) The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution or part thereof or the payment of any such interest or part thereof.

Payment of rates to pastures protection boards in Western Division.

141. (1) In this section, "board" means a pastures protection board for a pastures protection district within the Western Division within the meaning of the Pastures Protection Act, 1934.

(2) There shall, subject to this section, be payable to a board an amount equal to the amount that would have been payable to the board under Part III of the Pastures Protection Act, 1934, by way of rates for any period, in respect of all lands within its district reserved as national parks or historic sites or dedicated as nature reserves, had those lands been ratable lands under that Act at all relevant times after they were so reserved or dedicated.

(3) No amount is payable under subsection (2) except upon an application—

(a) made to the Director in the prescribed manner and within the prescribed time; and

(b) containing the prescribed particulars.

(4) Any dispute between the Director and a board with respect to the particulars contained in an application or the amount payable under this section shall be determined in accordance with such directions as the Minister, after consultation with the Minister for Agriculture, may give.

(5) Nothing in this section requires or authorises the payment of an amount in relation to any period before the commencement day.

Royalty.

142. (1) Royalty shall, in accordance with the regulations, be payable to the Crown at the prescribed rates upon such species of fauna and the skins of such species of fauna as may be prescribed.

(2) Notwithstanding subsection (1), royalty shall not be payable under this section in respect of a skin or carcase to which there has been affixed or attached in compliance with a condition of a licence issued under Division 2 of Part IX a label, tag, slip or other object for which a charge or fee has been paid pursuant to regulations made under section 154 (e).

Charges and fees.

143. Where the Director—

(a) supplies any service, product or commodity;

(b) grants any licence to carry on a trade, business or occupation;

(c) gives any permission or issues any licence, registration certificate or permit; or

(d) furnishes any information,

under this Act or in connection with any national park, historic site, nature reserve or Aboriginal area, he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him, subject to the maximum (if any) prescribed.

Exemption from rates.

144. Lands within a national park, historic site or nature reserve shall be exempt from rates under the Local Government Act, 1919, and that exemption shall not be affected by any lease, licence, occupancy or use of the lands.

PART

PART XI.

ACQUISITION AND DISPOSAL OF PROPERTY.

Acquisition of lands for national park, etc.

145. Where the Minister is of the opinion that it is desirable to acquire any lands—

(a) for reservation as, or as part of, a national park or historic site;

(b) for dedication as, or as part of, a nature reserve; or

(c) for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein,

he may, on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of the lands.

Acquisition or occupation of lands for certain purposes.

146. (1) For the purpose of—

(a) improving access to a national park, historic site or nature reserve;

(b) the management, maintenance or improvement of a national park, historic site or nature reserve; or

(c) carrying out works for any of those purposes,

the Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands adjoining or in the vicinity of the national park, historic site or nature reserve.

(2) The Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands for use in connection with the administration of this Act.

Power of Minister to acquire.

147. Without affecting the powers of the Minister under section 145 or 146, where the Minister is, for any of the purposes referred to in either of those sections, empowered to take action under either of those sections with respect to any lands, he may, where he considers it appropriate to do so, instead of taking that action, himself acquire those lands, by purchase or exchange, for that purpose.

Power of Minister to accept gifts, etc.

148. (1) The Minister may acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

(2) The rule of law against remoteness of vesting shall not apply to any such condition to which the Minister has agreed.

(3) Where the Minister acquires property under subsection (1)—

(a) neither an instrument that effects the acquisition nor any agreement pursuant to which the property is acquired is chargeable with duty under the Stamp Duties Act, 1920; and

(b) the property, or the value of property, shall not be included in the dutiable estate of the donor or testator for the purposes of assessing death duty under that Act.

(4) Notwithstanding anything in Part IV, lands acquired under this section shall not be—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve,

in contravention of any such condition to which the Minister has agreed.

Disposal of lands, gifts, etc.

149. Except where the Minister has otherwise agreed, the Minister may sell, grant leases of, dispose of or otherwise deal with any lands or other property acquired under section 147 or 148, or any interest therein, but nothing in this section applies to or in respect of lands while—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve.

Minister to be corporation sole for certain purposes.

150. (1) For the purposes of the exercise and performance of his authorities, duties and functions under sections 147, 148 and 149, the Minister is hereby constituted a corporation sole under the name of "Minister administering the National Parks and Wildlife Act, 1974".

(2) The corporation sole constituted by this section—

(a) has perpetual succession;

(b) shall have an official seal;

(c) may take proceedings and be proceeded against in the corporate name;

(d) may, in accordance with this Act, purchase, exchange, hold, dispose of and otherwise deal with property; and

(e) may do and suffer all other things that a body corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which the corporation sole is constituted.

(3) The seal of the corporation sole so constituted shall not be affixed to any instrument or document except in the presence of the Minister, and he shall attest by his signature the fact and date of the affixing of the seal.

(4) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the corporation sole so constituted that has been affixed to any instrument or document; and

(b) shall until the contrary is proved presume that the seal was properly affixed.

PART XII.

LEASES, LICENCES, EASEMENTS, ETC.

Leases of and licences over lands in a national park, historic site or nature reserve.

151. (1) The Minister may—

(a) grant leases of land within a national park or historic site for the purpose of—

(i) the erection thereon of accommodation hotels or accommodation houses; or

(ii) the provision thereon of facilities and amenities for tourists and visitors;

(b) grant leases of lands within a national park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;

(c) grant leases of lands within a national park or historic site for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for use in connection with—

(iii) the protection or preservation of the park or site from fire;

(iv) the provision of services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

(v) a surf life-saving club; or

(vi) any purpose of a like nature;

(d) grant leases of lands within a nature reserve for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for any of the purposes specified in section 49;

(e) grant leases of lands within a national park, historic site or nature reserve on which buildings have been erected for residential occupation; or

(f) grant licences to occupy or use lands within a national park, historic site or nature reserve.

(2) The Minister may—

(a) for any purpose specified in section 146 (1) (a), (b) or (c) grant a lease of, or a licence with respect to, lands acquired or occupied under section 146 (1); or

(b) for use in connection with the administration of this Act grant a lease of, or a licence with respect to, lands referred to in section 146 (2).

(3) Nothing in this section affects the powers of the Minister under section 149 with respect to lands referred to in that section.

(4) Subject to subsection (5), any lease or licence granted under this section or section 149 shall be subject to such terms and conditions as the Minister may determine.

(5) Where any term or condition of a lease or licence granted under this section purports to affect lands within a national park, historic site or nature reserve that are lands submerged by water and the term or condition is inconsistent with a plan of management in force for the park, site or reserve, the term or condition shall, to the extent of the inconsistency, have no force or effect.

Trade within a national park or historic site.

152. (1) The Director may grant licences to carry on trades, businesses or occupations within a national park or historic site.

(2) Subject to any by-laws, the Minister may prohibit the carrying on of any trade, business or occupation within a national park or historic site otherwise than by some person licensed by the Director.

(3) The Minister may grant a franchise to any person, on such terms and conditions as the Minister may determine, for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park or historic site.

(4) Any franchise granted by the trustees of the whole or part of lands reserved after the commencement day as a national park or historic site, and in force immediately before the lands were so reserved, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

Easements.

153. (1) The Minister may upon such terms and conditions as he thinks fit grant for joint or several use easements or rights of way through, upon or in a national park, historic site or nature reserve for the purpose of providing access to any area included in any lease or licence within the park, site

or

or reserve, or for the construction of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

(2) The Minister may from time to time revoke or vary any grant under this section.

(3) Any easement or right of way over lands in a national park or historic site reserved under this Act, which was in force immediately before the lands were reserved as, or as part of, the park or site, as the case may be, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over lands in a nature reserve dedicated under this Act, which was in force immediately before the land was dedicated as, or as part of, the nature reserve shall continue in force and shall be deemed to have been granted under this section.

PART XIII.

Regulations and By-Laws.

154. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act and, in particular, for or with respect to— Regulations.

(a) the powers, authorities, duties and functions of the Director, the officers of the Service, ex-officio rangers, honorary rangers, the Council, local committees, the Relics Committee or the Architects Committee;

(b) the procedure for the calling of meetings of the Council, local committees, the Relics Committee or the Architects Committee and the conduct of business at those meetings;

(c) licences and registration certificates under Part IX, including the classification thereof, applications therefor and the issue and expiry thereof;

(d) the records to be kept and returns to be furnished by persons holding licences or registration certificates under Part IX and the inspection of those records by officers of the Service;

(e) the issuing and the making of a charge or fee for supplying a label, tag, slip or object for affixing or attaching to the skin or carcase of any fauna in compliance with any condition of a licence under Part IX;

(f) the issuing and the making of a charge for supplying a label, tag, slip or object for affixing or attaching to any protected native plant or packages or bundles thereof in compliance with any condition of a licence under Part IX;

(g) the protection, care, preservation and propagation of any fauna;

(h) prescribing the conditions under which any fauna, whether protected or unprotected, may be consigned or offered for sale or transported or caged or housed;

(i) the inspection of premises registered under section 124, 125 or 128 and the inspection of premises in which fauna are housed or caged in pursuance of a licence issued under section 120;

(j) the entry upon and inspection of any lands upon which protected native plants are grown by a person in pursuance of a licence issued under section 132 and the requiring of the doing of any thing or things designed to prevent the lands from being stripped of protected native plants;

(k) the records to be kept and returns to be furnished by persons holding permits issued under section 87;

(l) tendering for leases and licences under Part XI or XII;

(m) the form and design of signs, symbols, emblems, insignia and uniforms for use in connection with the administration of this Act, the regulations and the by-laws, and the regulation, control or prohibition of the making, reproducing or using of those signs, symbols, emblems, insignia and uniforms; and

(n) the forms or other documents to be used for the purposes of this Act and the regulations.

By-laws.

155. (1) In this section, "park" means national park, historic site, nature reserve or Aboriginal area.

(2) The Governor may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) the regulation of the use and enjoyment of parks;

(b) the securing of decency and order in parks;

(c) the removal of trespassers and other persons causing annoyance or inconvenience in parks;

(d) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, parks;

(e) the regulation, control or prohibition of the taking of animals on or into parks and public and other roads traversing parks or the permitting or suffering of animals to be on or in parks and any such roads;

(f) the regulation, control or prohibition of mooring, parking, camping or residing in parks, the making of charges for mooring, parking, camping or residing in parks and the collecting and receiving of those charges by the Minister or by other persons;

(g) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in parks;

(h) the conditions under which trees or timber may be cut or removed from parks and the amount of royalties, fees and charges payable in respect thereof;

(i) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a park, or the removal of any such substance from a park and the amount of royalties, fees and charges payable in respect thereof;

(j) the preservation or protection of any animals in parks;

(k) the preservation or protection of, or prevention of damage to, any relic or Aboriginal place in a park;

(l) the regulation, control or prohibition of the use of any relic or Aboriginal place for commercial purposes in a park;

(m) the making of charges or entrance fees for persons, clubs or associations or for vehicles using or entering a park, or any specified part of a park, or any public or other road traversing or bounding a park or such a part, and the collecting, receiving and waiving of those charges and fees by the Director or by other persons;

(n) the reservation of any portion of a park for such separate or exclusive use as the by-laws may prescribe;

(o) the closing of, or the regulation, control or prohibition of the entry of any person or class of persons into, a park or parts of a park and the conditions to be observed with regard thereto;

(p) the regulation, control or prohibition of private trading in a park;

(q) the use of roads, tracks, trails and other ways within a park and the circumstances under which roads, tracks, trails and other ways therein shall be open or may be closed to public traffic or use;

(r) the powers and duties of any officer of the Service appointed in respect of a park;

(s) the regulation of the use of vehicles and the conditions under which they may be used in a park;

(t) the regulation of the speed of vehicles in a park;

(u) the regulation of the use of chair lifts, surface tows and ski jumps and the conditions under which they may be used in a park;

(v) the regulation, control or prohibition of the erection of buildings, marinas, structures, signs or other improvements in a park;

(w) the protection of buildings, marinas, structures, signs and other improvements in parks;

(x) the regulation, control or prohibition of exotic plants in parks;

(y) the collection of scientific specimens, the preservation or protection of marine life (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and the pursuit of research in parks;

(z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in parks;

(aa) the management and maintenance of pounds within a park;

(bb) the procedure for the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park and for their subsequent disposal, sale or destruction;

(cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park;

(dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of cattle, horses, asses, mules, sheep, goats, swine and dogs impounded within a park; and

(ee) the procedure for the calling of meetings of trustees and the conduct of business at those meetings.

(3) Without affecting the generality of section 156 (2) or (3), by-laws made for or with respect to parks may be made to apply generally to all parks or may be limited to any park or any part thereof specified in the by-laws and unless so limited shall be taken to apply generally to all parks.

(4) Where any provision of a by-law made to apply to any specified park or any part thereof is inconsistent with a provision of any by-law relating to parks generally, the firstmentioned provision shall prevail.

General provisions.

156. (1) A regulation or by-law may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $200; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

(2)

(2) A regulation or by-law may be made so as to apply differently according to such factors as may be specified therein.

(3) A regulation or by-law may be made so as to apply to or in respect of—

(a) any matter, or all matters, or any class of matters specified or described therein; or

(b) all matters, or any class of matters, so specified or described other than—

(i) any matter so specified or described that is expressed to be excluded; or

(ii) any class of matters so specified or described that is expressed to be excluded.

(4) A regulation or by-law may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

PART XIV.

MISCELLANEOUS.

Requirement to state name and address.

157. (1) The Director or any officer of the Service may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode.

(2) The Director, or any other officer of the Service duly authorised by the Director in that behalf, may require the driver of a motor vehicle in a national park, historic site, nature reserve or Aboriginal area to produce his driver's licence and to state his full name and his place of abode.

(3)

(3) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1) or (2); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

Requirement for owner of motor vehicle and others to give information.

158. (1) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act, the regulations or the by-laws, the Director or any other officer of the Service may—

(a) require the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, to give forthwith information (which shall, if so required, be given in the form of a statement in writing, signed by that owner or person) as to the name and place of abode of the driver; or

(b) require any other person to give any information which it is in his power to give and which may lead to the identification of the driver.

(2) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1); or

(b) in purported compliance with such a requirement, give any information that is false or misleading in a material particular.

Penalty : $200.

(3)

(3) In a prosecution for an offence in respect of a failure or refusal to comply with a requirement under subsection (1) (a), it is a defence if the defendant proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the name or place of abode of the driver concerned or both, as the case may require.

(4) Where a statement in writing purporting to be furnished under subsection (1) (a) and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act, the regulations or the by-laws is produced in any court in proceedings against the person named therein as the driver for the offence, the statement shall, if that person does not appear before the court, be evidence without proof of signature that he was the driver of the vehicle at that time.

Liability of vehicle owner for parking offences.

159. (1) In this section—

"owner", in relation to a vehicle, includes—

(a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

(b) in the case of a vehicle that is a motor vehicle—

(i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; or

(ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

"parking offence" means the offence committed by a person who, in contravention of the regulations or by-laws made under this Act—

(a) moors or parks a vehicle; or

(b) causes or permits a vehicle to be moored or parked or to stand or wait.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation or by-law relating to the parking offence in all respects as if he were the actual offender guilty of the parking offence unless—

(a) in any case where the parking offence is dealt with under section 160, the owner satisfies the prescribed person referred to in that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or

(b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 160, he—

(i) within twenty-one days after service on him of a notice under that section alleging that he has been guilty of that offence, supplies by statutory declaration to the prescribed person referred to in that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the prescribed person so referred to that he does not know, and cannot with reasonable diligence ascertain, that name and address; or

(b) in any other case, he—

(i) within twenty-one days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

(6) Where a statutory declaration supplying the name and address of a person for the purposes of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is prima facie evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act, the regulations or the by-laws or any other Act or regulation, by-law or ordinance under any other Act.

Penalty notice for certain offences.

160. (1) In this section, "owner" and "parking offence" have the meanings respectively ascribed thereto in section 159.

(2) Where it appears to a prescribed person that another person is, by virtue of section 159, guilty of an offence, the prescribed person may serve a notice on that other person to the effect that, if that other person does not desire to have the matter determined by a court he may, within a time specified in the notice, pay to a person so specified the amount of penalty prescribed for the offence if dealt with under this section.

(3) A notice under subsection (2)—

(a) may be served as provided by section 174; or

(b) may be addressed to the owner of the vehicle to which the parking offence relates without naming him or stating his address and may be served by leaving it on, or attaching it to, the vehicle.

(4)

(4) A person alleged to have committed an offence referred to in subsection (2) shall not be dealt with under this section if he declines so to be dealt with and, if any such person fails within the time specified in a notice given to him under subsection (2) (or within such further time as, in his case, may have been allowed) to pay the penalty so specified he shall be deemed to have declined to be dealt with under this section.

(5) Where the penalty for an offence dealt with under this section is paid pursuant to this section in respect of an alleged offence—

(a) no person may be proceeded against for the alleged offence; and

(b) the payment shall not be construed as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the facts constituting the alleged offence.

(6) The penalty prescribed for an offence dealt with under this section shall not exceed the maximum penalty that might be imposed by a court if the offence were dealt with otherwise than under this section.

(7) This section shall be construed as supplementing, and not as derogating from, any other Act in relation to proceedings that may be taken in respect of offences.

Seizure of motor vehicles.

161. (1) An officer of the Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away, or cause to be removed or towed away, any motor vehicle which he believes on reasonable grounds—

(a) to be a danger or unreasonable obstruction to traffic; or

(b) to be unattended and to have been abandoned,

in a national park, historic site, nature reserve or Aboriginal area.

(2)

(2) Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose.

(3) Notwithstanding anything in subsection (1), before seizure of a motor vehicle under this section, the officer referred to in that subsection shall—

(a) if no person is in charge of the motor vehicle—

(i) make reasonable inquiry for the purpose of locating the owner or driver of the vehicle; and

(ii) if upon inquiry under subparagraph (i) the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request; or

(b) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

(4) The inquiry referred to in subsection (3) (a) shall be made in the vicinity of the place where the vehicle is found.

(5) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to the owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded; or

(b)

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to the owner if he can, after reasonable inquiry, be located a notice setting out the particulars referred to in paragraph (a); or

(ii) if the owner cannot, after reasonable inquiry, be located, cause a notice setting out the particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(6) Except in the case of a motor vehicle which is dealt with under the provisions of subsection (7), the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section :—

(a) the application for the release shall be made by the owner of the vehicle or by a person acting for and on behalf of the owner to an officer-in-charge of the place at which the vehicle is kept or impounded (in this subsection referred to as the "officer-in-charge");

(b) the applicant shall furnish evidence as to the ownership of the vehicle to the satisfaction of the officer-in-charge; and

(c) the vehicle shall not be released from custody unless—

(i) the officer-in-charge is satisfied that the applicant is the owner of the vehicle or that he possesses authority to act for and on behalf of the owner;

(ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the vehicle has been paid to the officer-in-charge; and

(iii) the applicant has signed a receipt for the delivery of the vehicle on a form supplied to him by the officer-in-charge.

(7) If within a period of three months after the date upon which the motor vehicle has been seized the owner has failed to claim the vehicle and to pay the amount referred to in subsection (6) (c) (ii), the vehicle may, after the expiration of that period, be disposed of or destroyed in accordance with the directions of the Director.

(8) In this section, "motor vehicle" includes a trailer or caravan designed or adapted to be towed by a motor vehicle (as defined in section 5 (1)), whether or not the trailer or caravan is in the course of being towed.

162. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, historic site, nature reserve or Aboriginal area, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of lands under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of that Act shall, with such modifications as are necessary, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings. Impounding.

(2) For the purposes of subsection (1), Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) sections 423, 425A, 426 (2) and (3), 427, 428, 429, 430 (2), 431 (1), (2) and (4), 439, 441 and 442 had been omitted therefrom;

(b)

(b) the words "at large in any public place or" had been omitted from section 426 (1);

(c) "animal" meant any cattle, horse, ass, mule, sheep, goat, swine or dog;

(d) "prescribed" meant prescribed by, or by by-laws made under, this Act;

(e) a reference to the mayor or president of a council were a reference to the Director; and

(f) a direction for the payment of money to a council, or to the General Fund of a council, were a direction for payment of the money to the National Parks and Wildlife Fund.

(3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, historic site, nature reserve or Aboriginal area.

(4) The Director, in relation to a national park, historic site, nature reserve or Aboriginal area, shall have and may exercise the powers conferred by the provisions of section 15 of the Impounding Act, 1898, and section 429 (1) of the Local Government Act, 1919, on an occupant in relation to his lands, but may, instead of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national park, historic site, nature reserve or Aboriginal area the same powers as are conferred by section 438 of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

(6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, historic site, nature reserve or Aboriginal area, being a pound that will be available for use for impounding animals trespassing on a national park, historic site, nature reserve or Aboriginal area.

(7) Where an animal trespassing on a national park, historic site, nature reserve or Aboriginal area is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Government Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(8) In subsection (6), "public pound" includes a place referred to in section 23 (b) of the Dog Act, 1966.

Application of Dog Act, 1966.

163. (1) In this section, "area", "council" and "dog" have the meanings respectively ascribed thereto in section 4 (1) of the Dog Act, 1966.

(2) Part III of the Dog Act, 1966, does not apply to or in respect of the seizure of a dog in a national park, historic site, nature reserve or Aboriginal area by an officer of the Service, but if he causes the dog to be delivered to any duly authorised servant or agent of the council of the area in which the dog was seized at a place provided for the purpose in accordance with section 23 (b) of that Act, section 11 of that Act applies to and in respect of that dog as if it had been seized under section 10 of that Act.

(3) Nothing in this section applies with respect to the seizure of a dog with respect to which Part III of the Dog Act, 1966, would not have applied had this Part not been enacted.

164. (1) The Director or an officer of the Service duly authorised by the Director in that behalf— Powers of entry and seizure.

(a) may at all times, if he suspects on reasonable grounds that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that any animal, native plant, relic or article in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence is likely to be in or upon any premises or vehicle, on production of the prescribed evidence of his authority—

(i) stop any such vehicle;

(ii) enter and search any such premises or vehicle; and

(iii) subject to his giving a receipt in the prescribed form seize any such animal, native plant, relic (not being real property) or article found therein or thereon together with any books, papers or records relating to the suspected offence and make copies of, or take extracts from, any such papers, books or records;

(b) may at all times, on production of the prescribed evidence of his authority, enter any premises or vehicle for the purpose of—

(i) inspecting any premises registered under section 124, 125 or 128;

(ii) inspecting any premises in which fauna are housed or caged under the authority of a general licence under section 120;

(iii) inspecting any lands on which protected native plants are grown under the authority of a licence under section 132; or

(iv)

(iv) searching for and inspecting any articles that are being or could be used in contravention of this Act, the regulations or the by-laws; and

(c) may, for the enforcement of the provisions of this Act, the regulations or the by-laws, exercise the powers and authority of a constable.

(2) Subsection (1) does not—

(a) apply in relation to an offence of a class or description prescribed for the purposes of this subsection;

(b) authorise the seizure of a vehicle within the meaning of paragraph (a), (b), (c) or (e) of the definition of "vehicle" in section 5 (1) or any prescribed article; or

(c) authorise any person to enter in or upon that portion of a building that is used for residential purposes except under written authority given by the Minister.

(3) An authority referred to in subsection (2) (c)—

(a) may be general in its application or may be limited to specified premises;

(b) subject to paragraph (c), shall remain in force for the specified period; and

(c) may be revoked at any time by the Minister.

(4) The power of seizure under subsection (1) (a) may be exercised without exercising any of the other powers under subsection (1) (a).

(5)

(5) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, complains on oath that he has reason to suspect, and believes, that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that there may be an animal, native plant, relic or article, in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence, on specified premises or on a specified vehicle, a stipendiary magistrate may, by warrant under his hand, authorise the complainant to enter and search those premises or that vehicle.

(6) A person authorised under subsection (5) to enter premises or a vehicle may use force, whether by breaking open doors or otherwise, for the purpose of entering the premises and may—

(a) execute the warrant; and

(b) exercise the power of seizure under subsection (1) (a),

with the aid of such assistants as he deems necessary.

(7) A warrant may be issued under subsection (5) authorising a person to enter in or upon that portion of a building that is used for residential purposes notwithstanding that a written authority referred to in subsection (2) (c) has not been given authorising that person to make that entry.

Persons to deliver up fauna, etc., when required.

165. (1) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, suspects on reasonable grounds any person to be committing an offence against any of the provisions of this Act, the regulations or the by-laws, he may, on production of the prescribed evidence of his authority, require that person to deliver up any animal, native plant, relic (not being real property) or article in his possession in respect of which the suspected offence is being committed or which is being used in connection with the suspected offence.

(2) Any such person after being so required shall not fail to deliver up forthwith any animal, native plant, relic (not being real property) or article to the Director or any such officer requiring him so to do.

Definition of "article" for sections 164 and 165.

166. In sections 164 and 165, "article" means prohibited weapon, firearm, explosive, net, trap, hunting device, substance, mixture, preparation, instrument, implement or any other thing.

Disposal of fauna and perishable goods when seized or delivered up.

167. (1) Where any property seized under section 164 or delivered up under section 165 is fauna or is perishable, it may forthwith be disposed of, by way of sale or otherwise, by the Director or an officer of the Service duly authorised by the Director in that behalf.

(2) The proceeds of any sale under subsection (1) shall be paid into the Fund.

(3) The payment to a person from the Fund of an amount equal to the proceeds of the sale of any property under subsection (1) operates as a discharge of any obligation to deliver up that property to that person and such a payment in discharge of any such obligation imposed by an order of the court prescribed in relation to the property under section 168 is hereby authorised.

Disposal of property seized or delivered up.

168. (1) Subject to this section, where—

(a) a person is convicted of an offence against this Act, the regulations or the by-laws;

(b) property relating to the offence, or in the possession of the offender at the time of the commission of the offence, has been seized under section 164 or delivered up under section 165; and

(c)

(c) any person applies to the court prescribed in relation to the property for an order that the property be delivered to a specified person,

that court may, whether or not it is the court making the conviction, make such an order.

(2) Subject to this section, where—

(a) property has been seized under section 164 or delivered up under section 165; and

(b) an information for an offence (being an offence on or after a conviction for which an order could be made under subsection (1) in respect of the property) has not been laid within six months after the seizure or delivering up of the property,

the court prescribed in relation to the property may, on the application of any person, order that the property be delivered to a specified person.

(3) An application for an order under subsection (1) may be made at the time of the conviction referred to in that subsection if the court making the conviction is the court prescribed in relation to the property to which the application relates.

(4) An application for an order under subsection (1) or (2) may not be made—

(a) in the case of an application for an order under subsection (1)—later than one month after the conviction referred to in that subsection; or

(b) in the case of an application for an order under subsection (2)—later than three months after the expiration of the period of six months referred to in that subsection.

(5)

(5) Where property has been seized under section 164 or delivered up under section 165 and—

(a) no application for an order under subsection (1) or (2) has been duly made; or

(b) such an application has been duly made and such an order has been refused,

the property the subject of the application and, where the property has been sold under section 167, the proceeds of the sale, shall be deemed to have been forfeited.

(6) For the purposes of this section—

(a) the value of any property sold under section 167 is an amount equal to the amount of the net proceeds of sale; and

(b) the court prescribed in relation to any property is—

(i) where the value of the property does not exceed $500—the court of petty sessions for the district in which the property was seized;

(ii) where the value of the property exceeds $500 but does not exceed $10,000—the District Court of New South Wales; and

(iii) where the value of the property exceeds $10,000—the Supreme Court of New South Wales.

Impersonating, assaulting, resisting or obstructing an officer, etc.

169. (1) A person shall not impersonate the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger.

(2) A person shall not—

(a) assault, threaten, resist, delay, obstruct or use abusive language to; or

(b)

(b) incite or encourage any other person to assault, threaten, resist, delay, obstruct or use abusive language to,

the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger, in the exercise of any of his powers, authorities, duties or functions under this Act, the regulations or the by-laws.

Corruption.

170. A person shall not, without lawful authority, offer, make or give to an officer of the Service, an ex-officio ranger or an honorary ranger any payment, gratuity or present in consideration that the officer or ranger will do or omit to do any act or thing pertaining to his powers, authorities, duties or functions as such an officer or ranger.

Penalty : $200 or imprisonment for six months or both.

Authority of officers of Service to take or kill, etc.

171. (1) The Director may authorise an officer of the Service, an ex-officio ranger or an honorary ranger—

(a) to take or kill—

(i) any animals of a class or description specified by the Director, being animals within a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve; or

(ii) any animals of a class or description specified by the Director, being protected fauna outside a park, site, reserve, area, district or refuge referred to in subparagraph (i), other than fauna that are not the property of the Crown;

(b)

(b) to fell, cut, destroy, injure, remove or set fire to any tree, timber or vegetation of a class or description specified by the Director, within a nature reserve; or

(c) to pick or have in his possession any native plant of a class or description specified by the Director, within a nature reserve.

(2) An officer of the Service, an ex-officio ranger or an honorary ranger shall not be convicted of an offence against this Act if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed, under the authority of the Director under subsection (1).

(3) For the purposes of this Act, the Director shall be deemed to be authorised under subsection (1) with respect to all animals, and all trees, timber, vegetation and native plants, to which that subsection relates or may relate.

(4) Except in so far as the Director otherwise directs, his authorisation of a person under subsection (1) with respect to any animals also authorises that person to do, in connection with the taking and killing of any such animal, any act referred to in section 45 (1) or 56 (1).

(5) Subsection (1) (a) (i) does not apply with respect to an animal that is not the property of the Crown unless the animal apparently has no owner and is not under control or unless an officer of the Service believes on reasonable grounds that the animal is endangering, or likely to endanger, any other animals or any persons or property within the park, site, reserve, area, district or refuge referred to in subsection (1) (a) (i).

(6) Nothing in this section affects the provisions of section 155 (2) (bb).

Member of police force.

172. A member of the police force shall not be convicted of an offence against this Act in respect of an act done in pursuance of or as part of his duties as such a member.

Removal of trespassers.

173. (1) Where, but for this section, section 255 of the Crown Lands Consolidation Act, 1913, would not apply to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, that section, subject to subsection (2), applies to and in respect of those lands in the same way as it applies to and in respect of Crown lands within the meaning of that Act.

(2) In the application of section 255 of the Crown Lands Consolidation Act, 1913, whether by virtue of subsection (1) or otherwise, to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, a reference in that section to any person duly authorised by the Minister includes a reference to the Director or any person duly authorised by the Director.

Service of notices.

174. Any notice given under or for the purposes of this Act, the regulations or the by-laws may, unless otherwise specially provided, be given in any one of the following ways :—

(a) personally to the person to whom the notice is addressed; or

(b) by letter sent through the post by mail and directed to the last known place of abode or business in New South Wales of the person to whom the notice is addressed.

General offence and penalties.

175. (1) A person who—

(a) does that which by this Act (Parts II, III and V excepted) he is forbidden to do; or

(b) fails or neglects to do that which by this Act (Parts II, III and V excepted) he is required or directed to do,

is guilty of an offence against this Act.

(2) A person guilty of an offence against this Act, whether pursuant to subsection (1) or otherwise, is, where no other penalty is prescribed, liable to a penalty not exceeding—

(a) in the case of the first offence for which he is liable to a penalty under this section—$200;

(b) in the case of a second offence for which he is liable to a penalty under this section—$500; and

(c) in the case of a third or subsequent offence for which he is liable to a penalty under this section—$1,000.

Recovery of penalties.

176. (1) Any penalty imposed by this Act, the regulations or the by-laws may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

(3) Where any person is convicted of an offence against this Act, the regulations or the by-laws and the magistrate or justices before whom he was convicted makes or make an order under section 81 of the Justices Act, 1902, for the payment by the defendant of costs, those costs shall be paid into the Fund.

Compensation.

177. (1) Where any person is convicted of an offence against this Act, the regulations or the by-laws whereby the Minister or Director incurs any charge, cost or expense or which results in or causes loss or damage to—

(a) any national park, historic site, nature reserve or Aboriginal area or to any structure or improvements thereon; or

(b)

(b) any lands vested in, surrendered to or leased to Her Majesty for the purposes of this Act or occupied under licence for the purposes of this Act, or acquired by the Minister under section 147, or to any structure or improvements thereon,

the magistrate or justices before whom he was convicted may order payment of such sum as he or they think fit by way of compensation for that charge, cost, expense, loss or damage.

(2) Any order under subsection (1) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

Recovery of charges, etc.

178. (1) Any charge, fee or money due to the Director under the provisions of this Act, the regulations or the by-laws may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

(2) The amount of any royalty due and payable under this Act or the regulations and unpaid may be recovered as a debt due to the Director from the person liable to pay that amount in a court of competent jurisdiction.

Authority to take proceedings.

179. (1) Any legal proceedings for an offence against this Act or to recover any charge, fee or money due under the provisions of this Act, the regulations or the by-laws may only be taken by a member of the police force or by a person duly authorised by the Director in that behalf, either generally or in any particular case.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of the authority without proof of the Director's signature.

Continuance of authority.

180. Any person duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised that person has ceased to hold office as Director, but any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

Evidentiary provisions, etc.

181. (1) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that any lands in question form part of a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve shall be sufficient without proof of the matter so alleged unless the defendant proves to the contrary.

(2) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that a standard, sign, symbol, notice or device was erected, displayed or marked with the authority of the Director, or that a standard, sign, symbol, notice or device was erected, displayed, marked, interfered with, altered or removed without the authority of the Director, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

(3) In any proceedings for an offence against this Act, the regulations or the by-laws, a certificate purporting to be signed by the officer for the time being in charge of the records kept under the law for the time being in force in any part of the Commonwealth relating to the ownership of motor vehicles and naming the owner of a motor vehicle as shown on those records shall be prima facie evidence of the name of the owner of the motor vehicle.

(4) In any prosecution under this Act, any allegation in any information that any person is unlicensed or acting without permission or authority need not be proved,

and that person shall be deemed to be unlicensed or acting without permission or authority, as the case may be, until the contrary is proved by the production of a licence, permit or authority or otherwise.

182. (1) In this section— Morton National Park.

"Board" means The Metropolitan Water Sewerage and Drainage Board;

"Park" means Morton National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Board may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board;

(c) where the site has been so determined, the Governor may, notwithstanding section 37, by notification published in the Gazette—

(i) revoke the reservation of the Park as to so much of the lands reserved as are within that site; and

(ii) declare those lands to be vested in the Board,

and thereupon those lands shall vest in the Board; and

(d) the Minister may, from to time, grant to the Board such easements and licences over lands within the Park for pipelines, power lines and other purposes

as

as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

(3) Anything done under or for the purposes of section 21 (2) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Macquarie Pass National Park.

183. (1) In this section—

"Commission" means The Water Conservation and Irrigation Commission;

"Park" means Macquarie Pass National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Commission may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission; and

(c) the Minister may, from time to time, upon such terms as he thinks fit grant to the Commission such easements and licences over lands within the Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and ancillary works.

(3) Anything done under or for the purposes of section 21 (3) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Bouddi National Park.

184. (1) The Governor may, by proclamation published in the Gazette, declare that this section applies to such of the lands comprised in Bouddi National Park as are described in the proclamation.

(2) Upon the publication of the proclamation under subsection (1), the lands described in the proclamation shall cease to be part of Bouddi National Park and shall be deemed to have been reserved as a national park.

(3) Without affecting the generality of section 36, a reference in that section to a proclamation includes a reference to the proclamation under subsection (1).

Catchment areas.

185. (1) In this section, "the Acts" means the Metropolitan Water, Sewerage, and Drainage Act, 1924, and the Hunter District Water, Sewerage and Drainage Act, 1938.

(2) Nothing in this Act affects the operation of any of the provisions of either of the Acts in relation to lands within a national park, historic site or nature reserve, in so far as those provisions relate to catchment areas.

(3) Without affecting the generality of subsection (2), nothing in this Act—

(a) affects, or affects the operation of, any proclamation or by-law under either of the Acts relating to a catchment area and in force at the time of the reservation or dedication of any lands as, or as part of, a national park, historic site or nature reserve, being lands to which the proclamation or by-law relates; or

(b) affects the power of the Governor to make any proclamation or by-law under either of the Acts in relation to any lands within a national park, historic site or nature reserve.

(4) Notwithstanding anything in this Act, a lease, licence, easement or right of way shall not be granted under this Act in respect of any lands within a catchment area within the meaning of—

(a) the Metropolitan Water, Sewerage, and Drainage Act, 1924, except with the concurrence of The

Metropolitan

Metropolitan Water Sewerage and Drainage Board; or

(b) the Hunter District Water, Sewerage and Drainage Act, 1938, except with the concurrence of The Hunter District Water Board.

SCHEDULE 1.

Sec. 4 (1).

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1927, No. 2..	Wild Flowers and Native Plants Protection Act, 1927.	The whole Act.
1931, No. 35..	Wild Flowers and Native Plants Protection (Amendment) Act, 1931.	The whole Act.
1945, No. 8..	Wild Flowers and Native Plants Protection (Amendment) Act, 1945.	The whole Act.
1948, No. 47..	Fauna Protection Act, 1948. ..	The whole Act.
1959, No. 7..	Wild Flowers and Native Plants Protection (Amendment) Act, 1959.	The whole Act.
1964, No. 50..	Fauna Protection (Amendment) Act, 1964.	The whole Act.
1967, No. 35..	National Parks and Wildlife Act, 1967.	The whole Act.
1969, No. 78..	National Parks and Wildlife (Amendment) Act, 1969.	The whole Act.
1971, No. 36..	National Parks and Wildlife (Amendment) Act, 1971.	The whole Act.
1972, No. 20..	National Parks and Wildlife (Amendment) Act, 1972.	The whole Act.
1972, No. 61..	Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act, 1972.	Section 12.
1973, No. 9..	District Court Act, 1973.	So much of Schedule 2 as amends Act No. 35, 1967.
1973, No. 11..	Justices (Amendment) Act, 1973...	Section 9.

SCHEDULE

SCHEDULE 2.

Sec. 4 (2).

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 95..	Public Roads Act 1902.	Section 8 (4) (b) (ii)— Omit "1967", insert instead "1974".
1912, No. 42..	Liquor Act, 1912.	Section 168 (2) (c)— (a) Omit "state park"; (b) Omit "1967", insert instead "1974".
1919, No. 41..	Local Government Act, 1919.	Section 289A— (a) Omit "and" where secondly occurring from paragraph (b1) of the definition of "authorised person" in subsection (1); (b) After paragraph (b1) of that definition insert the following paragraph:— (b2) an officer of the National Parks and Wildlife Service appointed by the Director to be an authorised person for the purposes of this Division; and (c) After that definition insert the following definition:— "Director" means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1974; (d) Omit "state park, historic site or aboriginal area within the meaning of the National Parks and Wildlife Act, 1967, and a nature reserve within the meaning of the Fauna Protection Act, 1948" from the definition of "public place" in subsection (1), insert instead "historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974"; (e) Omit "or (b1)" in subsection (3) (a), insert instead ", (b1) or (b2)".

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41..	Local Government Act, 1919—*continued*	Section 289B (2)— (a) Omit from paragraph (b) "provided by, or with the approval of, the council", insert instead the following words:— "provided— (i) except as provided in sub-paragraph (ii)—by, or with the approval of, the council; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974, by the Director or the trustees thereof (if any) or by, or with the approval of, the council and with the consent of the Director or those trustees"; (b) Omit from paragraph (c) "published by the council notifying that it will remove the litter and", insert instead the following words:— "published— (i) except as provided in sub-paragraph (ii)—by the council notifying that it will remove the litter; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974—under the authority of the Director or the trustees (if any) thereof or by the council with the consent of the Director or those trustees, and".
1924, No. 24..	Main Roads Act, 1924.	Section 3 (2) (i)— (a) Omit "state park" wherever occurring; (b) Omit "1967" wherever occurring, insert instead "1974".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1935, No. 40..	Wool, Hide and Skin Dealers Act, 1935.	Section 2 (1)— Omit "a protected animal within the meaning of the Birds and Animals Protection Act, 1918–1930, or any Act amending that Act" from the definition of "Hide" or "skin", insert instead "protected fauna within the meaning of the National Parks and Wildlife Act, 1974".
1938, No. 10..	Soil Conservation Act, 1938.	Section 21A— Omit paragraph (c) of the definition of "protected land", insert instead the following paragraph:— (c) any national park, historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974.
1949, No. 31..	Bush Fires Act, 1949.	Sections 10 (7), 13 (6), 14 (3), 22 (2), 22 (3c) and 51 (1c)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 15 (5)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 51 (1c)— Omit "that Service", insert instead "the Director of National Parks and Wildlife".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1955, No. 28..	Petroleum Act, 1955.	Section 46 (2)— Omit "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained." Section 46— Insert at the end of the section the following subsection:— (3) The Minister shall not grant his consent under this section in respect of lands within a national park, historic site or nature reserve under the National Parks and Wildlife Act, 1974, without the concurrence in writing of the Minister for Lands.
1960, No. 10..	The National Trust of Australia (New South Wales) Act, 1960.	Section 9 (4) (b)— Omit "1967", insert instead "1974".
1973, No. 42..	Mining Act, 1973.	Section 86 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974".
1973, No. 81..	Coal Mining Act, 1973.	Sections 25 (4) and 69 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974". Fourth Schedule— Omit so much of the Schedule as amends Act No. 47, 1948, and Act No. 35, 1967.

SCHEDULE 3. Sec. 4 (3).

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. In this Schedule— Interpretation.

"repealed enactments" means the enactments repealed by this Act;

"state park" means a state park within the meaning of the Act of 1967.

2. (1) The person holding office as Director of National Parks and Wildlife under the Act of 1967 immediately before the commencement day shall be deemed to have been appointed Director under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. The Director.

(2) All acts, matters and things done or omitted by, or done or suffered in relation to, the Director of National Parks and Wildlife appointed under the Act of 1967 before the commencement day shall, on and from that day, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Director appointed under this Act.

(3) Without affecting the generality of Schedule 4, clauses 10 and 11 of that Schedule apply to and in respect of the person holding office as Director immediately before the commencement day as if this Act had been in force at the time when he was appointed Director under the Act of 1967.

3. The members of a local committee constituted for any lands under the Act of 1967 and holding office immediately before the commencement day shall be deemed to be members of a local committee constituted for those lands under this Act as if this Act had been in force at the time of the constitution of the committee. Local committees.

4. A person holding office as a member of the Aboriginal Relics Advisory Committee under section 33A of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Relics Committee under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967. Relics Committee.

5. A person holding office as an appointed member of the National Parks Advisory Committee of Architects under section 40 of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Architects Committee under Architects Committee.

this

this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967.

Delegations.

6. (1) Any delegation in force under section 7 of the Act of 1967 shall be deemed to be a delegation under section 21.

(2) Section 7 of the Act of 1967 continues to apply to and in respect of any act or thing done by a delegate under that section before the commencement day.

Reserved, dedicated and declared lands.

7. (1) Lands comprised within a national park or state park under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a national park under this Act.

(2) Lands comprised within a historic site under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a historic site under this Act.

(3) Lands comprised within a nature reserve under the Fauna Protection Act, 1948, immediately before the commencement day shall be deemed to be dedicated as a nature reserve under this Act.

(4) A proclamation under section 20 of the Act of 1967 in force immediately before the commencement day in relation to a national park, state park or historic site under that Act shall be deemed to be a proclamation under section 33.

(5) To the extent that section 20 (5) and (6) of the Act of 1967 would, had this Act not been enacted, apply or continue to apply to or in respect of a proclamation published under section 20 of that Act before the commencement day, section 35 applies to or in respect of that proclamation.

(6) An order under section 33B of the Act of 1967 in force immediately before the commencement day in relation to an aboriginal area under that Act shall be deemed to be a proclamation in force under section 62.

(7) An order under section 33I of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be an order in force under section 65.

(8) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a wildlife refuge under that Act shall be deemed to be a proclamation in force under section 68.

(9) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a game reserve under that Act shall be deemed to be a proclamation in force under section 69.

(10) A direction under section 33J of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be a direction in force under section 66.

References to state parks.

8. (1) A reference, in any other Act, or in any regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature, to—

(a) a state park shall be read as a reference to a national park under this Act; or

(b) a particular state park under the Act of 1967 shall be read as a reference to the national park deemed to be reserved under clause 7 (1) and comprising the lands within that state park.

(2) Without affecting the generality of subclause (1), a reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read as a reference to the Kosciusko National Park deemed to be reserved under this Act, and a reference to the Kosciusko State Park Trust shall be read as a reference to the Director.

Plans of management.

9. (1) A plan of management under the Act of 1967 shall be deemed to be a plan of management under this Act.

(2) A working plan under the Fauna Protection Act, 1948, shall be deemed to be a plan of management under this Act.

Mining.

10. (1) A notice under section 24 (2) (a) of the Act of 1967 shall be deemed to be a notice under section 41, and anything done or commenced to be done under section 24 (2) (a) of the Act of 1967 shall be deemed to have been done or commenced under section 41.

(2) A reference in subclause (1) to section 41 includes a reference to that section as applied by any other provision of this Act.

Certain existing interests.

11. (1) In this clause, "prescribed interest" means an authority, authorisation, permit, lease, licence or occupancy to which section 22 of the Act of 1967 applied immediately before the commencement day.

(2) Section 39 applies to and in respect of a prescribed interest granted with respect to lands comprised in a national park, state park or historic site under the Act of 1967 as if this Act had been in force when that national park, state park or historic site was reserved under that Act.

Licences, etc.

12. (1) A licence, registration certificate, franchise, permit, permission, concurrence, consent, authorisation or authority, issued or given under any of the repealed enactments, shall be deemed to be issued or given under this Act.

(2) Notwithstanding subsection (1), a permit granted under section 33 of the Fauna Protection Act, 1948, shall be deemed to be a licence issued under section 127.

Open seasons.

13. A notice of an open season under section 18 of the Fauna Protection Act, 1948, in force immediately before the commencement day shall be deemed to be an order in force under section 95.

Property.

14. (1) Any property acquired by the Minister under the Act of 1967 shall be deemed to have been acquired by him under this Act.

(2) Lands acquired under section 19A of the Act of 1967 shall be deemed to have been acquired under section 145.

(3) Lands acquired under section 19B of the Act of 1967 shall be deemed to have been acquired under section 146 (1).

(4) A lease or licence granted under the Act of 1967 and in force immediately before the commencement day shall be deemed to have been granted under this Act.

(5) A franchise in force under section 32 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 152.

(6) An easement or right of way in force under section 31 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 153.

Community service contribution.

15. (1) Any community service contribution under section 37 of the Act of 1967 due and payable immediately before the commencement day shall be deemed to be due and payable under section 140.

(2) Section 140 applies to and in respect of any community service provided or maintained under section 37 of the Act of 1967 before the commencement day and in respect of which a notice of the amount of contribution had not been served under that section before that day.

Forfeiture and seizure.

16. The provisions of any of the repealed enactments continue to apply to and in respect of any forfeiture or seizure under those provisions before the commencement day, and so apply as if this Act had not been enacted.

17. Any regulations in force under any of the repealed enactments immediately before the commencement day shall be deemed to be regulations made under this Act, but any such regulations shall, to the extent to which they would be by-laws if made under this Act, be deemed to be by-laws made under this Act. Regulations and by-laws.

18. The amendments made by sections 52, 53, 54 and 56 of the Act of 1967 continue to have the same force and effect as if those sections had not been repealed by this Act. Certain amendments made by Act of 1967.

19. Where, by virtue of section 37 of the Interpretation Act, 1897, any act or thing is to be done under this Act before the commencement day, and the act or thing is to be done by or in relation to the Director appointed under this Act, the act or thing may be done by or in relation to the Director of National Parks and Wildlife appointed under the Act of 1967, or a person duly acting in his place, and when so done, shall have the same effect as if done by the Director under this Act. Exercise of powers before commencement day.

SCHEDULE 4.

Sec. 7 (2).

THE DIRECTOR.

1. In this Schedule, "statutory body" means any body declared under clause 2 to be a statutory body for the purposes of this Schedule. Interpretation.

2. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of the definition of "statutory body" in clause 1. Declaration of statutory bodies.

3. The Director shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is, if otherwise qualified, eligible for reappointment from time to time for such further period or periods as the Governor may appoint. Term of office.

4. The salary of the Director shall be as fixed by the Governor from time to time. Salary.

5. The Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to that Act during his term of office. Application of Public Service Act, 1902.

6. A person who is of or above the age of sixty-five years is not eligible for appointment as Director. Ineligibility by reason of age.

7. The Director shall cease to hold office on the day on which he attains the age of sixty-five years. Director attaining 65 years of age.

Removal from office.

8. The Governor may for any cause which to him seems sufficient remove the Director from office.

Vacation of office.

9. The Director shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

Preservation of certain rights of Director if previously public servant, etc.

10. (1) In this clause, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where the Director was, immediately before his appointment as Director—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

(c) an officer employed by any statutory body; or

(d) a person in respect of whom provision was made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Director; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Director, and—

(h) his service as Director shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Government of New South Wales shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.

(3)

(3) Where the Director would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his appointment as Director or at any later time while he holds office as Director) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Government of New South Wales in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to the Director upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) The Director shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Director entitled to re-appointment in former employment in certain cases.

11. (1) In this clause, "retiring age" means—

(a) in relation to a person who was, immediately before his appointment as Director, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as Director, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Director), as the case may be, of that statutory body are entitled to retire.

(2) Where a person ceases to be Director, otherwise than pursuant to clause 9 (paragraph (b) excepted), he shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Director, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that statutory body,

not lower in classification and salary than that which he held immediately before his appointment as Director.

SCHEDULE

SCHEDULE 5.

Sec. 31.

NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

Column 1. Name of national park or historic site.	Column 2. Corporate name of trustees.
Brisbane Water National Park ..	Trustees of Brisbane Water National Park.
Dorrigo National Park	Trustees of Dorrigo National Park.
Gibraltar Range National Park ..	Trustees of Gibraltar Range National Park.
Mount Kaputar National Park ..	Trustees of Mount Kaputar National Park.
New England National Park ..	Trustees of New England National Park.
Warrumbungle National Park ..	Trustees of Warrumbungle National Park.
Captain Cook's Landing Place Historic Site.	Trustees of Captain Cook's Landing Place Historic Site.
Vaucluse House Historic Site ..	Trustees of Vaucluse House Historic Site.

SCHEDULE 6.

Sec. 13 (2).

TRUSTEES.

Term of office.

1. (1) A trustee holding office on the commencement day shall, subject to this Act, hold office for a period of five years, and is eligible for further appointment as a trustee.

(2) A trustee appointed after the commencement day shall, subject to this Act, hold office for such period not exceeding five years as may be specified in the notification of his appointment, and is eligible for further appointment as a trustee.

Ineligibility by reason of age.

2. A person who is of or above the age of seventy years is not eligible for appointment as a trustee.

Trustee attaining 70 years of age.

3. A trustee shall cease to hold office on the day on which he attains the age of seventy years.

Removal from office.

4. The Governor may for any cause which to him seems sufficient remove from office any trustee.

5. A trustee shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

6. The Minister may, from time to time, by notification published in the Gazette, fill any vacancy that occurs in the office of trustee and may, by a like notification, appoint additional trustees. New trustees.

7. (1) A majority of the trustees of a national park or historic site shall form a quorum at any meeting of the trustees and any duly convened meeting at which a quorum is present shall be competent to transact any business of the trustees. Quorum.

(2) Questions arising at a meeting of the trustees of a national park or historic site shall be determined by a majority of votes of the trustees present and voting.

8. The procedure for the calling of meetings of the trustees of a national park or historic site and for the conduct of business at those meetings shall, subject to this Schedule and any by-laws made in relation thereto applicable to the national park or historic site, be as determined by the trustees. Procedure.

9. The trustees shall cause to be forwarded to the Minister during the month of July in each year financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case may require. Report.

SCHEDULE 7.

Sec. 22 (2).

THE COUNCIL.

1. (1) The Council shall consist of— Composition.

(a) the Director; and

(b) twelve other members (in this Schedule referred to as "appointed members") appointed by the Minister.

(2) In making appointments under this Schedule, the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or interests, to undertake wildlife conservation.

(3) Of the appointed members—

(a) three shall be persons each of whom is a trustee of, or a member of a local committee for, a national park;

(b) one shall be a person who is a trustee of, or a member of the local committee for, a historic site;

(c) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;

(d) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;

(e) one shall be a person experienced in the science of botany nominated by the Minister;

(f) one shall be a person who is a member of the National Parks Association of New South Wales;

(g) one shall be a person nominated in the manner prescribed by one or more of the universities functioning within New South Wales;

(h) one shall be an officer of the Australian Museum nominated by the Minister administering the Australian Museum Act, 1902;

(i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949, as amended, of the Parliament of the Commonwealth; and

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

Term of office.

2. An appointed member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Ineligibility by reason of age.

3. A person who is of or above the age of seventy years is not eligible for appointment as an appointed member.

Appointed member attaining 70 years of age.

4. An appointed member shall cease to hold office on the day on which he attains the age of seventy years.

5.

Removal from office.

5. The Governor may for any cause which to him seems sufficient remove from office any appointed member.

Vacation of office.

6. An appointed member shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed, except in the case of a member appointed pursuant to clause 1 (3) (a) or (b) who ceases to hold that qualification by reason of the care, control and management of the national park or historic site having become vested in the Director; or

(e) is removed from office by the Governor.

Filling casual vacancy.

7. On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (3) in the same manner as that predecessor.

Alternate members.

8. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (3) in the same manner as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Council, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

Chairman.

9. (1) The Director shall be the chairman of the Council.

(2) The chairman shall preside at all meetings of the Council at which he is present.

Absence of chairman.

10. In the absence of the chairman at any meeting, the members present at the meeting may elect one of their number to preside as chairman.

Chairman's vote.

11. The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

Quorum.

12. (1) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council.

(2) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

Procedure.

13. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Council.

Fees.

14. A member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE 8.

Sec. 24 (2).

LOCAL COMMITTEES.

Initial composition.

1. The local committee first constituted for each national park or historic site after the date upon which the care, control and management thereof have been vested in the Director shall be the persons who, immediately before that date, were the trustees or the members of the body corporate which was trustee thereof, or where there were no trustees or was no trustee, such persons as the Minister may appoint.

Removal from office.

2. The Governor may for any cause which to him seems sufficient remove from office any member of a local committee.

Vacation of office.

3. A member of a local committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient. a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

4. After the first constitution of a local committee, the members of the local committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy. Subsequent composition.

5. The members of a local committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such period not exceeding five years as may be specified in the respective instruments of appointment, and are eligible for further appointment under this Schedule. Term of office.

6. A person who is of or above the age of seventy years is not eligible for appointment under this section as a member. Ineligibility by reason of age.

7. A member of a local committee shall cease to hold office on the day on which he attains the age of seventy years. Member attaining 70 years of age.

8. (1) A majority of the members of a local committee shall form a quorum at any meeting of the committee and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the committee. Quorum.

(2) Questions arising at a meeting of a local committee shall be determined by a majority of votes of the members present and voting.

9. The procedure for the calling of meetings of a local committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the local committee. Procedure.

10. A member of a local committee shall be entitled to receive such travelling and other expenses (if any) as the Minister may determine in respect of him. Expenses.

SCHEDULE 9. Sec. 27 (2).

The Relics Committee.

1. (1) The Relics Committee shall consist of eight members appointed by the Minister. Composition.

(2) Of the members of the Relics Committee—

(a) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;

(b) one shall be an archaeologist or anthropologist on the staff of the Australian Museum;

(c)

(c) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;

(d) one shall be a person nominated by The National Trust of Australia (New South Wales);

(e) one shall be an officer of the Department of Mines; and

(f) one shall be an officer of the Service.

Term of office.

2. A member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Removal from office.

3. The Minister may for any cause which to him seems sufficient remove from office any member of the Relics Committee.

Vacation of office.

4. A member of the Relics Committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

Filling casual vacancy.

5. On the occurrence of a vacancy in the office of a member of the Relics Committee, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (2) in the same manner (if any) as that predecessor.

Alternate members.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Relics Committee, a person qualified under clause 1 (2) in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Relics Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

7. (1) Five members shall form a quorum at any meeting of the Relics Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee. Quorum.

(2) Questions arising at a meeting of the Relics Committee shall be determined by a majority of votes of the members present and voting.

8. The procedure for the calling of meetings of the Relics Committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Relics Committee. Procedure.

9. A member of the Relics Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him. Fees.

SCHEDULE 10. Sec. 29 (2).

THE ARCHITECTS COMMITTEE.

1. (1) The Architects Committee shall consist of seven members. Composition.

(2) One of the members shall be the person who for the time being holds the office of Government Architect.

(3) The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting of the Architects Committee which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(4) The other six members (in this Schedule referred to as "appointed members") shall be appointed by the Minister and shall be architects registered under the Architects Act, 1921, of whom—

(a) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

(b) one other shall be qualified as a landscape architect.

2. An appointed member shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member. Term of office.

3. The Minister may for any cause which to him seems sufficient remove from office any appointed member. Removal from office.

4. An appointed member shall be deemed to have vacated his office if he— **Vacation of office.**

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

5. On the occurrence of a vacancy in the office of an appointed member, otherwise that by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (4) in the same manner (if any) as that predecessor. **Filling of casual vacancy.**

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (4) in the same manner (if any) as the person for whom he is the alternate member. **Alternate members.**

(2) An alternate member shall have and may exercise, while acting as a member of the Architects Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

7. (1) Four members shall form a quorum at any meeting of the Architects Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee. **Quorum.**

(2) Questions arising at a meeting of the Architects Committee shall be determined by a majority of votes of the members present and voting.

8. The procedure for the calling of meetings of the Architects Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Architects Committee. **Procedure.**

9. A member of the Architects Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him. **Fees.**

SCHEDULE

SCHEDULE 11.

Secs. 5 (1), 93.

UNPROTECTED FAUNA.

MAMMALS

Carnivora other than Pinnipedia	Bears, lions, dogs, etc.
Insectivora	Moles, hedgehogs.
Artiodactyla, other than *Cervus timorensis* (Javan Rusa deer) ..	Cloven hoofed animals.
Perissodactyla	Horses, donkeys, etc.
Primates	Apes, monkeys.
Subungulates	Elephants.
Pteropus policephalus and *Pteropus scapulatus*	Fruit bat or flying fox.
Lepus europaeus	Hare.
Oryctolagus cuniculus	Rabbit.
Sciurus palmarum	Indian Palm Squirrel.

BIRDS

Carduelis carduelis	Goldfinch.
Chloris chloris	Greenfinch.
Passer domesticus	Sparrow.
Zosterops lateralis	Eastern Silvereye.
Phalacrocorax carbo	Black Cormorant or Shag.
Phalacrocorax varius	Pied Cormorant.
Phalacrocorax sulcirostris ..	Little Black Cormorant.
Phalacrocorax melanoleucus ..	Little Pied Cormorant.
Corvus cecilae	Crow.
Corvus coronoides	Raven.
Strepera graculina	Pied Currawong.
Cacatua galerita	Sulphur-crested or White Cockatoo.
Cacatua roseicapilla	Rose-breasted Cockatoo or Galah.
Platycercus elegans	Crimson Rosella.
Platycercus eximius	Eastern Rosella.
Sturnis vulgaris	Common Starling.
Pycnonotus jocosus	Red-whiskered Bul Bul.
Turdus merula	Blackbird.
Passer montanus	Tree Sparrow.
Acridotheres tristis	Indian Myna.
Streptopelia chinensis	Indian Turtle Dove.
Corvus bennetti	Little Crow.
Lonchura punctulata	Spice (nutmeg) Finch.
Lonchura ferruginosa	Black-headed Mannikin.
Anas platyrhynchos	Mallard Duck.

SCHEDULE 12.

Secs. 5 (1), 94.

ENDANGERED FAUNA.

MAMMALS

Onychogalea fraenata	Bridled Nail-tailed Wallaby.
Petrogale xanthopus	Yellow-footed Rock-Wallaby.
Burramys parvus	Mountain Pygmy Possum.
Planigale tenuirostris	Southern Planigale.
Antechinus maculatus	Pigmy Marsupial Mouse.
Antechinus laniger	Eastern Jerboa Marsupial.
Planigale gilesi	Giles Planigale.
Dasyurus viverrinus	Eastern Native Cat.

REPTILES

Hoplocephalus bungaroides ..	Broad-headed Snake.

BIRDS

Pterodroma leucoptera	Gould Petrel.
Xenorhynchus asiaticus	Jabiru.
Stictonetta naevosa	Freckled Duck.
Aviceda subcristata	Crested Hawk.
Falco hypoleucos	Grey Falcon.
Haematopus ostralegus	Pied Oystercatcher.
Charadrius cucullatus	Hooded Dotterel.
Sterna albifrons sinensis	Little Tern.
Leipoa ocellata	Mallee Fowl.
Pedionomus torquatus	Plain Wanderer.
Grus rubicunda	Brolga.
Eupodotis australis	Australian Bustard.
Megaloprepia magnifica	Wompoo Pigeon.
Geophaps scripta	Squatter Pigeon.
Cacatua tenuirostris	Long-billed Corella.
Opopsitta diopthalma coxeni ..	Fig Parrot.
Psephotus pulcherrimus	Paradise Parrot.
Pezoporus wallicus	Ground Parrot.
Tyto longimembris	Grass Owl.
Podargus plumiferus	Plumed Frogmouth.
Menura alberti	Albert Lyrebird.
Atrichornis rufescens	Rufous Scrub-Bird.
Dasyornis brachypterus	Eastern Bristle-Bird.
Amytornis barbatus	Grey Grasswren.
Amytornis striatus	Striated Grasswren.
Pachycephala rufogularis	Red-lored Whistler.
Manorina melanotis	Black-eared Miner.
Strepera versicolor melanoptera ..	Black-winged Currawong.

SCHEDULE 13.

Secs. 5 (1), 115.

PROTECTED NATIVE PLANTS.

SEED PLANTS

Actinotus helianthi	Flannel Flower.
Archontophoenix cunninghamiana	Bangalow Palm.
Blandfordia, all native species ..	Christmas Bells.
Boronia, all native species ..	Boronia.
Bulbophyllum, all native species ..	Orchid.
Calanthe triplicata	Orchid.
Casuarina cunninghamiana ..	River Oak.
Caustis, all native species ..	Curly Sedge.
Ceratopetalum gummiferum ..	Christmas Bush.
Clianthus formosus	Sturt's Desert Pea.
Crowea, all native species ..	Crowea.
Cymbidium, all native species ..	Orchid.
Dendrobium, all native species ..	Orchid.
Dipodium, all native species ..	Orchid.
Doryanthes, all native species ..	Giant Lily.
Eriostemon, all native species ..	Wax Plant.
Galeola, all native species ..	Orchid.
Geodorum pictum	Orchid.
Grevillea aspleniifolia	Fern-leaved Grevillea.
Grevillea caleyi	Caley's Grevillea.
Grevillea longifolia	Fern-leaved Grevillea.
Liparis, all native species ..	Orchid.
Livistona australis	Cabbage Tree Palm.
Lomatia silaifolia	Crinkle Bush.
Microstrobos fitzgeraldii ..	.....
Oberonia, all native species ..	Orchid.
Pandanus, all native species ..	Pandanus.
Papillilabium beckleri	Orchid.
Parasarcochilus, all native species	.....
Peristeranthus hillii	Orchid.
Persoonia pinifolia	Pine-leaved Geebung.
Phaius tancarvilliae	Orchid.
Phreatia, all native species ..	Orchid.
Restio tetraphyllus	Restio.
Rhinerrhiza divitiflora	Orchid.
Sarcochilus, all native species ..	Orchid.

SCHEDULE 13—*continued.*

SEED PLANTS—*continued*	
Schistotylus purpuratus	Orchid.
Sprengelia incarnata	Sprengelia.
Taeniophyllum, all native species	Orchid.
Telopea, all native species ..	Waratah.
Xylomelum, all native species ..	Woody Pear.

All native species of epiphytic and lithophytic orchids not included elsewhere in this Schedule.

FERNS AND FERN ALLIES	
Adiantum, all native species ..	Maiden Hair Fern.
Asplenium nidus	Bird's Nest Fern.
Asplenium falcatum	.....
Cyathea, all native species ..	Tree Fern.
Davallia pyxidata	Hare's Foot Fern.
Dicksonia, all native species ..	Tree Fern.
Lycopodium deuterodensum ..	Mountain Moss.
Platycerium, all native species ..	Elk Horn and Stag Horn.
Tmesipteris, all native species ..	.....
Todea barbara	Tree Fern.
MOSSES	
Sphagnum, all native species ..	Sphagnum Moss.

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PROOF

NATIONAL PARKS AND WILDLIFE BILL, 1974

EXPLANATORY NOTE

THE object of this Bill is to consolidate and amend the provisions of the National Parks and Wildlife Act, 1967, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

The Bill—

(a) makes certain administrative arrangements, and in particular—

(i) provides for a National Parks and Wildlife Service, constituted by the Director of National Parks and Wildlife, officers and employees of the Public Service engaged in the administration of the proposed Act and persons whose services are, by arrangement, made use of therein;

(ii) continues in office the persons holding office as trustees of certain national parks and historic sites immediately before the commencement of the proposed Act;

(iii) provides for the constitution of local committees for parks and sites for which there are no trustees; and

(iv) constitutes a National Parks and Wildlife Advisory Council, an Aboriginal Relics Advisory Committee and a National Parks Advisory Committee of Architects;

(b) provides for—

(i) the reservation of national parks and historic sites;

(ii) the dedication of nature reserves and Aboriginal areas; and

(iii) the declaration of wilderness areas, protected archaeological areas, wildlife districts, wildlife refuges and game reserves,

and makes provision for their preservation, protection, care, control and management;

(c) provides that the reservation of a national park or historic site or the dedication of a nature reserve may only be revoked by an Act of Parliament, and limits the manner in which those areas may be dealt with;

(d) in the case of a national park, historic site or Aboriginal area, provides that mining interests are subject to review by Parliament;

(e) in the case of a nature reserve—

(i) provides that mining interests may only be granted with the concurrence of the Director; and

(ii) protects plant life therein;

(f) protects animal life in national parks and other areas under the proposed Act;

(g) requires plans of management to be prepared for certain national parks, historic sites and nature reserves, and empowers them to be prepared for certain other areas;

(h) provides for the protection and preservation of Aboriginal relics;

(i) empowers the Minister to declare certain places of special significance with respect to Aboriginal culture to be Aboriginal places and provides for the protection of those places;

(j) prohibits operations which would damage an Aboriginal relic or Aboriginal place without the concurrence of the Director, subject to an appeal to the Minister;

(k) makes provision for the protection of protected fauna, which are fauna of a species not specified in Schedule 11 to the proposed Act;

(l) declares protected fauna of a species specified in Schedule 12 to the proposed Act to be endangered fauna;

(m) enables protected fauna to be declared to be locally unprotected in any part of New South Wales specified in the declaration;

(n) creates certain offences in relation to fauna (including the skin or any other part of fauna), including offences with respect to—

(i) taking or killing protected fauna;

(ii) buying, selling or possessing protected fauna;

(iii) taking or killing fauna for sale;

(iv) carrying on business as a fauna dealer or skin dealer; and

(v) importing into New South Wales or exporting therefrom protected fauna,

except under the authority of a licence or registration certificate or in other authorised circumstances;

(o) provides that it is not an offence to kill a snake unless it is proved that there were no reasonable grounds for believing that the snake was endangering a person or property;

(p) makes provision for the protection of protected native plants, which are the plants (including the flower or any other part thereof) specified in Schedule 13 to the proposed Act;

(q) creates offences with respect to the picking, possessing or selling of native plants;

(r) authorises the issue of licences, permits and registration certificates in respect of—

(i) fauna (including game licences, trappers' licences, fauna dealers' licences, skin dealers' licences, import or export licences and aviary registration certificates); and

(ii) native plants (being licences to pick for scientific or commercial purposes and licences to grow for sale);

(s) continues in existence the National Parks and Wildlife Fund;

(t) makes provision for—

(i) the payment of amounts to pastures protection boards in the Western Division of New South Wales by way of recompense for rates lost in respect of lands within national parks and other areas;

(ii) the levying of community service contributions in respect of certain services provided by the Director; and

(iii) the payment of royalty in respect of fauna;

(u) enables the acquisition of land and other property, for the purposes of the proposed Act, by the Crown or the Minister, who is, for this purpose, constituted a corporation sole;

(v) provides for the issue of leases and licences and the grant of other interests in respect of lands within national parks and other areas;

(w) authorises the making of by-laws for national parks and other areas and the making of regulations in respect of other matters;

(x) authorises Schedules 11, 12 and 13 (referred to in paragraphs (k), (l) and (p) above) to be amended by order published in the Gazette;

(y) enacts savings and transitional provisions, and in particular provides that state parks reserved under the National Parks and Wildlife Act, 1967, shall be deemed to be national parks; and

(z) makes other provisions of a minor, consequential or ancillary nature.

PROOF

No. , 1974.

A BILL

To consolidate and amend the law relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal relics; to repeal the Wild Flowers and Native Plants Protection Act, 1927, the Fauna Protection Act, 1948, the National Parks and Wildlife Act, 1967, and certain other enactments; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

[MR LEWIS—27 *August*, 1974.]

BE

51369 49—A

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the "National Parks and Wildlife Act, 1974".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Division of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—ADMINISTRATION—*ss.* 6–21.

DIVISION 1.—*National Parks and Wildlife Service*—*ss.* 6–12.

DIVISION 2.—*Trustees of certain areas*—*ss.* 13–15.

DIVISION 3.—*Ex-officio and honorary rangers*—*ss.* 16–20.

DIVISION 4.—*Delegation*—*s.* 21.

PART

PART III.—COUNCIL AND COMMITTEES—*ss.* 22–30.

DIVISION 1.—*National Parks and Wildlife Advisory Council—ss.* 22, 23.

DIVISION 2.—*Local committees—ss.* 24–26.

DIVISION 3.—*Aboriginal Relics Advisory Committee —ss.* 27, 28.

DIVISION 4.—*National Parks Advisory Committee of Architects—ss.* 29, 30.

PART IV.—RESERVED, DEDICATED AND DECLARED LANDS—*ss.* 31–71.

DIVISION 1.—*National parks and historic sites—ss.* 31–47.

DIVISION 2.—*Nature reserves—ss.* 48–58.

DIVISION 3.—*Wilderness areas—ss.* 59–61.

DIVISION 4.—*Aboriginal areas—ss.* 62–64.

DIVISION 5.—*Protected archaeological areas—ss.* 65, 66.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves—ss.* 67–71.

PART V.—PLANS OF MANAGEMENT—*ss.* 72–82.

PART VI.—RELICS AND ABORIGINAL PLACES—*ss.* 83–91.

PART VII.—FAUNA—*ss.* 92–112.

PART VIII.—NATIVE PLANTS—*ss.* 113–118.

PART IX.—LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS—*ss.* 119–136.

DIVISION 1.—*Preliminary—s.* 119.

DIVISION 2.—*Fauna—ss.* 120–130.

DIVISION 3.—*Native plants—ss.* 131, 132.

DIVISION 4.—*General—ss.* 133–136.

PART

PART X.—FINANCE—*ss.* 137–144.

PART XI.—ACQUISITION AND DISPOSAL OF PROPERTY —*ss.* 145–150.

PART XII.—LEASES, LICENCES, EASEMENTS, ETC.—*ss.* 151–153.

PART XIII.—REGULATIONS AND BY-LAWS—*ss.* 154–156.

PART XIV.—MISCELLANEOUS—*ss.* 157–185.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

SCHEDULE 4.—THE DIRECTOR.

SCHEDULE 5.—NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

SCHEDULE 6.—TRUSTEES.

SCHEDULE 7.—THE COUNCIL.

SCHEDULE 8.—LOCAL COMMITTEES.

SCHEDULE 9.—THE RELICS COMMITTEE.

SCHEDULE 10.—THE ARCHITECTS COMMITTEE.

SCHEDULE 11.—UNPROTECTED FAUNA.

SCHEDULE 12.—ENDANGERED FAUNA.

SCHEDULE 13.—PROTECTED NATIVE PLANTS.

Repeals, amendments, savings, transitional and other provisions.

4. (1) Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

(2)

(2) Each Act specified in Column 1 of Schedule 2 is amended in the manner specified opposite that Act in Column 2 of Schedule 2.

(3) Schedule 3 has effect.

5. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

"Aboriginal area" means lands dedicated as an Aboriginal area under this Act;

"Aboriginal place" means any place declared to be an Aboriginal place under section 84;

"Act of 1967" means the National Parks and Wildlife Act, 1967;

"animal" means any animal, whether vertebrate or invertebrate, and at whatever stage of development, but does not include fish within the meaning of the Fisheries and Oyster Farms Act, 1935, other than aquatic or amphibious mammals or aquatic or amphibious reptiles;

"Architects Committee" means the National Parks Advisory Committee of Architects constituted under this Act;

"bird" means any bird, whether native, introduced or imported, and includes the eggs and the young thereof and the skin, feathers or any other part thereof, but does not include any domestic bird;

"by-laws" means by-laws under this Act;

"commencement day" means the day appointed and notified under section 2 (2);

"community service" includes the supply, provision or maintenance of access roads, parking areas or mooring areas, an electricity, gas or water service and a sewerage or garbage disposal service;

"Council"

"Council" means the National Parks and Wildlife Advisory Council constituted under this Act;

"Crown lands" means—

(a) Crown lands within the meaning of the Crown Lands Consolidation Act, 1913; and

(b) those parts of the seabed and of the waters beneath which it is submerged that are within the territorial jurisdiction of New South Wales and not within the Eastern Division described in the Second Schedule to the Crown Lands Consolidation Act, 1913;

"Director" means the Director of National Parks and Wildlife appointed under this Act;

"endangered fauna" means protected fauna of a species named in Schedule 12;

"ex-officio ranger" means a person who, by the operation of section 16, is a ranger by virtue of his office;

"explosive" means an explosive within the meaning of the Explosives Act, 1905;

"fauna" means any mammal, bird or reptile;

"fauna dealer" means a person who exercises or carries on the business of dealing in fauna, whether by buying or selling or by buying and selling, and whether on his own behalf or on behalf of any other person, and whether or not he deals in other things, and whether or not he exercises or carries on any other business;

"flora reserve" means a flora reserve within the meaning of the Forestry Act, 1916;

"Forestry Commission" means the Forestry Commission of New South Wales constituted under the Forestry Act, 1916;

"Fund" means the National Parks and Wildlife Fund referred to in section 137;

"game

"game reserve" means lands declared to be a game reserve under this Act;

"historic site" means lands reserved as a historic site under this Act;

"honorary ranger" means a person appointed as an honorary ranger under this Act;

"lands of the Crown" means lands vested in a Minister of the Crown or in a public authority;

"mammal" means any mammal, whether native, introduced or imported, and includes an aquatic or amphibious mammal, the eggs and the young of a mammal, and the skin or any other part of a mammal, but does not include any introduced or imported domestic mammal or any rat or mouse not native to Australia;

"motor vehicle" means a motor car, motor carriage, motor cycle or other apparatus propelled on land, snow or ice wholly or partly by volatile spirit, steam, gas, oil or electricity;

"national park" means lands reserved as a national park under this Act;

"native plant" means any tree, shrub, fern, creeper, vine, palm or plant that is native to New South Wales, and includes the flower and any other part thereof;

"nature reserve" means lands dedicated as a nature reserve under this Act;

"officer of the Service" means a person referred to in section 6;

"owner"

"owner", in relation to lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to the lands for any estate of freehold in possession;

(b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, or any other Act relating to the alienation of lands of the Crown; or

(c) is entitled to receive, or is in receipt of, or if the lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"pastures protection board" means a pastures protection board within the meaning of the Pastures Protection Act, 1934;

"pick", in relation to a native plant, means gather, pluck, cut, pull up, destroy, take, dig up, remove or injure the plant or any part thereof;

"plan of management" means a plan of management under Part V;

"premises" includes building, store, shop, tent, hut or other structure, or place, whether built upon or not, or any part thereof;

"prescribed" means prescribed by this Act or the regulations;

"prohibited weapon" means—

(a) a gun, rifle, weapon or other article—

(i) from which a bullet, shot or other hurtful thing or material may be discharged, whether by an explosive or by any other means whatever; or

(ii)

(ii) that is designed to be used to discharge, whether by an explosive or by any other means whatever, a dart or other thing or material containing, coated or impregnated with a drug or other substance, for the purpose of tranquillising or immobilising an animal by means of the administration to the animal of the drug or other substance,

and any telescopic sight, silencer or other accessory attached to the gun, rifle, weapon or article;

(b) any other weapon prescribed for the purposes of this paragraph; and

(c) an article or device that, but for the absence of, or a defect in, some part thereof, or some obstruction therein, would be a gun, rifle, weapon or article referred to in paragraph (a) or a weapon prescribed for the purposes of paragraph (b);

"protected archaeological area" means lands declared to be a protected archaeological area under this Act;

"protected fauna" means fauna of a species not named in Schedule 11;

"protected native plant" means a native plant of a species named in Schedule 13;

"regulations" means regulations under this Act;

"relic" means any deposit, object or material evidence (not being a handicraft made for sale) relating to indigenous and non-European habitation of the

area

area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction;

"Relics Committee" means the Aboriginal Relics Advisory Committee constituted under this Act;

"reptile" means a snake, lizard, crocodile, tortoise, turtle or other member of the class reptilia (whether native, introduced or imported), and includes the eggs and the young thereof and the skin or any other part thereof;

"sell" includes—

(a) auction, barter, exchange or supply;

(b) offer, expose, supply or receive for sale;

(c) send, forward or deliver for sale or on sale;

(d) dispose of under a hire-purchase agreement;

(e) cause, permit or suffer the doing of an act referred to in paragraph (a), (b), (c) or (d);

(f) offer or attempt to do an act so referred to;

(g) cause, permit or suffer to be sold;

(h) attempt to sell or offer to sell; or

(i) have in possession for sale;

"Service" means the National Parks and Wildlife Service constituted by this Act;

"skin",

"skin", in relation to fauna, means the whole or part of the integument of any fauna, whether dressed or tanned or otherwise processed, but does not include any manufactured article;

"skin dealer" means a person who exercises or carries on—

(a) the business of dealing in the skins of protected fauna, whether by buying or selling or by buying and selling, and whether or not he deals in other things; or

(b) the business of tanning the skins of protected fauna, whether or not he tans other skins,

or both, and whether on his own behalf or on behalf of any other person, and whether or not he exercises or carries on any other business;

"species" includes order, class or description;

"specified", in relation to a licence or other instrument under this Act, means specified in the licence or other instrument;

"State forest" means a State forest within the meaning of the Forestry Act, 1916;

"take or kill", in relation to any fauna, includes hunt, shoot, poison, net, snare, spear, pursue, capture, disturb, lure or injure;

"timber reserve" means a timber reserve within the meaning of the Forestry Act, 1916;

"vehicle" includes—

(a) a boat or other object that, while floating on water or submerged, whether wholly or partly, under water, is wholly or partly used for the conveyance of persons or things;

(b) an apparatus that, while propelled in the air by human or mechanical power or by the wind, is wholly or partly used for the conveyance of persons or things;

(c) a motor vehicle;

(d) an apparatus propelled upon land, snow or ice by human or animal power or by the wind; and

(e) a trailer or caravan, whether or not it is in the course of being towed;

"wilderness area" means lands declared to be a wilderness area under this Act;

"wildlife" means fauna and native plants;

"wildlife district" means lands declared to be a wildlife district under this Act;

"wildlife refuge" means lands declared to be a wildlife refuge under this Act.

(2) In this Act, a reference to the Minister administering the Crown Lands Consolidation Act, 1913, is—

(a) in relation to lands that are not within an irrigation area within the meaning of that Act—a reference to the Minister for Lands; or

(b) in relation to lands that are within such an irrigation area—a reference to the Minister for the time being administering the Irrigation Act, 1912.

(3) In this Act, a reference to a licence or certificate under Part IX is a reference to such a licence or certificate that is valid and in force.

(4) Without affecting the generality of any of the definitions in subsection (1), a reference in this Act to protected fauna includes fauna in New South Wales that is of a species not named in Schedule 11 and that has been imported, or is being imported, into New South Wales.

(5) In Schedule 5, a reference to a national park or historic site includes a reference to the lands for the time being comprised in the national park or historic site.

(6) Nothing in this Act shall be construed as operating to affect the law from time to time in force with respect to the navigation of the waters referred to in paragraph (b) of the definition of "Crown lands" in subsection (1).

PART II.

ADMINISTRATION.

DIVISION 1.—*National Parks and Wildlife Service.*

The Service.

6. There shall be a National Parks and Wildlife Service, which shall be constituted by—

(a) the Director;

(b) the officers and employees, referred to in section 10, for the time being engaged in the administration of this Act; and

(c) the persons in respect of whom any arrangements under section 11 are for the time being in force.

Director.

7. (1) The Governor may appoint a Director of National Parks and Wildlife.

(2) Schedule 4 has effect.

Miscellaneous powers and functions of Director.

8. (1) The Director shall consider and may investigate proposals for the addition of areas to any national park, historic site, nature reserve or Aboriginal area or for the reservation of any new national park or historic site or for the dedication of any new nature reserve or Aboriginal area.

(2)

(2) For the purpose of any such proposals as are referred to in subsection (1), the Director shall have regard to the following principles :—

(a) the areas to be reserved as national parks are areas containing unique or outstanding scenery or natural phenomena;

(b) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance or areas in which relics, or Aboriginal places, of special significance are situated;

(c) the areas to be dedicated as nature reserves are areas of special scientific interest containing wildlife or natural environments or natural phenomena; and

(d) the areas to be dedicated as Aboriginal areas are areas in which relics, or Aboriginal places, of significance are situated.

(3) The Director shall in the case of every nature reserve and Aboriginal area and any national park or historic site the care, control and management of which have been vested in him and may in the case of any other national park or historic site—

(a) promote such educational activities as he considers necessary in respect thereof;

(b) arrange for the carrying out of such works as he considers necessary for or in connection with the management and maintenance thereof; and

(c) undertake such scientific research as he considers necessary for or in connection with the preservation, protection, management and use thereof.

(4) The Director may promote such educational activities, and undertake such scientific research, in respect of relics and Aboriginal places as he thinks fit, either separately or in conjunction with other persons or bodies.

(5) As soon as practicable after a relic is discovered in a national park, historic site, nature reserve or Aboriginal area, the Director shall, after such consultation with The Trustees of the Australian Museum as he thinks necessary or expedient, assess the scientific importance of the relic.

(6) The Director may consider and investigate proposals in relation to existing or proposed Aboriginal places, wilderness areas, protected archaeological areas, wildlife districts, wildlife refuges and game reserves.

(7) The Director—

(a) may promote such educational activities as he considers necessary to awaken and maintain an appreciation of the value of animal and plant life;

(b) may enter into arrangements for the carrying out of such works as he considers necessary for or in connection with the protection and care of fauna and the protection of native plants;

(c) may undertake such scientific research as he considers necessary for or in connection with the preservation, protection and care of fauna and the protection of native plants and other flora, either separately or in conjunction with other persons or bodies; and

(d) shall co-operate with the trustees of any lands dedicated or reserved under the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts, in connection with—

(i) the preservation of, the protection and care of, and the promotion of the study of, fauna; and

(ii) the protection of, and the promotion of the study of, native plants and other flora,

and generally shall co-operate with any other persons or bodies in the establishment, care and development of areas of lands set apart for the conservation and preservation of wildlife.

(8)

(8) The Director may promote such educational activities as he considers necessary for the instruction and training of ex-officio rangers, honorary rangers and prospective honorary rangers.

(9) Without affecting the generality of any other provision of this Act conferring powers on the Director, he may make and enter into contracts with any person for the carrying out of works or the performance of services or the supply of goods or materials in connection with the exercise or performance by the Director or the Service of his or its responsibilities, powers, authorities, duties or functions conferred or imposed by or under this Act.

(10) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions under this Act, the regulations and the by-laws, be subject to the control and direction of the Minister.

Acting Director.

9. (1) The Minister may, by writing under his hand, appoint any officer referred to in section 6 (b) as Acting Director to act in the office of the Director while the Director is absent from his office through illness or any other cause or where the Director is deemed to have vacated his office, and the person so appointed, while so acting, shall have and may exercise or perform the powers, authorities, duties and functions of the Director vested in the Director by or under this or any other Act, and shall be subject to the control and direction of the Minister.

(2) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising the Acting Director to act in the office of the Director and all acts or things done or omitted by the Acting Director while so acting shall be as valid and effectual and shall have the same consequences as if they had been done or omitted by the Director.

Officers and employees.

10. The Governor may, under and subject to the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for the administration of this Act.

11.

Use of services of officers, etc., of Departments, etc.

11. (1) For the purposes of this Act, the Minister or the Director may, with the approval of the Minister administering the Department concerned, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(2) For the purposes of this Act, the Minister or the Director may, with the approval of the statutory corporation or council concerned, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of a statutory corporation or of the council of an area or county district under the Local Government Act, 1919.

(3) For the purposes of this Act, the Minister or the Director may, with the approval of the trustees of any national park or historic site named in Schedule 5, on such terms as may be arranged, make use of the services of any of the officers, employees or servants of those trustees.

Powers and functions of Service.

12. The Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks and historic sites, for the conservation and protection of nature reserves and wildlife, for the preservation and protection of, and prevention of damage to, relics and Aboriginal places in national parks, historic sites, nature reserves, Aboriginal areas and protected archaeological areas and for the exploration of lands with the object of discovering relics.

DIVISION 2.—*Trustees of certain areas.*

Trustees of national parks and historic sites named in Schedule 5.

13. (1) The persons who, immediately before the commencement day, held office as trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 shall, subject to this Act, hold office as trustees of the national park or historic site.

(2) Schedule 6 has effect.

Powers and functions of trustees.

14. The powers, authorities, duties and functions of the trustees of a national park or historic site shall be those conferred or imposed by or under this Act.

Corporate nature of trustees.

15. (1) Where the trustees of lands comprised in a national park or historic site named in Column 1 of Schedule 5 were constituted a body corporate under section 18 (2) of the Act of 1967, the body corporate continues in existence and its members are the trustees for the time being of the national park or historic site.

(2) The powers, authorities, duties and functions of the trustees of a national park or historic site shall be deemed to be conferred or imposed on the body corporate constituted in relation to those trustees.

(3) Section 38 (subsection (II) excepted) of the Interpretation Act, 1897, applies to and in respect of a body corporate referred to in subsection (1) in the same way as it would have applied had the body corporate been constituted by this Act, but section 38 (I) (d) of that Act does not so apply in relation to real property or leasehold interests.

(4) The corporate name of a body corporate constituted in relation to the trustees of a national park or historic site shall be the name specified in Column 2 of Schedule 5 opposite the name of the park or site.

(5) The Governor may, from time to time, by order published in the Gazette, amend Schedule 5 by omitting from Column 2 the corporate name of a body corporate opposite the name of a national park or historic site and by inserting instead a new corporate name for the body corporate.

(6) The common seal of a body corporate constituted in relation to the trustees of a national park or historic site shall, except in so far as the by-laws applicable to the national park or historic site otherwise provide, be kept by such trustee or officer of the trustees as the trustees from time to time determine.

(7) No matter or thing done, and no contract entered into, by the trustees of a national park or historic site in their corporate capacity, and no matter or thing done by a trustee or by any other person acting under the direction of the trustees in their corporate capacity, shall, if the matter or thing was done, or the contract was entered into, bona fide

for

for the purpose of executing this or any other Act in so far as it confers or imposes powers, authorities, duties or functions on the trustees, subject a trustee, or other person so acting, personally to any action, liability, claim or demand.

(8) Where a notification relating to a national park or historic site is published under section 32, the body corporate constituted in relation to the trustees of the park or site is dissolved on the date stated, under section 32 (3) (a), in the notification.

DIVISION 3.—*Ex-officio and honorary rangers.*

Ex-officio rangers.

16. (1) Unless removed from office under this Division, each member of the police force and each inspector within the meaning of the Fisheries and Oyster Farms Act, 1935, shall, by virtue of his office, be a ranger.

(2) Unless removed from office under this Division, each officer or employee of the Forestry Commission who belongs to a class or description prescribed for the purposes of this subsection shall, by virtue of his office, be a ranger.

Honorary rangers.

17. (1) The Director may, by instrument in writing, appoint honorary rangers.

(2) Where the term for which an honorary ranger is to hold office is specified in the instrument of his appointment, he shall, unless he is sooner removed from office under this Division, cease to hold office upon the expiration of that term.

(3) An honorary ranger shall, unless he is sooner removed from office under this Division, cease to hold office if he resigns his office by writing under his hand addressed to the Director.

Removal or suspension of ex-officio and honorary rangers.

18. (1) The Director may, by instrument in writing, remove or suspend from office any ex-officio ranger or honorary ranger.

(2) An ex-officio ranger or honorary ranger who is suspended from office under this section shall not exercise any of the powers, authorities, duties and functions of an ex-officio ranger or honorary ranger, as the case may be, during the period of his suspension.

(3) The Director may, by instrument in writing, reinstate any ex-officio ranger or honorary ranger suspended from office under this section.

19.

Powers and functions of ex-officio rangers.

19. (1) In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an ex-officio ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the regulations or the by-laws for the purposes of this subsection, but subject to such limitations and restrictions (if any) as are specified or described therein.

(2) Without affecting the generality of section 156 (2), a regulation or by-law made in relation to any matter referred to in subsection (1) may apply generally or to any ex-officio ranger or class of ex-officio rangers specified or described therein.

Powers and functions of honorary rangers.

20. In addition to any other powers, authorities, duties and functions conferred or imposed upon him by or under this or any other Act, an honorary ranger shall have and may exercise and perform such of the powers, authorities, duties and functions as are conferred or imposed by or under this Act on officers of the Service and as are specified or described in the instrument of his appointment, but subject to such limitations and restrictions (if any) as are specified or described therein.

DIVISION 4.—*Delegation.*

Delegation.

21. (1) Subject to this section—

(a) the Minister may, by instrument in writing, delegate to—

(i) the Director;

(ii) any other officer of the Service;

(iii) the holder of any office in the Service; and

(b) the Director, with the approval of the Minister, may, by instrument in writing, delegate to—

(i) any officer of the Service; or

(ii) the holder of any office in the Service,

any

any power (other than this power of delegation), authority, duty or function conferred or imposed on him by this Act, the regulations, the by-laws or any other instrument under this Act.

(2) The exercise of any such delegation shall be subject to such limitations and conditions as may be specified in the instrument of delegation.

(3) Any act or thing done or suffered by the delegate, when acting in the exercise of any such delegation and within the terms of the delegation, shall be as effective as if the act or thing had been done or suffered by the person making the delegation.

(4) Any delegation under this section shall remain in force notwithstanding that the person who made or approved of the delegation has ceased to hold office as Minister or Director, as the case may be.

(5) The person for the time being occupying the office of Minister or Director, as the case may be, may revoke either wholly or in part any such delegation of powers, authorities, duties or functions, whether made by him or by a predecessor in that office, but no act or thing done or suffered by the delegate within the terms of any such delegation during the period in which the delegation was in force shall be invalidated by reason of that revocation.

(6) Subject to any stipulation to the contrary contained in the instrument, any instrument of delegation made under this section shall, so far as concerns any act or thing done or suffered thereunder in good faith, operate and continue in force until notice of the revocation thereof has been received by the delegate.

(7) Every act or thing within the scope of the delegation done or suffered in good faith by the delegate after revocation of the delegation and before notice thereof has been received by him shall be as effectual in all respects as if that revocation had not been made.

(8) A statutory declaration by the delegate, stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered

suffered or at any time after, shall be taken to be conclusive proof of non-revocation at the time when that act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of revocation.

(9) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may require, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

PART III.

COUNCIL AND COMMITTEES.

DIVISION 1.—*National Parks and Wildlife Advisory Council.*

The Council.

22. (1) There shall be a National Parks and Wildlife Advisory Council.

(2) Schedule 7 has effect.

Functions and duties of Council.

23. (1) The Council shall—

(a) advise the Minister on matters relating to the care, control and management of national parks, historic sites and nature reserves, and to the preservation and protection of wildlife, and on such other matters as the Minister may refer to the Council; and

(b) have such other functions and duties as are conferred on it by or under this Act.

(2) Subject to section 8 (10), the Director shall furnish to the Council full information in relation to any matters arising out of the administration of this Act which the Council may require.

DIVISION

DIVISION 2.—*Local committees.*

Local committees.

24. (1) A local committee may be constituted for each national park and historic site under the care, control and management of the Director.

(2) Schedule 8 has effect.

Dissolution of local committee.

25. A local committee for a national park or historic site that becomes part of some other national park or historic site shall be deemed to have been dissolved, but a member thereof shall be eligible for appointment to any other local committee.

Functions of local committee.

26. A local committee may make recommendations to the Council or the Director or to the superintendent of the national park or historic site for which the local committee was constituted in respect of measures to improve the care, control and management of the national park or historic site.

DIVISION 3.—*Aboriginal Relics Advisory Committee.*

Relics Committee.

27. (1) There shall be an Aboriginal Relics Advisory Committee.

(2) Schedule 9 has effect.

Functions of Relics Committee.

28. The Relics Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the preservation, control of excavation, removal and custody of relics or Aboriginal places.

DIVISION 4.—*National Parks Advisory Committee of Architects.*

Architects Committee.

29. (1) There shall be a National Parks Advisory Committee of Architects.

(2) Schedule 10 has effect.

30.

30. The Architects Committee shall consider and furnish reports to and advise the Minister or the Director on any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, historic sites, nature reserves, Aboriginal areas, protected archaeological areas, wildlife refuges and game reserves which may be referred to the Architects Committee by the Minister or the Director. Functions of Architects Committee.

PART IV.

RESERVED, DEDICATED AND DECLARED LANDS.

DIVISION 1.—*National parks and historic sites.*

31. The care, control and management of such lands as are, on the commencement day, comprised within— Care, control and management of existing parks and sites.

(a) a national park or historic site (other than a national park or historic site named in Column 1 of Schedule 5)—are vested in the Director; and

(b) a national park or historic site named in Column 1 of Schedule 5—are, subject to this Act, vested in the trustees of the park or site.

32. (1) Where it is proposed to vest the care, control and management of a national park or historic site named in Column 1 of Schedule 5 in the Director, the Minister shall lay before each House of Parliament notice of the proposal. Vesting of care, etc., of areas in Schedule 5 in Director.

(2) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after the notice has been laid before it under subsection (1) (whether or not those sitting days occur during

the

the same session) that it does not assent to the vesting in the Director of the care, control and management of the national park or historic site, the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection (2) or if, where notice has been so given, the resolution has been withdrawn or defeated or has lapsed, the Minister may, by notification published in the Gazette—

(a) declare that, as from the date stated in the notification, the care, control and management of the national park or historic site specified in the notification shall be vested in the Director; and

(b) amend Schedule 5 by omitting the name of the national park or historic site in Column 1 and the matter in Column 2 opposite that name.

(4) Where any such notification has been published in the Gazette, the persons who, immediately before the date stated in the notification under subsection (3) (a), held office as trustees of the national park or historic site specified therein shall cease to hold office and the care, control and management of the national park or historic site shall thereafter be vested in the Director.

(5) An amendment made by a notification under subsection (3) shall take effect on and from the date stated therein under subsection (3) (a).

Reservation of parks or sites.

33. (1) In this section, "prescribed lands" means—

(a) Crown lands;

(b) lands of the Crown; or

(c) lands acquired under section 145, 147 or 148.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as a national park or historic site, any prescribed lands described in the proclamation.

(3)

(3) Subject to this Act, the Governor may, by proclamation published in the Gazette, reserve, as part of a national park or historic site specified in the proclamation, any prescribed lands described in the proclamation.

(4) Upon the publication of a proclamation under subsection (2) or (3)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest—

(i) where the lands are reserved as part of a national park or historic site named in Column 1 of Schedule 5—in the trustees of the national park or historic site; or

(ii) in any other case—in the Director,

for the purposes of this Act.

(5) Upon the publication of a proclamation under subsection (2)—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to all of the lands described in the proclamation and not to any other lands shall continue to apply to the lands so described and shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to—

(i) part only of the lands described in the proclamation; or

(ii) all of the lands so described and also to any other lands,

shall cease to apply to the lands so described.

(6) Upon the publication of a proclamation under subsection (3)—

(a) any by-laws or rules and regulations that, immediately before that publication, applied to the national park or historic site specified in the proclamation shall apply to the lands described in the proclamation; and

(b) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the lands described in the proclamation shall cease to apply to the lands so described.

(7) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws or rules and regulations that cease to apply to any lands by virtue of subsection (5) or (6) shall, in so far as they applied to those lands, be deemed to have been repealed.

(8) To the extent to which a dedication, reservation (other than a reservation under this Division), Crown grant or vesting affects lands described in a proclamation published under subsection (2) or (3), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

(9) In this section, a reference to by-laws does not include a reference to by-laws under the Metropolitan Water, Sewerage, and Drainage Act, 1924, or the Hunter District Water, Sewerage and Drainage Act, 1938.

Limitations on power to reserve under s. 33.

34. (1) Notwithstanding section 33, no lands that are Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) Notwithstanding section 33, no lands that are lands of the Crown shall be reserved under section 33 (2) or (3) without the concurrence in writing of the Minister or public authority in whom they were vested immediately before the reservation.

Tabling of proclamation of reservation, and disallowance.

35. (1) In this section, "prescribed time", in relation to a House of Parliament, means fourteen sitting days of that House, whether or not they occur during the same session.

(2) A copy of a proclamation published under section 33 (2) or (3) shall be laid before each House of Parliament within the prescribed time after publication thereof.

(3) Where a House of Parliament passes a resolution of which notice has been given within fifteen sitting days of that House after a copy of a proclamation has been laid before it under subsection (2) (whether or not those sitting days occur during the same session) and the resolution disallows the reservation effected by the proclamation—

(a) the reservation thereupon ceases to have effect; and

(b) the lands described in the proclamation cease to be, or to be part of, a national park or historic site.

(4) Notwithstanding section 31, where any lands cease to be, or to be part of, a national park or historic site by virtue of the disallowance of a reservation under this Division—

(a) any person holding office as trustee thereof immediately before the disallowance shall cease to be trustee thereof and shall cease to have the care, control and management thereof;

(b) where the Director had the care, control and management thereof immediately before the disallowance, he shall cease to have the care, control and management thereof;

(c) any by-laws applicable thereto immediately before the disallowance shall cease to apply to those lands;

(d) those lands may, except in the case of lands acquired under section 147 or 148, be dealt with as if they had been acquired under the Closer Settlement Acts or as Crown lands; and

(e) in the case of lands acquired under section 147 or 148, the lands shall vest in the Minister for the estate or interest held by him immediately before the reservation.

(5) For the purposes of section 43 of the Interpretation Act, 1897, any by-laws that cease to apply to any lands by virtue of subsection (4) shall, in so far as they applied to those lands, be deemed to have been repealed.

Name of park or site.

36. The Governor—

(a) by a proclamation published under section 33 (2) or (3) or by another proclamation published in the Gazette, may assign a name to a national park or historic site; and

(b) by proclamation published in the Gazette, may from time to time—

(i) alter the name of a national park or historic site; and

(ii) in the case of a national park or historic site named in Column 1 of Schedule 5—amend that Schedule by omitting from Column 1 the name of that park or site, as so appearing, and by inserting instead the name as altered in pursuance of subparagraph (i).

Revocation, resumption or appropriation of park or site.

37. (1) Notwithstanding anything in any Act—

(a) the reservation of lands as, or as part of, a national park or historic site shall not be revoked; or

(b) lands within a national park or historic site shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Limitation on use of name "national park".

38. The word "national" shall not be used either alone or in conjunction with other words as the name of a park within New South Wales unless the park is a national park under this Act.

Existing interests.

39. (1) In this section, "existing interest" means any authority, authorisation, permit, lease, licence or occupancy.

(2) Except as provided in this Act, the reservation of lands as, or as part of, a national park or historic site does not affect—

(a) the terms and conditions of any existing interest in respect of those lands from the Crown or the trustees, current and in force at the time of the reservation; or

(b) the use permitted of those lands under the interest.

(3) Subject to subsection (4), no such interest shall be renewed nor shall the term of any such interest be extended except with the approval of the Minister and subject to such conditions as the Minister determines.

(4) The provisions of subsection (3) do not apply to any authority, authorisation, lease or licence under the Mining Act, 1973, the Coal Mining Act, 1973, the Fisheries and Oyster Farms Act, 1935, or the Petroleum Act, 1955, or any permit or licence under the Petroleum (Submerged Lands) Act, 1967.

(5) Upon the termination, surrender, forfeiture or determination of any existing interest (otherwise than for the purpose of renewing it or extending its term) referred to in subsection (2), the lands the subject of the interest are, to the extent to which they would not, but for this subsection, be lands reserved as part of the national park or historic site within which they are situated, hereby so reserved.

Restrictions on disposal of or dealing with lands within parks or sites.

40. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a national park or historic site shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2)

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a national park or historic site, shall be granted except with the concurrence in writing of the Minister.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Minister determines.

Provisions relating to mining.

41. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a national park or historic site to the extent to which those Acts are in force at that time.

(3) A mining interest granted in respect of lands within a national park or historic site granted after the commencement day shall have no force or effect unless, before the interest was granted, notice of the application therefor was laid before both Houses of Parliament and—

(a) no notice was given in either House of Parliament within fifteen sitting days of that House after notice of the application was laid before it (whether or not those sitting days occurred during the same session) of a motion that the application be refused; or

(b) where notice of such a motion was so given, the motion pursuant thereto was withdrawn or defeated or lapsed.

(4) A renewal of, or extension of the term of, a mining interest in respect of lands within a national park or historic site (other than a mining interest current and in force at the time of the reservation of the park or site) shall not be granted under the Mining Act, 1973, the Coal Mining Act, 1973, or the Petroleum Act, 1955, without the concurrence in writing of the Minister.

(5) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of a mining interest specified in the certificate shall be conclusive evidence of compliance with those requirements.

(6) Except as provided in this section, nothing in this Act affects the right, title or interest of any person (other than a person who is or was trustee of the lands comprised in a national park or historic site) in respect of minerals in any such lands.

(7) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a national park or historic site.

42. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a national park or historic site. Application of Forestry Act, 1916.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a national park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Application of Soil Conservation Act, 1938.

43. The Soil Conservation Act, 1938, applies to and in respect of lands within a national park or historic site, but any experimental or research work conducted pursuant to section 6 of that Act upon those lands shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

Application of Fisheries and Oyster Farms Act, 1935.

44. (1) Subject to subsection (2), nothing in this Act affects the operation of the Fisheries and Oyster Farms Act, 1935, in relation to lands within a national park or historic site.

(2) A lease under the Fisheries and Oyster Farms Act, 1935, shall not, without the concurrence in writing of the Minister, be granted in respect of lands within a national park or historic site or in respect of any waters beneath which those lands are submerged.

Provisions respecting animals in parks and sites.

45. (1) A person shall not—

(a) take or kill any animal that is within a national park or historic site; or

(b) discharge a prohibited weapon in a national park or historic site.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person, being a lessee or occupier of any lands within a national park or historic site, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any animal that is within those lands, other than fauna.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

Transfer of rights, liabilities and property.

46. (1) Where upon the taking effect of a notification under section 32 or a proclamation under section 33 any persons cease to hold office as trustees of lands reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the following provisions have effect:—

(a) all property and all right and interest therein (in this section referred to as "the trust property") and all management and control of any thing which immediately before that notification or proclamation took effect was vested in or belonged to the trustees and was held or used by them for or in connection with the park or site shall vest in and belong to the Director;

(b) all money and liquidated and unliquidated claims that, immediately before that notification or proclamation took effect, were payable to or recoverable by the trustees or their predecessors in relation to the park or site or the trust property or any part thereof shall be money and liquidated and unliquidated claims payable to or recoverable by the Director;

(c)

(c) all proceedings pending immediately before that notification or proclamation took effect at the suit of the trustees in relation to the park or site or the trust property or any part thereof shall be deemed to be proceedings pending at the suit of the Director and all proceedings so pending at the suit of any person against the trustees shall be deemed to be proceedings pending at the suit of that person against the Director;

(d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the trustees or their predecessors in relation to the park or site or the trust property or any part thereof, and in force immediately before that notification or proclamation took effect, shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the Director;

(e) the Director may, in addition to pursuing any other remedies or exercising any other powers that may be available to him, pursue the same remedies for the recovery of money and claims referred to in this subsection and for the prosecution of proceedings so referred to as the trustees or their predecessors might have done had they continued to be trustees of the park or site after that notification or proclamation took effect;

(f) the Director may enforce and realise any security or charge existing immediately before that notification or proclamation took effect in favour of the trustees in connection with the care, control and management of the park or site, and may exercise any powers thereby conferred on the trustees as if the security or charge were a security or charge in favour of the Director;

(g) all debts, money and claims, liquidated and unliquidated, that, immediately before that notification or proclamation took effect, were due or payable by, or recoverable against, the trustees or their predecessors in connection with the care, control and management of the park or site or the trust property or any part thereof shall be debts due and money payable by, and claims recoverable against, the Director; and

(h) all liquidated and unliquidated claims in connection with the care, control and management of the park or site for which the trustees would, but for the notification or proclamation, have been liable shall be liquidated and unliquidated claims for which the Director shall be liable.

(2) Where part only of the lands vested in trustees is, by a proclamation under section 33, reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, the Director and the trustees shall, as soon as practicable after publication of that proclamation, arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the park or site and to the lands retained by the trustees may be determined, and if any difference arises between the Director and the trustees, the difference shall be determined in such manner as the Minister may direct.

(3) The provisions of subsections (1) and (2) apply also where, upon the publication of a proclamation under section 33, the care, control and management of lands are vested in the trustees of a national park or historic site named in Column 1 of Schedule 5 and so apply as if references in those provisions to the Director were references to those trustees.

Transfer of employees.

47. (1) Where any lands are reserved as, or as part of, a national park or historic site and the care, control and management of the park or site are vested in the Director, every person who, immediately before the vesting in the Director, was an employee, other than a casual employee, of the trustees of those lands, and was employed by them solely in connection with those lands, shall upon the vesting in the Director become and be an employee under the Public Service Act, 1902.

(2) The following provisions apply to a person referred to in subsection (1) :—

(a) that person shall, unless the Public Service Board approves of employment on some other basis, be employed under section 44 of the Public Service Act, 1902;

(b) notwithstanding anything in that Act, the Public Service Board's approval to employ that person otherwise than under section 44 of that Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided those conditions are not inconsistent with this section;

(c) the period of service with the trustees or their predecessors of that person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or extended leave, but, unless the Public Service Board otherwise approves, the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if that person had continued to be an employee of the trustees or their predecessors;

(d) that person shall be paid a salary or wages at a rate not less than the rate that was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until that salary or those wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

(e) where any condition of employment of that person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, that condition shall continue to be so regulated until a determination in relation to that condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating that condition is made by a competent tribunal or that condition is regulated by an industrial agreement;

(f) if that person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for that person upon the same terms and subject to the same conditions as it was paid by the trustees; and

(g) if that person, while employed in the Public Service, becomes a contributor to the State Superannuation Fund as so constituted, any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for that person shall cease, but that person may elect to continue the policy on his own account or to cancel the policy and receive any money refunded by the insurer.

DIVISION 2.—*Nature reserves.*

Care, control and management of existing nature reserves.

48. The care, control and management of such lands as are, on the commencement day, comprised in a nature reserve are vested in the Director.

Dedication of nature reserves.

49. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as a nature reserve—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(2) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as part of a nature reserve specified in the proclamation—

(a) any Crown lands; or

(b) lands acquired under section 145, 147 or 148,

described in the proclamation.

(3) Lands within a nature reserve shall be deemed to be dedicated for the purposes of—

(a) the care, propagation, preservation and conservation of wildlife;

(b) the care, preservation and conservation of natural environments and natural phenomena;

(c) the study of wildlife, natural environments and natural phenomena; and

(d) the promotion of the appreciation and enjoyment of wildlife, natural environments and natural phenomena.

(4)

(4) Upon the publication of a proclamation under subsection (1) or (2)—

(a) the lands described in the proclamation become Crown lands to the extent to which they were not Crown lands immediately before that publication;

(b) where a trustee of all or any part of the lands so described was holding office under any other Act immediately before that publication, the trustee shall cease to hold that office in respect of those lands or that part, as the case may be; and

(c) the care, control and management of the lands so described shall vest in the Director for the purposes of this Act.

(5) To the extent to which a dedication (other than a dedication under this Division), reservation, Crown grant or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication revokes the dedication, reservation, grant or vesting, and the deeds of grant (if any) shall be surrendered for cancellation.

Limitation on power to dedicate under section 49.

50. Notwithstanding section 49, no lands that are Crown lands with the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1) shall be dedicated under section 49 (1) or (2) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Name of nature reserve.

51. The Governor—

(a) by a proclamation published under section 49 (1) or (2) or by another proclamation published in the Gazette, may assign a name to a nature reserve; and

(b) by proclamation published in the Gazette, may, from time to time, alter the name of a nature reserve.

52.

Revocation, resumption or appropriation of nature reserve.

52. (1) Notwithstanding anything in any Act, but subject to section 8 of the Public Roads Act 1902—

(a) the dedication of lands as, or as part of, a nature reserve shall not be revoked; or

(b) lands within a nature reserve shall not be appropriated or resumed,

except by an Act of Parliament.

(2) Nothing in subsection (1) prevents the withdrawal of land from or the termination of any lease, licence or occupancy in accordance with the terms and conditions thereof.

Restrictions on disposal of or dealing with lands within nature reserves.

53. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a nature reserve shall be sold, leased or otherwise dealt with except as provided in this Act or in the Snowy Mountains Hydro-electric Agreements Act, 1958.

(2) No permit to graze over any part of a travelling stock reserve or camping reserve under the control of a pastures protection board, which reserve is situated within the external boundaries of a nature reserve, shall be granted except with the concurrence in writing of the Director.

(3) A permit referred to in subsection (2) may be granted subject to such conditions as the Director determines.

Provisions relating to mining.

54. (1) In this section, "mining interest" means—

(a) any authority (other than an exploration licence) under the Mining Act, 1973;

(b) any authorisation or any coal lease under the Coal Mining Act, 1973; or

(c) any lease under the Petroleum Act, 1955.

(2)

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, and the Petroleum Act, 1955, apply, at any time, to lands within a nature reserve to the extent to which those Acts are in force at that time.

(3) No mining interest shall be granted in respect of lands within a nature reserve except with the concurrence of the Director and subject to such conditions as he determines.

(4) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a nature reserve.

Application of Forestry Act, 1916.

55. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a nature reserve.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a nature reserve shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and that Act shall continue to apply to and in respect of those licences and permits until they respectively expire or are cancelled.

Provisions respecting animals in nature reserves.

56. (1) A person shall not—

(a) take or kill any animal that is within a nature reserve;

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any animal that is within a nature reserve;

(c) carry, discharge or have in his possession any prohibited weapon in a nature reserve;

(d) carry or have in his possession any explosive, net, trap or hunting device in a nature reserve; or

(e) be accompanied by a dog in a nature reserve.

(2) A person who commits an offence arising under subsection (1) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123; or

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the carrying or having in his possession of a net if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of an animal that is within those lands, other than fauna.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

57. (1) Subject to section 55 (2), a person shall not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a nature reserve. Restrictions as to timber, vegetation, plants, etc., in nature reserves.

(2) A person shall not have in his possession any native plant within a nature reserve.

(3) A person who commits an offence arising under subsection (1) or (2) is liable to the penalty prescribed by section 175 for an offence against this Act or to imprisonment for a term not exceeding six months or both.

(4) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX; or

(b) in pursuance of a duty imposed on him by or under any Act.

(5) A person, being a lessee or occupier of any lands within a nature reserve, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) or (2) in respect of the felling, cutting, destroying, injuring, picking, removing of, or setting fire to any tree, timber, plant, flower or vegetation, or the possession of a native plant, that is or was growing within those lands.

(6) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

58. The provisions of— Application of certain provisions to nature reserves.

(a) section 33 (5), (6), (7) and (9); By-laws, rules and regulations.

(b) section 35; Tabling of proclamation of dedication, and disallowance.

(c) section 39; Existing interests.

(d) sections 43 and 44; Application of Soil Conservation Act, 1938, and Fisheries and Oyster Farms Act, 1935.

(e) section 46 (1) and (2); and Transfer of rights, liabilities and property.

(f) section 47, Transfer of employees.

apply to and in respect of a nature reserve in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference in those provisions to—

(g) a proclamation under section 33 (2) or (3) were a reference to a proclamation under section 49 (1) or (2); and

(h)

(h) a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 3.—*Wilderness areas.*

Declaration of wilderness areas.

59. (1) Subject to section 60, the Director may, by notification published in the Gazette, declare any area of lands within a national park or nature reserve to be a wilderness area.

(2) The Director may, by notification published in the Gazette, revoke wholly or in part a declaration under this section.

Declaration of wilderness area to be in accordance with plan of management.

60. Where a plan of management is in force with respect to any lands within a national park or nature reserve, a declaration shall not be made under section 59 with respect to those lands except in accordance with the plan.

Effect of declaration of wilderness area.

61. (1) Where an area of lands is declared to be a wilderness area—

(a) the area shall be kept and maintained in a wilderness condition; and

(b) subject to subsection (2) but notwithstanding any other provisions of this Act, no structures shall be erected or constructed within the area.

(2) Notwithstanding subsection (1), the Director may—

(a) set apart any part of a wilderness area for the purpose of scientific research and authorise—

(i) scientific research to be carried out in that part; and

(ii) the erection of apparatus or of a structure in that part for the purpose of enabling that research to be carried out;

(b)

(b) authorise the erection of apparatus or of a structure in a wilderness area where, in his opinion, it is essential that the apparatus or structure be provided for the protection or preservation of the area or the national park or nature reserve in which the area is situated; and

(c) authorise the erection of a simple survival hut in a wilderness area where, in his opinion, it is essential that the hut be provided in the interests of safety.

(3) In—

(a) subsection (1), "structure" includes building, hut, ski tow or ski tow mooring; and

(b) subsection (2), "structure" includes building or hut, but does not include ski tow or ski tow mooring.

DIVISION 4.—*Aboriginal areas.*

Dedication of Aboriginal areas.

62. (1) The Governor may, with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by proclamation published in the Gazette, dedicate, as an Aboriginal area, any unoccupied Crown lands described in the proclamation.

(2) The Governor may, with the like concurrence, by proclamation published in the Gazette, dedicate, as a part of an Aboriginal area specified in the proclamation, any unoccupied Crown lands described in the proclamation.

(3) The Governor may, with the like concurrence, by a proclamation published in the Gazette, revoke wholly or in part a dedication under this section.

(4) Lands within an Aboriginal area shall be deemed to be dedicated for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein.

Care, control and management of Aboriginal areas.

63. The care, control and management of Aboriginal areas are vested in the Director.

64.

64. The provisions of— Application of certain provisions to Aboriginal areas.

(a) section 41; and Provisions relating to mining.

(b) section 42, Application of Forestry Act, 1916.

apply to and in respect of an Aboriginal area in the same way as they apply to and in respect of a national park or historic site, and so apply as if a reference to a reservation under Division 1 were a reference to a dedication under this Division.

DIVISION 5.—*Protected archaeological areas.*

65. (1) Subject to this section, the Minister may, by order published in the Gazette, declare any lands described in the order, being lands on which a relic or Aboriginal place is situated, to be a protected archaeological area. Declaration of protected archaeological areas.

(2) An order under subsection (1)—

(a) shall not be made in respect of unoccupied Crown lands;

(b) shall not be made—

(i) where the lands are Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier; or

(ii) where the lands are not Crown lands—without the consent of the owner and the occupier; and

(c) may be revoked at any time, and shall be revoked at the request of any person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area.

Control of protected archaeological area.

66. (1) Subject to this section, the Director may, in relation to lands declared to be a protected archaeological area, give directions prohibiting or regulating the entry on and use of the lands by specified persons or classes of persons or all persons other than specified persons or classes of persons.

(2) The Director—

(a) shall not exercise the powers conferred on him by subsection (1) without the consent of the person whose consent would, if the lands were, for the time being, not a protected archaeological area, be required for their declaration as such an area; and

(b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction.

(3) A person shall not enter, remain on or use, contrary to a direction given under this section, lands to which the direction relates.

DIVISION 6.—*Wildlife districts, wildlife refuges and game reserves.*

Wildlife districts.

67. (1) The Governor may, by proclamation published in the Gazette, declare—

(a) any lands described in the proclamation to be a wildlife district; or

(b) any lands described in the proclamation to be part of a wildlife district specified in the proclamation.

(2)

(2) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a wildlife district either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the district.

(3) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife districts specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(4) The Governor may, by proclamation published in the Gazette, vary, amend or revoke a proclamation under this section.

(5) A proclamation shall not be made under this section with respect to any lands within a State forest, timber reserve or flora reserve without the consent of the Forestry Commission.

Wildlife refuges.

68. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a wildlife refuge.

(2) Lands within a wildlife refuge shall be deemed to be dedicated for the purposes of—

(a) preserving, conserving, propagating and studying wildlife;

(b) conserving and studying natural environments; and

(c) creating simulated natural environments.

(3) A proclamation under subsection (1)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii)

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest—without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a wildlife refuge, be required for their declaration as such a refuge.

(4) A person who is a holder or occupier of Crown lands shall be deemed, for the purposes of this section, to have given his consent, referred to in subsection (3), if, within thirty days of his being given notice that his consent is sought, he does not inform the Minister or the Director that he gives or withholds his consent.

(5) A proclamation under this section may be made so as—

(a) to relate to one or more wildlife refuges specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (3) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

69. (1) Subject to this section, the Governor may, by proclamation published in the Gazette, declare any lands described in the proclamation to be a game reserve. Game reserves.

(2)

(2) Lands within a game reserve shall be deemed to be dedicated for the purposes of—

(a) propagating fauna for taking or killing as game;

(b) providing suitable land for the taking or killing of fauna as game;

(c) conserving and studying natural environments; and

(d) creating simulated natural environments.

(3) The Governor, by a proclamation under subsection (1) or by another proclamation published in the Gazette, may, for the purposes of section 122, specify the species of fauna that may be taken or killed within a game reserve either generally or within specified periods and may prescribe conditions or restrictions subject to which any such fauna may be taken or killed within the reserve.

(4) A proclamation under subsection (1) or (3)—

(a) shall not be made—

(i) where the lands are unoccupied Crown lands—without the consent of the Minister administering the Crown Lands Consolidation Act, 1913;

(ii) where the lands are occupied Crown lands —without the consent of that Minister, the holder and the occupier;

(iii) where the lands are not Crown lands and are not within a State forest—without the consent of the owner and the occupier; or

(iv) where the lands are within a State forest— without the consent of the Forestry Commission; and

(b) may be revoked at any time, and may be varied or amended with the consent of, and shall be revoked at the request of, any person whose consent would, if the lands were, for the time being, not a game reserve, be required for their declaration as such a reserve.

(5)

(5) A proclamation under this section may be made so as—

(a) to relate to one or more game reserves specified therein; and

(b) to apply differently according to such factors as may be specified therein.

(6) A revocation, variation or amendment referred to in subsection (4) (b) shall be effected by proclamation of the Governor published in the Gazette.

(7) Where the consent of the Forestry Commission is required under this section, the consent shall not be given without the approval of the Minister administering the Forestry Act, 1916.

Provisions respecting fauna in wildlife districts, wildlife refuges and game reserves.

70. (1) A person shall not—

(a) take or kill any fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any fauna,

being fauna within a wildlife district, wildlife refuge or game reserve.

(2) A person shall not—

(a) carry, discharge or have in his possession any prohibited weapon;

(b) carry or have in his possession any explosive, net, trap or hunting device; or

(c) be accompanied by a dog,

in a wildlife refuge or game reserve.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b) in pursuance of a duty imposed on him by or under any Act.

(4) A person shall not be convicted of an offence arising under subsection (2) in respect of the carrying or having in his possession of a net in a wildlife refuge or game reserve if he proves that the net was carried or in his possession for the purpose only of taking, or attempting to take, fish from any waters.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing of any fauna in a wildlife district, being fauna that is not native to Australia and that is either—

(a) not protected fauna; or

(b) locally unprotected fauna under section 96.

(6) A person, being an owner, lessee or occupier of any lands within a wildlife refuge or game reserve, or a person authorised by him in that behalf, shall not be convicted of—

(a) an offence arising under subsection (1) in respect of the taking or killing of any fauna within those lands, being fauna that is not native to Australia and that is either—

(i) not protected fauna; or

(ii) locally unprotected fauna under section 96; or

(b) an offence arising under subsection (2) in relation to those lands.

(7) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

Prohibition on picking or possessing native plants within wildlife refuges.

71. (1) A person shall not pick or have in his possession any native plant within a wildlife refuge.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed—

(a) under and in accordance with or by virtue of the authority conferred by a licence issued under Division 3 of Part IX or a licence issued under the Forestry Act, 1916; or

(b) in pursuance of a duty imposed on him by or under any Act.

(3) A person, being an owner, lessee or occupier of any lands within a wildlife refuge, or a person authorised by him in that behalf, shall not be convicted of an offence arising under subsection (1) in respect of the picking or the possession of a native plant that is or was growing within those lands.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

PART V.

Plans of Management.

Plans of management.

72. (1) The Director—

(a) shall cause a plan of management to be prepared for each national park and historic site in existence on the commencement day, as soon as practicable after that day, unless a plan of management was adopted with respect thereto under the Act of 1967;

(b) shall cause a plan of management to be prepared for each nature reserve in existence on the commencement day, as soon as practicable after that day, unless a scheme of operations was approved with respect thereto under the Fauna Protection Act, 1948;

(c) shall cause a plan of management to be prepared for each national park or historic site reserved, or nature reserve dedicated, after the commencement day, as soon as practicable after the reservation or dedication, as the case may require; and

(d) may from time to time cause a plan of management to be prepared for any Aboriginal area, wildlife refuge or game reserve.

(2) The plan of management for a national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve shall contain a written scheme of the operations which it is proposed to undertake therein or in relation thereto to carry out the purpose and objects of this Act.

(3) The plan of management for a national park, historic site or nature reserve may relate to lands acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(4) In the preparation of a plan of management referred to in this section, regard shall be had to the following objectives :—

(a) the conservation of wildlife;

(b) the preservation of each national park, nature reserve, wildlife refuge or game reserve and the protection of the special features of the park, reserve or refuge;

(c) the prohibition of the execution of any works adversely affecting the natural condition or special features of each national park or nature reserve;

(d) the preservation of each historic site and the preservation of any historic structure or object or any relic or Aboriginal place on each national park, historic site, nature reserve, Aboriginal area, wildlife refuge or game reserve;

(e) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park and historic site by the public;

(f) the regulation of the appropriate use of each nature reserve and Aboriginal area;

(g) the appropriate use of each national park, historic site or nature reserve by any lessee, licensee or occupant of land therein;

(h) the preservation of each national park, historic site or nature reserve as a catchment area;

(i) the protection of each national park, historic site, nature reserve or Aboriginal area against fire and erosion;

(j) the setting apart of the whole or part of a national park or nature reserve as a wilderness area; and

(k) the utilisation of land acquired or occupied, or proposed to be acquired or occupied, pursuant to section 145, 146 or 147.

(5) This section does not apply to or in respect of a wildlife refuge or game reserve that is comprised wholly or partly of lands within a State forest.

State forests.

73. (1) The Director may, from time to time, with the concurrence in writing of the Forestry Commission, cause a plan of management to be prepared for any State forest.

(2) The plan of management for a State forest shall contain a written scheme of operations which it is proposed to undertake in or in relation to that forest, consistent with the purpose and objects of this Act and the Forestry Act, 1916.

(3)

(3) This section applies to and in respect of a State forest that is comprised wholly or partly of lands within a wildlife refuge or game reserve or that is not comprised of any such lands.

Catchment areas.

74. Where any lands reserved as a national park or historic site or dedicated as a nature reserve or Aboriginal area are wholly or partly within a catchment area of The Metropolitan Water Sewerage and Drainage Board, The Hunter District Water Board or The Broken Hill Water Board, or where the waters from any lands so reserved or so dedicated drain into a catchment area or structure of any of those Boards—

(a) the Director shall, before submitting a plan of management for that national park, historic site, nature reserve or Aboriginal area to the Minister, refer it to the Board responsible for that catchment area or structure for its information; and

(b) the Minister shall before adopting that plan of management consider any representations made by the Board responsible for that catchment area or structure.

Adoption, etc., of plan of management for national park or historic site.

75. (1) Where a plan of management has been prepared for a national park or historic site, the Director shall give notice as prescribed that the plan of management has been prepared and shall, in that notice—

(a) specify the address of the place at which copies of the plan of management may be inspected; and

(b) specify the address to which representations in connection with the plan of management may be forwarded.

(2) Any person interested may, within one month or such longer period as may be specified in the notice, make representations to the Director in connection with the plan of management.

(3)

(3) The Director shall, upon the expiration of the period referred to in subsection (2), refer the plan of management, and any representations forwarded to him, to the Council for its consideration and advice.

(4) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(5) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(6) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(7) The Minister may—

(a) amend or alter a plan of management for a national park or historic site from time to time; or

(b) cancel the plan and substitute a new plan.

(8) Where the Minister proposes to amend or alter a plan of management for a national park or historic site or to cancel a plan of management for a national park or historic site and substitute a new plan of management, he shall instruct the Director to cause the amendment or alteration or the new plan of management to be prepared, and the Director shall proceed to do so as soon as practicable after being so instructed.

(9) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (6), inclusive, apply to and in respect of an amendment or alteration referred to in sub-section (8) in the same way as they apply to and in respect of a plan of management for a national park or historic site, as the case may require.

Adoption, etc., of plan of management for nature reserve.

76. (1) Where a plan of management has been prepared for a nature reserve, the Director shall refer the plan to the Council for its consideration and advice.

(2) The Director shall thereupon submit the plan of management to the Minister together with any comments or suggestions of the Council.

(3) The Minister shall, before adopting the plan of management, consider the comments and suggestions of the Council.

(4) The Minister may adopt the plan of management without alteration or with such alterations as he may think fit or may refer it back to the Director and the Council for further consideration.

(5) Where the Minister refers a plan of management for a nature reserve back to the Director and the Council for further consideration, the Director shall resubmit the plan to the Minister together with any further comments and suggestions of the Council.

(6) The Minister may—

(a) amend or alter a plan of management for a nature reserve from time to time; or

(b) cancel the plan and substitute a new plan.

(7) The provisions of sections 72 (2), (3) and (4) and 74 and subsections (1) to (5), inclusive, apply to and in respect of an amendment or alteration referred to in subsection (6) in the same way as they apply to and in respect of a plan of management for a nature reserve.

Adoption of plan of management for Aboriginal area.

77. (1) Where a plan of management has been prepared for an Aboriginal area, the Minister may, on the recommendation of the Director, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director—

(a) amend or alter a plan of management for an Aboriginal area from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of sections 72 (2) and (4) and 74 apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for an Aboriginal area.

Adoption, etc., of plan of management for wildlife refuge or game reserve.

78. (1) Where a plan of management for a wildlife refuge or game reserve has been prepared, the Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which the plan of management relates, adopt the plan of management.

(2) The Minister may, on the recommendation of the Director and with the consent of the owner or holder, and the occupier, of the lands to which a plan of management for a wildlife refuge or game reserve relates—

(a) amend or alter the plan from time to time;

(b) cancel the plan; or

(c) cancel the plan and substitute a new plan.

(3) The provisions of section 72 (2) and (4) apply to and in respect of an amendment or alteration referred to in subsection (2) in the same way as they apply to and in respect of a plan of management for a wildlife refuge or game reserve, as the case may require.

Adoption, etc., of plan of management for State forest.

79. (1) Where the Director has prepared a plan of management for a State forest, the Minister may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission, adopt the plan of management.

(2) The Minister—

(a) may, on the recommendation of the Director and with the concurrence in writing of the Forestry Commission—

(i) amend or alter a plan of management for a State forest from time to time;

(ii) cancel the plan; or

(iii) cancel the plan and substitute a new plan; or

(b) shall, at the request in writing of the Forestry Commission, cancel the plan.

Lands submerged by water.

80. (1) Where lands submerged by water are lands that are the subject of any part of a plan of management for a national park, historic site, nature reserve or Aboriginal area, the Director shall, before submitting to the Minister for adoption by him the plan of management, refer it to the Minister administering the Fisheries and Oyster Farms Act, 1935.

(2) A plan of management referred to in subsection (1)—

(a) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (a) of the definition of "Crown lands" in section 5 (1), until he has considered any representations made with respect to the plan of management by the Minister administering the Fisheries and Oyster Farms Act, 1935; and

(b) shall not be adopted, amended, altered or cancelled by the Minister in so far as it relates to Crown lands within the meaning of paragraph (b) of the definition of "Crown lands" in section 5 (1), without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Operations under plan of management.

81. (1) Where the Minister has adopted a plan of management for a national park or historic site, it shall, subject to subsection (5), be carried out and given effect to by the trustees of the park or site or by the Director where the care, control and management thereof have been vested in the Director.

(2) Where the Minister has adopted a plan of management for a nature reserve, Aboriginal area, wildlife refuge or game reserve, it shall, subject to subsection (5), be carried out and given effect to by the Director.

(3) Where the Minister has adopted a plan of management for a State forest, it shall be carried out and given effect to by the Director by arrangement with the Forestry Commission.

(4) Notwithstanding anything in any other Act, where the Minister has adopted a plan of management for a national park, historic site, nature reserve or Aboriginal area, no operations shall be undertaken on or in relation to the park, site, reserve or area unless the operations are in accordance with that plan of management.

(5) Where any lands to which a plan of management relates are—

(a) lands acquired or proposed to be acquired under section 145 or 147 for any purpose referred to in section 145—operations under the plan shall not be undertaken on or in relation to the lands until they have been reserved or dedicated as, or as part of, the park, site or reserve, as the case may require, to which the plan relates; or

(b) lands proposed to be acquired or occupied under section 146 or 147 for any purpose referred to in section 146—operations under the plan shall not be undertaken on or in relation to the lands until they have been so acquired or occupied.

Concurrence of Forestry Commission.

82. Where the concurrence of the Forestry Commission is required under this Part, the concurrence shall not be given without the approval of the Minister administering the Forestry Act, 1916.

PART VI.

RELICS AND ABORIGINAL PLACES.

Certain relics to be Crown property.

83. (1) Subject to this section—

(a) a relic that was, immediately before the commencement day, deemed to be the property of the Crown by virtue of section 33D of the Act of 1967; and

(b) a relic that is abandoned on or after that day by a person other than the Crown,

shall be, and shall be deemed always to have been, the property of the Crown.

(2) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(3) No compensation is payable in respect of the vesting of a relic by this section or section 33D of the Act of 1967.

Aboriginal places.

84. The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

Protection of certain relics and restoration of certain areas.

85. The Director shall be responsible—

(a) for the proper care, preservation and protection of any relic or Aboriginal place in a national park, historic site, nature reserve or Aboriginal area; and

(b) subject to section 87, for the proper restoration of a national park, historic site, nature reserve or Aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Offences relating to relics.

86. A person, other than the Director or a person authorised by him in that behalf, who—

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

(b) disturbs or moves on any land a relic that is the property of the Crown, other than a relic that is in the custody or under the control of The Trustees of the Australian Museum;

(c) takes possession of a relic that is in a national park, historic site, nature reserve or Aboriginal area;

(d) removes a relic from a national park, historic site, nature reserve or Aboriginal area; or

(e) erects or maintains, in a national park, historic site, nature reserve or Aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

except in accordance with the terms and conditions of an unrevoked permit issued to him under section 87, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, is guilty of an offence against this Act.

Permits relating to relics.

87. (1) Subject to section 88, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in section 86 (a), (b), (c), (d) or (e).

(2) Terms and conditions imposed by the Director under subsection (1) may include terms and conditions relating to the proper restoration of land disturbed or excavated.

(3)

(3) A failure to comply with a term or condition authorised by subsection (2) shall be deemed to be a contravention of section 86.

(4) The Director may, at any time—

(a) revoke a permit issued under this section; or

(b) vary the terms and conditions of such a permit.

The Trustees of the Australian Museum to have custody of certain relics.

88. (1) Nothing in section 87 shall be construed as authorising the Director to permit a relic to be removed from a national park, historic site, nature reserve or Aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum, except where—

(a) the relic remains in the custody or under the control of the Director; or

(b) the relic is being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area.

(2) A relic that is the property of the Crown, other than a relic—

(a) in a national park, historic site, nature reserve or Aboriginal area;

(b) being moved from a national park, historic site, nature reserve or Aboriginal area to any or any other national park, historic site, nature reserve or Aboriginal area;

(c) in the custody or under the control of the Director; or

(d) acquired by the Minister or the Director pursuant to section 89 or by the Minister pursuant to Part XI,

shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

(3)

(3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, historic site, nature reserve or Aboriginal area and, where a relic is so deposited or exhibited, section 86 does not apply to The Trustees of the Australian Museum in relation to that relic.

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

Preservation or exhibition of certain relics.

89. (1) Subject to this section, the Minister or the Director may, by agreement with a person having the ownership or possession of—

(a) a relic that is not the property of the Crown; or

(b) an Aboriginal place,

acquire the relic or take such other action as he thinks is practicable for the preservation or exhibition of the relic or Aboriginal place.

(2) A relic acquired under this section shall be the property of the Crown.

(3) A relic that is real property shall not be acquired under this section, but nothing in this section affects anything contained in Part XI.

(4) Any relic acquired by the Minister or the Director prior to the commencement day shall be deemed to have been acquired under this section.

Destruction, etc., of relics or Aboriginal places.

90. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic or Aboriginal place is guilty of an offence against this Act.

Penalty : $1,000 or imprisonment for six months or both, and, in addition, $100 for each day during which the offence continues.

(2)

(2) The Director may give his consent for the purposes of subsection (1) subject to such conditions and restrictions as are specified therein.

(3) A person whose application for consent is refused, or who is dissatisfied with any condition or restriction subject to which the consent is given, may appeal to the Minister.

(4) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(5) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(6) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(7) Where the Director fails to grant an application for his consent, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—seven days after the application was received by the Director; or

(b) where the regulations prescribe some other period —that other period.

Notification of sites of relics.

91. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof within a reasonable time after he first becomes aware of that location is guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

PART VII.

FAUNA.

Director's responsibilities as to fauna.

92. The Director shall be the authority for the protection and care of fauna.

Amendment of Schedule 11 (unprotected fauna).

93. (1) The Governor may, by order published in the Gazette, amend Schedule 11—

(a) by omitting therefrom the name of any species of fauna; or

(b) by inserting therein the name of any species of fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 11 and by inserting instead a Schedule containing the names of species of fauna.

Amendment of Schedule 12 (endangered fauna).

94. (1) The Governor may, by order published in the Gazette, amend Schedule 12—

(a) by omitting therefrom the name of any species of protected fauna; or

(b) by inserting therein the name of any species of protected fauna.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 12 and by inserting instead a Schedule containing the names of species of protected fauna.

95.

Open seasons.

95. (1) The Minister may, by order published in the Gazette, declare, for the purposes of section 122, an open season for protected fauna of the species named therein.

(2) An order under subsection (1) may refer to the whole of New South Wales or to a part of, or locality in, New South Wales specified or described therein, and may prescribe conditions or restrictions relating to the taking or killing of any fauna referred to therein or to the use of any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purposes of taking or killing any fauna so referred to.

(3) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to—

(a) any endangered fauna;

(b) any national park, historic site, nature reserve or wildlife refuge; or

(c) any State forest, timber reserve or flora reserve except with the concurrence in writing of the Forestry Commission.

Locally unprotected fauna.

96. (1) The Governor may, by order published in the Gazette, declare any protected fauna within a locality specified or described in the order, being fauna of a species named in the order, to be fauna to which this section applies.

(2) An order under subsection (1) does not apply, and shall be expressed so as not to apply, with respect to any lands within a national park, historic site or nature reserve.

(3) Any protected fauna declared to be fauna to which this section applies are, for the purposes of sections 70 (5) and (6) and 98, locally unprotected fauna.

97.

Certain protected fauna to be the property of the Crown.

97. (1) In this section, "prescribed fauna" means—

(a) an animal that is protected fauna and that is, at the time of birth, in the lawful possession of any person other than the Crown;

(b) protected fauna, being fauna imported into New South Wales;

(c) protected fauna that was, before the commencement day, lawfully taken or in the lawful possession of any person other than the Crown and that had not been liberated before that day; or

(d) any protected fauna of a class or description prescribed for the purposes of this paragraph.

(2) Any protected fauna, other than prescribed fauna, shall, until captured or killed in accordance with this Act, be deemed to be the property of the Crown.

(3) Any prescribed fauna shall, when liberated in New South Wales, be deemed to be the property of the Crown.

Taking or killing protected fauna, other than endangered fauna.

98. (1) In this section, "protected fauna" does not include endangered fauna or locally unprotected fauna under section 96.

(2) A person shall not—

(a) take or kill any protected fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking any protected fauna.

(3) A person shall not be convicted of an offence arising under subsection (2) if he proves that the act constituting the offence was done—

(a) under and in accordance with or by virtue of the authority conferred by a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence under section 123; or

(b)

(b) in pursuance of a duty imposed on him by or under any Act.

Taking or killing endangered fauna.

99. (1) A person shall not—

(a) take or kill any endangered fauna; or

(b) use any animal, firearm, explosive, net, trap, hunting device or instrument or means whatever for the purpose of taking or killing any endangered fauna.

Penalty : $1,000 or imprisonment for six months or both.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by a general licence under section 120.

(3) Where the provisions of any other Act or instrument under any other Act authorise or require anything to be done that would constitute an offence arising under subsection (1)—

(a) the provisions of this section prevail; and

(b) a person shall not be convicted of an offence against that other Act or instrument by reason of his failure to comply therewith in so far as compliance therewith would constitute an offence arising under subsection (1).

Further provisions respecting taking or killing protected fauna (including endangered fauna).

100. (1) A person shall not be convicted of an offence arising under section 98 (2) or 99 (1) if he proves—

(a) that the animal concerned was in some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for promoting the welfare of the animal; or

(b)

(b) that the animal concerned had strayed or escaped from some person's lawful possession and that the act constituting the offence was, having regard to the circumstances of the case, reasonably necessary for securing the return of the animal.

(2) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of section 98 (2) or 99 (1) or both.

Buying, selling or possessing protected fauna.

101. (1) A person shall not buy, sell or have in his possession or control any protected fauna.

(2) A person who commits an offence arising under subsection (1) is liable to a penalty not exceeding—

(a) $200 in respect of each of the protected fauna (other than endangered fauna); or

(b) $400 in respect of each of the protected fauna being endangered fauna,

in respect of which the offence was committed, with a maximum total penalty under this subsection in respect of any offence of $1,000.

(3) The Governor may, by order published in the Gazette, exempt from subsection (1) protected fauna of a species named in the order, subject to such conditions and restrictions relating to the buying, selling or having in possession of any such protected fauna as may be prescribed in the order.

(4) A person shall not be convicted of an offence arising under subsection (1) in respect of the buying or selling of any protected fauna if he proves that the act constituting the offence was done, or that the state of affairs constituting the offence existed, under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or an aviary registration certificate under section 128.

(5) A person shall not be convicted of an offence arising under subsection (1) in respect of the having in his possession of any protected fauna, if he proves—

(a) that the state of affairs constituting the offence existed under and in accordance with or by virtue of the authority conferred by a licence under Division 2 of Part IX or that he otherwise obtained the fauna lawfully;

(b) that the fauna is the progeny of any fauna lawfully obtained, being progeny born after the lastmentioned fauna was so obtained; or

(c) that—

(i) the animal concerned was incapable of fending for itself in its natural habitat;

(ii) he notified the Director, in the prescribed manner and within the prescribed time, that the animal came into his possession, and

(iii) he complied with any direction given to him with respect to the animal by the Director.

(6) A reference in this section to a person's having protected fauna in his possession includes a reference to his having protected fauna in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the fauna is then had or placed for his own use or the use of another.

Directions respecting protected fauna in confinement.

102. (1) The Director, or an officer of the Service duly authorised by the Director in that behalf, may, by notice given to a person who keeps protected fauna in confinement or in a domesticated state, give such directions respecting food, drink and shelter for, and the welfare of, the fauna as appear to the Director or officer to be proper.

(2) A person shall not fail to comply with any direction given to him under subsection (1).

(3) A person shall not be convicted of an offence arising under subsection (2) in respect of a failure to comply with a direction if he satisfies the court that he so failed with reasonable excuse.

Taking or killing fauna for sale.

103. (1) A person shall not take or kill fauna for the purpose of sale.

(2) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with the authority conferred by a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123.

(3) A person shall not be convicted of an offence arising under subsection (1) in respect of the taking or killing for the purposes of sale of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (4).

(4) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in in respect of any fauna of a species named in the order, not being endangered fauna.

Fauna dealers.

104. (1) A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the business of a fauna dealer, unless he does so under and in accordance with the authority conferred—

(d) by a fauna dealer's licence under section 124; or

(e) in so far as the act constituting the offence forms part of the business of a skin dealer—by a skin dealer's licence under section 125.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of any dingo, ferret, fox, hare or rabbit or any fauna of a species named in an order under subsection (3).

(3) The Governor may, by order published in the Gazette, declare that subsection (1) does not apply to or in respect of any fauna of a species named in the order.

Skin dealers.

105. A person shall not—

(a) exercise or carry on;

(b) advertise, notify or state that he exercises or carries on or is willing to exercise or carry on; or

(c) in any way hold himself out to the public as ready to exercise or carry on,

the

the business of a skin dealer, unless he does so under and in accordance with the authority conferred—

(d) by a skin dealer's licence under section 125; or

(e) in so far as the act constituting the offence forms part of the business of a fauna dealer—by a fauna dealer's licence under section 124.

Importing or exporting protected fauna.

106. (1) A person shall not import into or export from New South Wales any protected fauna.

(2) Subsection (1) does not apply to any protected fauna of a species prescribed for the purposes of this subsection.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that the act constituting the offence was done under and in accordance with or by virtue of the authority conferred by an import licence or an export licence under section 126.

Exhibiting protected fauna.

107. A person shall not exhibit any protected fauna, unless he does so under and in accordance with the authority conferred by a general licence under section 120.

Possessing 20 or more birds.

108. A person shall not have more than nineteen birds, being protected fauna, in his possession or under his control in or upon a structure, building, store, shop or other premises, unless—

(a) an aviary registration certificate under section 128 is in force with respect to that structure, building, store, shop or other premises; or

(b) that person is a fauna dealer licensed under section 124 and the structure, building, store or shop is, or the other premises are, registered under section 124.

109.

Liberation in New South Wales of exotic fauna.

109. A person shall not, in New South Wales, liberate fauna not native to New South Wales, unless he does so under and in accordance with a licence under section 127.

Use of certain substances for taking or killing fauna.

110. (1) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any protected fauna (other than birds).

Penalty : $400 or imprisonment for six months or both.

(2) A person shall not, without the consent in writing of the Director, use any prescribed substance for the taking or killing, or attempted taking or killing, of any bird (whether or not protected fauna).

Penalty : $400 or imprisonment for six months or both.

(3) A person shall not be convicted of an offence arising under subsection (1) or (2) if he proves that the act constituting the offence was done under and in accordance with the regulations.

(4) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1) or (2) or both.

(5) In this section, "substance" includes mixture or preparation.

Method of shooting fauna.

111. A person shall not, for the purpose of taking or killing any protected fauna, use any firearm of a kind other than the kind habitually raised at arm's length and fired from the shoulder without other support.

Penalty : $200.

112.

Taking or killing snakes.

112. A person shall not be convicted of an offence against this Act in respect of the taking or killing of a snake unless it is proved that there were no grounds on which he could reasonably have believed at any relevant time that the snake was endangering, or was likely to endanger, any person or property.

PART VIII.

NATIVE PLANTS.

Interpretation: Pt. VIII.

113. In this Part—

"Christmas Bush" means the native plant named *Ceratopetalum gummiferum*;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

Director's responsibilities as to native plants.

114. The Director shall be the authority for the protection of native plants.

Amendment of Schedule 13 (protected native plants).

115. (1) The Governor may, by order published in the Gazette, amend Schedule 13—

(a) by omitting therefrom the name of any species of native plant; or

(b) by inserting therein the name of any species of native plant.

(2) The Governor may, by order published in the Gazette, amend this Act by omitting Schedule 13 and by inserting instead a Schedule containing the names of species of native plants.

Restriction as to licences under Forestry Act, 1916.

116. (1) Notwithstanding anything in this Act or the Forestry Act, 1916, but subject to subsection (2)—

(a) the Forestry Commission shall not issue a licence for the removal of any protected native plant from any State forest, timber reserve or Crown land; and

(b)

(b) any such licence shall cease to be operative while it relates to any protected native plant.

(2) Where, in the opinion of the Forestry Commission, any protected native plant, if not removed, would be damaged or destroyed in the taking of timber, products or forest materials under, or in the carrying on of any activity authorised by, the Forestry Act, 1916, subsection (1) does not operate to prevent the Forestry Commission from issuing a licence authorising removal of the native plant or from reinstating, to the extent necessary to authorise removal of the native plant, a licence that has, pursuant to that subsection, ceased to be operative.

117. (1) A person shall not pick or have in his possession a protected native plant. **Restriction on picking or possession of native plant.**

(2) Without affecting the operation of section 57 or 71, subsection (1) does not apply in relation to the picking or possession of a protected native plant in a nature reserve or wildlife refuge.

(3) A person shall not be convicted of an offence arising under subsection (1) if he proves that—

(a) the protected native plant was grown upon private land and was picked by or with the consent of the owner, lessee or occupier of that land; or

(b) the protected native plant was picked by him—

(i) under and in accordance with or by virtue of the authority conferred by a licence issued under section 131 or a licence issued under the Forestry Act, 1916; or

(ii) in pursuance of a duty imposed on him by or under any Act,

or was in his possession after having been so picked.

(4) In any prosecution for an offence arising under subsection (1), proof that a protected native plant was found in the possession of the defendant shall be prima facie evidence that the defendant picked the native plant or had the native plant in his possession in contravention of this section and the onus of proof to the contrary shall be upon the defendant.

(5) The regulations may make provision for or with respect to exempting, subject to the prescribed conditions and restrictions (if any), any person or class or description of persons from the provisions of subsection (1).

(6) A reference in this section to a person's having a protected native plant in his possession includes a reference to his having a protected native plant in a vehicle, building, lodging, apartment, field or other place whether belonging to or occupied by him, and whether the plant is then had or placed for his own use or the use of another.

Restriction on selling of native plant.

118. (1) A person shall not sell a protected native plant.

(2) A person shall not be convicted of an offence arising under subsection (1) in respect of—

(a) Christmas Bush that has been grown on private land and picked by or with the consent of the owner or lessee of that land;

(b) any protected native plant that has been picked for commercial purposes in pursuance of a licence issued under section 131; or

(c) any protected native plant that has been grown in pursuance of a licence issued under section 132 and picked by or with the consent of the holder of the licence.

PART

PART IX.

LICENSING, ETC., IN RESPECT OF FAUNA AND NATIVE PLANTS.

DIVISION 1.—*Preliminary.*

Interpretation: Pt. IX.

119. In this Part—

"authorised officer" means—

(a) the Director; or

(b) in relation to a provision of this Part—

(i) an officer of the Service, or any other person, duly authorised by the Director; or

(ii) any person holding an office, position or rank prescribed,

for the purposes of that provision;

"private land" includes land leased from the Crown, or which is in the course of alienation by the Crown under any Act.

DIVISION 2.—*Fauna.*

General licence.

120. (1) An authorised officer may issue a licence (in this Act referred to as a "general licence"), authorising a person to do any or all of the following :—

(a) to take or kill or obtain any protected fauna—

(i) for the purpose of providing specimens of natural history for any scientific institution or museum;

(ii) for the purpose of carrying on any scientific investigation;

(iii) for the purpose of exhibiting the fauna; or

(iv) for any other specified purpose;

(b)

(b) to exhibit protected fauna;

(c) to dispose of, whether by sale or otherwise, any fauna taken or killed, obtained or exhibited under the authority of the licence;

(d) to sell any fauna in his lawful possession, otherwise than as a fauna dealer or skin dealer.

(2) A general licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Occupier's licence.

121. (1) An authorised officer may issue a licence (in this Act referred to as an "occupier's licence"), authorising an owner or occupier of specified lands—

(a) to take or kill; or

(b) to permit a person, holding a general licence issued to him under section 120 or a trapper's licence issued to him under section 123, to take or kill,

a specified number of fauna of a specified class found on those lands and the licence may authorise the disposal, whether by sale or otherwise, of fauna taken or killed under the authority of the licence.

(2) An occupier's licence shall not be issued unless the licensee has been supplied by the Service with labels, tags, slips or other objects sufficient in number to affix or attach, in compliance with any condition of the licence, to the skin or carcase of fauna taken or killed under the authority of the licence.

(3) An occupier's licence shall not be issued with respect to endangered fauna.

122.

Game licence.

122. (1) An authorised officer may issue a licence (in this Act referred to as a "game licence"), authorising a person—

(a) to take or kill any protected fauna of the species named in an order declaring an open season, under section 95, in the whole of New South Wales or the part of New South Wales or the locality referred to in the order, subject to the conditions and restrictions (if any) prescribed in the order; or

(b) to take or kill any fauna of the species specified in a proclamation under section 67 or 69 in a wildlife district or game reserve to which the proclamation relates, subject to the conditions and restrictions (if any) prescribed in the proclamation.

(2) A game licence does not authorise a person—

(a) to take or kill any endangered fauna;

(b) to take or kill any fauna in a national park, historic site, nature reserve or wildlife refuge; or

(c) to take or kill any fauna for the purpose of sale.

Trapper's licence.

123. (1) An authorised officer may issue a licence (in this Act referred to as a "trapper's licence"), authorising a person to take or kill fauna of a species named therein for the purposes of sale.

(2) A trapper's licence does not, except in so far as the terms of the licence otherwise expressly provide, authorise the taking or killing of fauna in a national park, historic site, nature reserve, wildlife district, wildlife refuge or game reserve.

Fauna dealer's licence.

124. (1) An authorised officer may issue a licence (in this Act referred to as a "fauna dealer's licence"), authorising a person to buy or sell fauna as a fauna dealer and otherwise to exercise or carry on the business of a fauna dealer.

(2) A person licensed under subsection (1) shall not exercise or carry on business as a fauna dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a fauna dealer in New South Wales.

Skin dealer's licence.

125. (1) An authorised officer may issue a licence (in this Act referred to as a "skin dealer's licence"), authorising a person to buy or sell skins as a skin dealer and otherwise to exercise or carry on the business of a skin dealer.

(2) A person licensed under subsection (1) shall not exercise or carry on business as a skin dealer in New South Wales at or on any premises that are not registered under this section.

(3) An authorised officer may issue registration certificates in respect of each of the premises at or on which a person licensed under subsection (1) exercises or carries on business as a skin dealer in New South Wales.

Import and export licences.

126. (1) An authorised officer may issue a licence (in this Act referred to as an "import licence"), authorising a person to import protected fauna into New South Wales.

(2) An authorised officer may issue a licence (in this Act referred to as an "export licence"), authorising a person to export protected fauna from New South Wales.

(3) Where an application for an import licence or an export licence has been made in accordance with the regulations, the application shall not be refused except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

Licence to liberate fauna.

127. An authorised officer may issue a licence authorising a person to liberate, in New South Wales, fauna not native to New South Wales.

Aviary registration certificates.

128. (1) An authorised officer may issue to any person a certificate (in this Act referred to as an "aviary registration certificate") in respect of specified premises.

(2) An aviary registration certificate authorises the person to whom it is issued—

(a) to sell any bird, being protected fauna, to a prescribed person; or

(b) to buy any bird, being protected fauna, from a prescribed person.

(3) In subsection (2), "prescribed person" means a person who—

(a) is licensed to exercise or carry on the business of a fauna dealer under section 124; or

(b) is the holder of an aviary registration certificate issued to him under this section.

Certain licences authorise shooting, etc., in national parks, etc.

129. Except in so far as the conditions and restrictions attaching thereto otherwise provide—

(a) a licence, being a general licence under section 120, an occupier's licence under section 121 or a trapper's licence under section 123, that authorises a person to take or kill any animal in a national park, historic site or nature reserve, also authorises that person to do, in connection with the taking or killing of any such animal, any act referred to in section 45 (1) or 56 (1); and

(b) a licence, being a general licence under section 120, an occupier's licence under section 121, a game licence under section 122 or a trapper's licence

under

under section 123, that authorises a person to take or kill any fauna in a wildlife district, wildlife refuge or game reserve, also authorises that person to do, in connection with the taking or killing of any such fauna, any act referred to in section 70 (1) or (2).

Certain licences and certificates deemed to authorise possession.

130. Except in so far as the licence or certificate otherwise provides, a licence or certificate under this Division that authorises a person to take or kill or to obtain any fauna also authorises him to keep and have the fauna in his possession.

DIVISION 3.—*Native plants.*

Licence to pick native plants for scientific or commercial purposes.

131. An authorised officer may issue a licence authorising a person to pick the protected native plants specified therein for scientific or commercial purposes.

Licence to grow native plants for sale.

132. An authorised officer may issue a licence authorising an owner or occupier of private land to grow upon that private land, or part thereof specified in the licence, protected native plants for the purposes of sale.

DIVISION 4.—*General.*

Conditions and restrictions attaching to licences and certificates and variation of licences and certificates.

133. (1) A licence or certificate issued under this Part shall be subject to such conditions and restrictions (if any) as are for the time being prescribed in relation to licences or certificates of the class to which the licence or certificate belongs.

(2) An authorised officer may, if he thinks fit, attach any conditions or restrictions to a licence or certificate upon its issue.

(3) An authorised officer may, by notice in writing served on the holder of a licence or certificate—

(a) attach any conditions or restrictions to the licence or certificate after its issue;

(b)

(b) vary or remove any conditions or restrictions attached by any authorised officer to the licence or certificate; or

(c) otherwise vary the licence or certificate.

(4) The holder of a licence or certificate shall not contravene or fail to comply with any condition or restriction attached to the licence or certificate.

(5) Subsections (2) and (3) do not apply to an import licence or export licence under section 126.

134. (1) Subject to subsection (2), a licence or certificate issued under this Part may be cancelled by the Minister or the Director. **Cancellation of licence or certificate.**

(2) An import licence or export licence under section 126 shall not be cancelled under this section except on one or more of such grounds (if any) as are prescribed for the purposes of this subsection.

135. (1) A person whose application for a licence or certificate under this Part is refused, or whose licence or certificate has been cancelled by the Director, or who is dissatisfied with any condition or restriction which an authorised officer has attached to his licence or certificate, may appeal to the Minister. **Appeal.**

(2) The Minister—

(a) may refuse to grant the appeal; or

(b) may grant the appeal wholly or in part, and may give such directions in the matter as seem proper.

(3) The decision of the Minister on the appeal is final and is binding on the Director and the appellant, and shall be carried into effect accordingly.

(4) Where the regulations prescribe—

(a) the manner in which an appeal is to be made under this section—the appeal shall be made in that manner; or

(b) the period within which an appeal is to be made under this section—the appeal shall be made within that period.

(5) Where the Director fails to grant an application for a licence or certificate under this Part, the application shall, for the purposes of this section, be deemed to be refused upon the expiration of—

(a) subject to paragraph (b)—one month after the application was received by the Director; or

(b) where the regulations prescribe some other period—that other period.

Licences do not authorise entry, etc.

136. Where, had this Act not been enacted—

(a) the consent or permission of any person would have been required for entering any lands or doing any act on or in respect of any lands, the issue of a licence under this Part does not authorise the entering of those lands, or the doing of that act on those lands, without that consent or permission; or

(b) the doing of an act on or in respect of any lands would have been unlawful, the issue of a licence under this Part does not authorise the doing of that act.

PART

PART X.

FINANCE.

National Parks and Wildlife Fund.

137. The National Parks and Wildlife Fund established under the Act of 1967 shall continue in existence and shall be kept at the Treasury in the Special Deposits Account.

Payments into the Fund.

138. (1) There shall be paid into the Fund—

(a) all money provided by Parliament for the purposes of this Act;

(b) all money received in respect of—

(i) leases, licences, permits or occupancies within a national park, historic site, nature reserve or Aboriginal area;

(ii) leases and licences granted under section 151 (2);

(iii) royalties, fees and charges under this Act, the regulations or the by-laws;

(iv) franchises granted under section 152;

(v) easements or rights of way granted under section 153;

(vi) community service contributions;

(vii) penalties recovered pursuant to this Act, the regulations or the by-laws;

(viii) property forfeited pursuant to this Act, the regulations or the by-laws;

(ix) costs paid pursuant to an order under section 176 (3);

(x) amounts paid pursuant to an order under section 177; and

(xi) policies of insurance under which money is paid to the Minister or the Director with respect to any national park, historic site, nature reserve or Aboriginal area, or any property in the custody or under the control of the Director;

(c) any money acquired by the Minister pursuant to section 148;

(d) any money received by the Minister pursuant to section 149;

(e) any other money received in connection with any national park, historic site, nature reserve or Aboriginal area or any proposed national park, historic site, nature reserve or Aboriginal area;

(f) any money received in connection with any wildlife refuge or game reserve; and

(g) any other money received in connection with the administration of this Act, other than money received in the prescribed circumstances (if any).

(2) Where any money acquired by the Minister pursuant to section 148 is subject to any condition to which the Minister has agreed, the money shall be carried to a separate account in the Fund and shall be applied in accordance with the condition.

(3) Any money referred to in subsection (2) may, pending application in accordance with the condition so referred to, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

139. (1) No money shall be paid out of the Fund except under the authority of this Act. Payments out of the Fund.

(2) There may be paid out of the Fund—

(a) all charges, costs and expenses incurred by the Minister or the Director in exercising and performing his powers, authorities, duties and functions under this Act;

(b) all money allocated by the Minister for expenditure by trustees on any national park or historic site;

(c) the fees and travelling and other expenses payable to the members of the Council or any committee under this Act;

(d) the cost of acquiring land for national parks, historic sites or nature reserves;

(e) the cost of improvement of any land adjoining or in the vicinity of a national park, historic site, nature reserve or Aboriginal area, where in the opinion of the Minister this is desirable to provide or improve access to the park, site, reserve or area, or to provide or improve facilities or amenities for persons visiting the park, site, reserve or area;

(f) all money which the Minister directs shall be set aside to provide a reserve for insurance;

(g) all money allocated by the Minister for expenditure on Aboriginal areas;

(h) the cost of acquiring relics or land in which relics or Aboriginal places are situated;

(i) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic;

(j) the cost of entering into, and giving effect to, agreements under sections 145 and 146;

(k) the cost of carrying out the purposes for which land is acquired or occupied under section 146;

(l) all costs incurred under sections 147 and 149;

(m) all money allocated by the Minister for use in connection with a wildlife refuge or game reserve; and

(n) all money to be paid to a pastures protection board under section 141.

(3) Any money set aside, as referred to in subsection (2) (f), may be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

(4) Where—

(a) any lands are purchased under section 147 out of money wholly or partly provided by Parliament; and

(b) those lands, or any part thereof, are sold under section 149,

there shall be paid from the Fund to the Treasurer, out of the proceeds of the sale referred to in paragraph (b), such amount as the Treasurer may determine.

Community service contribution.

140. (1) The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or licence to occupy or use lands within a national park, historic site or nature reserve for the cost of providing or maintaining any community service in the park, site or reserve.

(2) The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the contribution on the holder of the lease or licence.

(3) If the contribution is not paid by the due date the amount due shall be increased by an amount calculated at the rate of nine per centum per annum simple interest until it has been paid.

(4) The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution or part thereof or the payment of any such interest or part thereof.

Payment of rates to pastures protection boards in Western Division.

141. (1) In this section, "board" means a pastures protection board for a pastures protection district within the Western Division within the meaning of the Pastures Protection Act, 1934.

(2) There shall, subject to this section, be payable to a board an amount equal to the amount that would have been payable to the board under Part III of the Pastures Protection Act, 1934, by way of rates for any period, in respect of all lands within its district reserved as national parks or historic sites or dedicated as nature reserves, had those lands been ratable lands under that Act at all relevant times after they were so reserved or dedicated.

(3) No amount is payable under subsection (2) except upon an application—

(a) made to the Director in the prescribed manner and within the prescribed time; and

(b) containing the prescribed particulars.

(4) Any dispute between the Director and a board with respect to the particulars contained in an application or the amount payable under this section shall be determined in accordance with such directions as the Minister, after consultation with the Minister for Agriculture, may give.

(5) Nothing in this section requires or authorises the payment of an amount in relation to any period before the commencement day.

142.

Royalty.

142. (1) Royalty shall, in accordance with the regulations, be payable to the Crown at the prescribed rates upon such species of fauna and the skins of such species of fauna as may be prescribed.

(2) Notwithstanding subsection (1), royalty shall not be payable under this section in respect of a skin or carcase to which there has been affixed or attached in compliance with a condition of a licence issued under Division 2 of Part IX a label, tag, slip or other object for which a charge or fee has been paid pursuant to regulations made under section 154 (e).

Charges and fees.

143. Where the Director—

(a) supplies any service, product or commodity;

(b) grants any licence to carry on a trade, business or occupation;

(c) gives any permission or issues any licence, registration certificate or permit; or

(d) furnishes any information,

under this Act or in connection with any national park, historic site, nature reserve or Aboriginal area, he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him, subject to the maximum (if any) prescribed.

Exemption from rates.

144. Lands within a national park, historic site or nature reserve shall be exempt from rates under the Local Government Act, 1919, and that exemption shall not be affected by any lease, licence, occupancy or use of the lands.

PART

PART XI.

ACQUISITION AND DISPOSAL OF PROPERTY.

Acquisition of lands for national park, etc.

145. Where the Minister is of the opinion that it is desirable to acquire any lands—

(a) for reservation as, or as part of, a national park or historic site;

(b) for dedication as, or as part of, a nature reserve; or

(c) for the purpose of preserving, protecting and preventing damage to relics or Aboriginal places therein,

he may, on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of the lands.

Acquisition or occupation of lands for certain purposes.

146. (1) For the purpose of—

(a) improving access to a national park, historic site or nature reserve;

(b) the management, maintenance or improvement of a national park, historic site or nature reserve; or

(c) carrying out works for any of those purposes,

the Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands adjoining or in the vicinity of the national park, historic site or nature reserve.

(2) The Minister may, on behalf of Her Majesty, enter into, and give effect to, an agreement for the vesting in, surrender to, or leasing to, Her Majesty, or for the occupation under licence, of any lands for use in connection with the administration of this Act.

147.

Power of Minister to acquire.

147. Without affecting the powers of the Minister under section 145 or 146, where the Minister is, for any of the purposes referred to in either of those sections, empowered to take action under either of those sections with respect to any lands, he may, where he considers it appropriate to do so, instead of taking that action, himself acquire those lands, by purchase or exchange, for that purpose.

Power of Minister to accept gifts, etc.

148. (1) The Minister may acquire, by gift inter vivos, devise or bequest, any property for the purposes of this Act and may agree to the condition of any such gift, devise or bequest.

(2) The rule of law against remoteness of vesting shall not apply to any such condition to which the Minister has agreed.

(3) Where the Minister acquires property under subsection (1)—

(a) neither an instrument that effects the acquisition nor any agreement pursuant to which the property is acquired is chargeable with duty under the Stamp Duties Act, 1920; and

(b) the property, or the value of property, shall not be included in the dutiable estate of the donor or testator for the purposes of assessing death duty under that Act.

(4) Notwithstanding anything in Part IV, lands acquired under this section shall not be—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve,

in contravention of any such condition to which the Minister has agreed.

Disposal of lands, gifts, etc.

149. Except where the Minister has otherwise agreed, the Minister may sell, grant leases of, dispose of or otherwise deal with any lands or other property acquired under section 147 or 148, or any interest therein, but nothing in this section applies to or in respect of lands while—

(a) reserved as, or as part of, a national park or historic site; or

(b) dedicated as, or as part of, a nature reserve.

Minister to be corporation sole for certain purposes.

150. (1) For the purposes of the exercise and performance of his authorities, duties and functions under sections 147, 148 and 149, the Minister is hereby constituted a corporation sole under the name of "Minister administering the National Parks and Wildlife Act, 1974".

(2) The corporation sole constituted by this section—

(a) has perpetual succession;

(b) shall have an official seal;

(c) may take proceedings and be proceeded against in the corporate name;

(d) may, in accordance with this Act, purchase, exchange, hold, dispose of and otherwise deal with property; and

(e) may do and suffer all other things that a body corporate generally may, by law, do and suffer and that are necessary for or incidental to the purposes for which the corporation sole is constituted.

(3) The seal of the corporation sole so constituted shall not be affixed to any instrument or document except in the presence of the Minister, and he shall attest by his signature the fact and date of the affixing of the seal.

(4) All courts and persons acting judicially—

(a) shall take judicial notice of the seal of the corporation sole so constituted that has been affixed to any instrument or document; and

(b) shall until the contrary is proved presume that the seal was properly affixed.

PART XII.

LEASES, LICENCES, EASEMENTS, ETC.

Leases of and licences over lands in a national park, historic site or nature reserve.

151. (1) The Minister may—

(a) grant leases of land within a national park or historic site for the purpose of—

(i) the erection thereon of accommodation hotels or accommodation houses; or

(ii) the provision thereon of facilities and amenities for tourists and visitors;

(b) grant leases of lands within a national park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;

(c) grant leases of lands within a national park or historic site for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for use in connection with—

(iii) the protection or preservation of the park or site from fire;

(iv) the provision of services relating to the work of rendering first aid to, and the transport of, sick and injured persons;

(v) a surf life-saving club; or

(vi) any purpose of a like nature;

(d) grant leases of lands within a nature reserve for—

(i) the erection of buildings thereon; or

(ii) the occupation or the use of buildings erected thereon,

for any of the purposes specified in section 49;

(e) grant leases of lands within a national park, historic site or nature reserve on which buildings have been erected for residential occupation; or

(f) grant licences to occupy or use lands within a national park, historic site or nature reserve.

(2) The Minister may—

(a) for any purpose specified in section 146 (1) (a), (b) or (c) grant a lease of, or a licence with respect to, lands acquired or occupied under section 146 (1); or

(b) for use in connection with the administration of this Act grant a lease of, or a licence with respect to, lands referred to in section 146 (2).

(3) Nothing in this section affects the powers of the Minister under section 149 with respect to lands referred to in that section.

(4) Subject to subsection (5), any lease or licence granted under this section or section 149 shall be subject to such terms and conditions as the Minister may determine.

(5) Where any term or condition of a lease or licence granted under this section purports to affect lands within a national park, historic site or nature reserve that are lands submerged by water and the term or condition is inconsistent with a plan of management in force for the park, site or reserve, the term or condition shall, to the extent of the inconsistency, have no force or effect.

Trade within a national park or historic site.

152. (1) The Director may grant licences to carry on trades, businesses or occupations within a national park or historic site.

(2) Subject to any by-laws, the Minister may prohibit the carrying on of any trade, business or occupation within a national park or historic site otherwise than by some person licensed by the Director.

(3) The Minister may grant a franchise to any person, on such terms and conditions as the Minister may determine, for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park or historic site.

(4) Any franchise granted by the trustees of the whole or part of lands reserved after the commencement day as a national park or historic site, and in force immediately before the lands were so reserved, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

Easements.

153. (1) The Minister may upon such terms and conditions as he thinks fit grant for joint or several use easements or rights of way through, upon or in a national park, historic site or nature reserve for the purpose of providing access to any area included in any lease or licence within the park, site

or reserve, or for the construction of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

(2) The Minister may from time to time revoke or vary any grant under this section.

(3) Any easement or right of way over lands in a national park or historic site reserved under this Act, which was in force immediately before the lands were reserved as, or as part of, the park or site, as the case may be, shall continue in force and shall be deemed to have ~~been~~ granted under this section.

(4) Any easement or right of way over lands in a nature reserve dedicated under this Act, which was in force immediately before the land was dedicated as, or as part of, the nature reserve shall continue in force and shall be deemed to have been granted under this section.

PART XIII.

REGULATIONS AND BY-LAWS.

Regulations.

154. The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by regulations or that is necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) the powers, authorities, duties and functions of the Director, the officers of the Service, ex-officio rangers, honorary rangers, the Council, local committees, the Relics Committee or the Architects Committee;

(b) the procedure for the calling of meetings of the Council, local committees, the Relics Committee or the Architects Committee and the conduct of business at those meetings;

(c) licences and registration certificates under Part IX, including the classification thereof, applications therefor and the issue and expiry thereof;

(d) the records to be kept and returns to be furnished by persons holding licences or registration certificates under Part IX and the inspection of those records by officers of the Service;

(e) the issuing and the making of a charge or fee for supplying a label, tag, slip or object for affixing or attaching to the skin or carcase of any fauna in compliance with any condition of a licence under Part IX;

(f) the issuing and the making of a charge for supplying a label, tag, slip or object for affixing or attaching to any protected native plant or packages or bundles thereof in compliance with any condition of a licence under Part IX;

(g) the protection, care, preservation and propagation of any fauna;

(h) prescribing the conditions under which any fauna, whether protected or unprotected, may be consigned or offered for sale or transported or caged or housed;

(i) the inspection of premises registered under section 124, 125 or 128 and the inspection of premises in which fauna are housed or caged in pursuance of a licence issued under section 120;

(j) the entry upon and inspection of any lands upon which protected native plants are grown by a person in pursuance of a licence issued under section 132 and the requiring of the doing of any thing or things designed to prevent the lands from being stripped of protected native plants;

(k) the records to be kept and returns to be furnished by persons holding permits issued under section 87;

(l) tendering for leases and licences under Part XI or XII;

(m) the form and design of signs, symbols, emblems, insignia and uniforms for use in connection with the administration of this Act, the regulations and the by-laws, and the regulation, control or prohibition of the making, reproducing or using of those signs, symbols, emblems, insignia and uniforms; and

(n) the forms or other documents to be used for the purposes of this Act and the regulations.

By-laws.

155. (1) In this section, "park" means national park, historic site, nature reserve or Aboriginal area.

(2) The Governor may make by-laws, not inconsistent with this Act, for or with respect to any matter that, by this Act, is required or permitted to be prescribed by by-laws or that is necessary or convenient to be prescribed by by-laws for carrying out or giving effect to this Act and, in particular, for or with respect to—

(a) the regulation of the use and enjoyment of parks;

(b) the securing of decency and order in parks;

(c) the removal of trespassers and other persons causing annoyance or inconvenience in parks;

(d) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, parks;

(e) the regulation, control or prohibition of the taking of animals on or into parks and public and other roads traversing parks or the permitting or suffering of animals to be on or in parks and any such roads;

(f)

(f) the regulation, control or prohibition of mooring, parking, camping or residing in parks, the making of charges for mooring, parking, camping or residing in parks and the collecting and receiving of those charges by the Minister or by other persons;

(g) the preservation or protection of, or prevention of damage to, trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in parks;

(h) the conditions under which trees or timber may be cut or removed from parks and the amount of royalties, fees and charges payable in respect thereof;

(i) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a park, or the removal of any such substance from a park and the amount of royalties, fees and charges payable in respect thereof;

(j) the preservation or protection of any animals in parks;

(k) the preservation or protection of, or prevention of damage to, any relic or Aboriginal place in a park;

(l) the regulation, control or prohibition of the use of any relic or Aboriginal place for commercial purposes in a park;

(m) the making of charges or entrance fees for persons, clubs or associations or for vehicles using or entering a park, or any specified part of a park, or any public or other road traversing or bounding a park or such a part, and the collecting, receiving and waiving of those charges and fees by the Director or by other persons;

(n) the reservation of any portion of a park for such separate or exclusive use as the by-laws may prescribe;

(o) the closing of, or the regulation, control or prohibition of the entry of any person or class of persons into, a park or parts of a park and the conditions to be observed with regard thereto;

(p) the regulation, control or prohibition of private trading in a park;

(q) the use of roads, tracks, trails and other ways within a park and the circumstances under which roads, tracks, trails and other ways therein shall be open or may be closed to public traffic or use;

(r) the powers and duties of any officer of the Service appointed in respect of a park;

(s) the regulation of the use of vehicles and the conditions under which they may be used in a park;

(t) the regulation of the speed of vehicles in a park;

(u) the regulation of the use of chair lifts, surface tows and ski jumps and the conditions under which they may be used in a park;

(v) the regulation, control or prohibition of the erection of buildings, marinas, structures, signs or other improvements in a park;

(w) the protection of buildings, marinas, structures, signs and other improvements in parks;

(x) the regulation, control or prohibition of exotic plants in parks;

(y) the collection of scientific specimens, the preservation or protection of marine life (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and the pursuit of research in parks;

(z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in parks;

(aa) the management and maintenance of pounds within a park;

(bb) the procedure for the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park and for their subsequent disposal, sale or destruction;

(cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of cattle, horses, asses, mules, sheep, goats, swine and dogs within a park;

(dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of cattle, horses, asses, mules, sheep, goats, swine and dogs impounded within a park; and

(ee) the procedure for the calling of meetings of trustees and the conduct of business at those meetings.

(3) Without affecting the generality of section 156 (2) or (3), by-laws made for or with respect to parks may be made to apply generally to all parks or may be limited to any park or any part thereof specified in the by-laws and unless so limited shall be taken to apply generally to all parks.

(4) Where any provision of a by-law made to apply to any specified park or any part thereof is inconsistent with a provision of any by-law relating to parks generally, the firstmentioned provision shall prevail.

General provisions.

156. (1) A regulation or by-law may—

(a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed $200; and

(b) impose also a daily penalty for any continuing breach thereof not exceeding $10 per day.

(2)

(2) A regulation or by-law may be made so as to apply differently according to such factors as may be specified therein.

(3) A regulation or by-law may be made so as to apply to or in respect of—

(a) any matter, or all matters, or any class of matters specified or described therein; or

(b) all matters, or any class of matters, so specified or described other than—

(i) any matter so specified or described that is expressed to be excluded; or

(ii) any class of matters so specified or described that is expressed to be excluded.

(4) A regulation or by-law may authorise any matter or thing to be from time to time determined, applied or regulated by any person or body specified therein.

PART XIV.

MISCELLANEOUS.

157. (1) The Director or any officer of the Service may require a person whom he suspects on reasonable grounds to be offending against this Act, the regulations or the by-laws to state his full name and his place of abode. **Requirement to state name and address.**

(2) The Director, or any other officer of the Service duly authorised by the Director in that behalf, may require the driver of a motor vehicle in a national park, historic site, nature reserve or Aboriginal area to produce his driver's licence and to state his full name and his place of abode.

(3)

(3) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1) or (2); or

(b) in purported compliance with such a requirement, state a name that is not his name or a place of abode that is not his place of abode.

Penalty for an offence against this subsection : $200.

Requirement for owner of motor vehicle and others to give information.

158. (1) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act, the regulations or the by-laws, the Director or any other officer of the Service may—

(a) require the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, to give forthwith information (which shall, if so required, be given in the form of a statement in writing, signed by that owner or person) as to the name and place of abode of the driver; or

(b) require any other person to give any information which it is in his power to give and which may lead to the identification of the driver.

(2) A person shall not—

(a) fail or refuse to comply with a requirement under subsection (1); or

(b) in purported compliance with such a requirement, give any information that is false or misleading in a material particular.

Penalty : $200.

(3)

(3) In a prosecution for an offence in respect of a failure or refusal to comply with a requirement under subsection (1) (a), it is a defence if the defendant proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained the name or place of abode of the driver concerned or both, as the case may require.

(4) Where a statement in writing purporting to be furnished under subsection (1) (a) and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act, the regulations or the by-laws is produced in any court in proceedings against the person named therein as the driver for the offence, the statement shall, if that person does not appear before the court, be evidence without proof of signature that he was the driver of the vehicle at that time.

Liability of vehicle owner for parking offences.

159. (1) In this section—

"owner", in relation to a vehicle, includes—

(a) a person who is the owner or joint owner or part owner of the vehicle and any person, other than the lessor under a hire-purchase agreement relating to the vehicle, who has the use of the vehicle under such an agreement; and

(b) in the case of a vehicle that is a motor vehicle—

(i) the person in whose name the vehicle is registered under the regulations made under the Motor Traffic Act, 1909, except where that person has sold or otherwise disposed of the vehicle and has complied with the provisions of those regulations applicable to him with respect to that sale or disposal; or

(ii)

(ii) where the vehicle has affixed to it a trader's plate issued under that Act for use as prescribed by those regulations—the person to whom that trader's plate is on issue;

"parking offence" means the offence committed by a person who, in contravention of the regulations or by-laws made under this Act—

(a) moors or parks a vehicle; or

(b) causes or permits a vehicle to be moored or parked or to stand or wait.

(2) Where a parking offence occurs, the person who, at the time of the occurrence of the offence, is the owner of the vehicle to which the offence relates is, by virtue of this section, guilty of an offence under the regulation or by-law relating to the parking offence in all respects as if he were the actual offender guilty of the parking offence unless—

(a) in any case where the parking offence is dealt with under section 160, the owner satisfies the prescribed person referred to in that section that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used; or

(b) in any other case, the court is satisfied that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, where a penalty has been imposed on, or recovered from, any person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

(4) Notwithstanding anything in subsection (2) or (3), no owner of a vehicle is, by virtue of this section, guilty of an offence if—

(a) in any case where the offence is dealt with under section 160, he—

(i) within twenty-one days after service on him of a notice under that section alleging that he has been guilty of that offence, supplies by statutory declaration to the prescribed person referred to in that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the prescribed person so referred to that he does not know, and cannot with reasonable diligence ascertain, that name and address; or

(b) in any other case, he—

(i) within twenty-one days after service on him of a summons in respect of that offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained that name and address.

(5) A statutory declaration that relates to more than one parking offence shall be deemed not to be a statutory declaration supplying a name and address for the purposes of subsection (4).

(6) Where a statutory declaration supplying the name and address of a person for the purposes of subsection (4) is produced in any proceedings against that person in respect of the parking offence to which the statutory declaration relates, the statutory declaration is prima facie evidence that that person was, at all relevant times relating to that parking offence, in charge of the vehicle to which the parking offence relates.

(7) The provisions of this section shall be construed as supplementing, and not as derogating from, any other provision of this Act, the regulations or the by-laws or any other Act or regulation, by-law or ordinance under any other Act.

Penalty notice for certain offences.

160. (1) In this section, "owner" and "parking offence" have the meanings respectively ascribed thereto in section 159.

(2) Where it appears to a prescribed person that another person is, by virtue of section 159, guilty of an offence, the prescribed person may serve a notice on that other person to the effect that, if that other person does not desire to have the matter determined by a court he may, within a time specified in the notice, pay to a person so specified the amount of penalty prescribed for the offence if dealt with under this section.

(3) A notice under subsection (2)—

(a) may be served as provided by section 174; or

(b) may be addressed to the owner of the vehicle to which the parking offence relates without naming him or stating his address and may be served by leaving it on, or attaching it to, the vehicle.

(4)

(4) A person alleged to have committed an offence referred to in subsection (2) shall not be dealt with under this section if he declines so to be dealt with and, if any such person fails within the time specified in a notice given to him under subsection (2) (or within such further time as, in his case, may have been allowed) to pay the penalty so specified he shall be deemed to have declined to be dealt with under this section.

(5) Where the penalty for an offence dealt with under this section is paid pursuant to this section in respect of an alleged offence—

(a) no person may be proceeded against for the alleged offence; and

(b) the payment shall not be construed as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil claim, action or proceeding arising out of the facts constituting the alleged offence.

(6) The penalty prescribed for an offence dealt with under this section shall not exceed the maximum penalty that might be imposed by a court if the offence were dealt with otherwise than under this section.

(7) This section shall be construed as supplementing, and not as derogating from, any other Act in relation to proceedings that may be taken in respect of offences.

Seizure of motor vehicles.

161. (1) An officer of the Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away, or cause to be removed or towed away, any motor vehicle which he believes on reasonable grounds—

(a) to be a danger or unreasonable obstruction to traffic; or

(b) to be unattended and to have been abandoned,

in a national park, historic site, nature reserve or Aboriginal area.

(2)

(2) Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose.

(3) Notwithstanding anything in subsection (1), before seizure of a motor vehicle under this section, the officer referred to in that subsection shall—

(a) if no person is in charge of the motor vehicle—

(i) make reasonable inquiry for the purpose of locating the owner or driver of the vehicle; and

(ii) if upon inquiry under subparagraph (i) the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request; or

(b) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

(4) The inquiry referred to in subsection (3) (a) shall be made in the vicinity of the place where the vehicle is found.

(5) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to the owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded; or

(b)

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to the owner if he can, after reasonable inquiry, be located a notice setting out the particulars referred to in paragraph (a); or

(ii) if the owner cannot, after reasonable inquiry, be located, cause a notice setting out the particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(6) Except in the case of a motor vehicle which is dealt with under the provisions of subsection (7), the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section :—

(a) the application for the release shall be made by the owner of the vehicle or by a person acting for and on behalf of the owner to an officer-in-charge of the place at which the vehicle is kept or impounded (in this subsection referred to as the "officer-in-charge");

(b) the applicant shall furnish evidence as to the ownership of the vehicle to the satisfaction of the officer-in-charge; and

(c) the vehicle shall not be released from custody unless—

(i) the officer-in-charge is satisfied that the applicant is the owner of the vehicle or that he possesses authority to act for and on behalf of the owner;

(ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of the vehicle has been paid to the officer-in-charge; and

(iii) the applicant has signed a receipt for the delivery of the vehicle on a form supplied to him by the officer-in-charge.

(7) If within a period of three months after the date upon which the motor vehicle has been seized the owner has failed to claim the vehicle and to pay the amount referred to in subsection (6) (c) (ii), the vehicle may, after the expiration of that period, be disposed of or destroyed in accordance with the directions of the Director.

(8) In this section, "motor vehicle" includes a trailer or caravan designed or adapted to be towed by a motor vehicle (as defined in section 5 (1)), whether or not the trailer or caravan is in the course of being towed.

Impounding.

162. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, historic site, nature reserve or Aboriginal area, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of lands under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of that Act shall, with such modifications as are necessary, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection (1), Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) sections 423, 425A, 426 (2) and (3), 427, 428, 429, 430 (2), 431 (1), (2) and (4), 439, 441 and 442 had been omitted therefrom;

(b)

(b) the words "at large in any public place or" had been omitted from section 426 (1);

(c) "animal" meant any cattle, horse, ass, mule, sheep, goat, swine or dog;

(d) "prescribed" meant prescribed by, or by by-laws made under, this Act;

(e) a reference to the mayor or president of a council were a reference to the Director; and

(f) a direction for the payment of money to a council, or to the General Fund of a council, were a direction for payment of the money to the National Parks and Wildlife Fund.

(3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, historic site, nature reserve or Aboriginal area.

(4) The Director, in relation to a national park, historic site, nature reserve or Aboriginal area, shall have and may exercise the powers conferred by the provisions of section 15 of the Impounding Act, 1898, and section 429 (1) of the Local Government Act, 1919, on an occupant in relation to his lands, but may, instead of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national park, historic site, nature reserve or Aboriginal area the same powers as are conferred by section 438 of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

(6)

(6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, historic site, nature reserve or Aboriginal area, being a pound that will be available for use for impounding animals trespassing on a national park, historic site, nature reserve or Aboriginal area.

(7) Where an animal trespassing on a national park, historic site, nature reserve or Aboriginal area is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Government Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(8) In subsection (6), "public pound" includes a place referred to in section 23 (b) of the Dog Act, 1966.

Application of Dog Act, 1966.

163. (1) In this section, "area", "council" and "dog" have the meanings respectively ascribed thereto in section 4 (1) of the Dog Act, 1966.

(2) Part III of the Dog Act, 1966, does not apply to or in respect of the seizure of a dog in a national park, historic site, nature reserve or Aboriginal area by an officer of the Service, but if he causes the dog to be delivered to any duly authorised servant or agent of the council of the area in which the dog was seized at a place provided for the purpose in accordance with section 23 (b) of that Act, section 11 of that Act applies to and in respect of that dog as if it had been seized under section 10 of that Act.

(3) Nothing in this section applies with respect to the seizure of a dog with respect to which Part III of the Dog Act, 1966, would not have applied had this Part not been enacted.

164.

Powers of entry and seizure.

164. (1) The Director or an officer of the Service duly authorised by the Director in that behalf—

(a) may at all times, if he suspects on reasonable grounds that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that any animal, native plant, relic or article in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence is likely to be in or upon any premises or vehicle, on production of the prescribed evidence of his authority—

(i) stop any such vehicle;

(ii) enter and search any such premises or vehicle; and

(iii) subject to his giving a receipt in the prescribed form seize any such animal, native plant, relic (not being real property) or article found therein or thereon together with any books, papers or records relating to the suspected offence and make copies of, or take extracts from, any such papers, books or records;

(b) may at all times, on production of the prescribed evidence of his authority, enter any premises or vehicle for the purpose of—

(i) inspecting any premises registered under section 124, 125 or 128;

(ii) inspecting any premises in which fauna are housed or caged under the authority of a general licence under section 120;

(iii) inspecting any lands on which protected native plants are grown under the authority of a licence under section 132; or

(iv)

(iv) searching for and inspecting any articles that are being or could be used in contravention of this Act, the regulations or the by-laws; and

(c) may, for the enforcement of the provisions of this Act, the regulations or the by-laws, exercise the powers and authority of a constable.

(2) Subsection (1) does not—

(a) apply in relation to an offence of a class or description prescribed for the purposes of this subsection;

(b) authorise the seizure of a vehicle within the meaning of paragraph (a), (b), (c) or (e) of the definition of "vehicle" in section 5 (1) or any prescribed article; or

(c) authorise any person to enter in or upon that portion of a building that is used for residential purposes except under written authority given by the Minister.

(3) An authority referred to in subsection (2) (c)—

(a) may be general in its application or may be limited to specified premises;

(b) subject to paragraph (c), shall remain in force for the specified period; and

(c) may be revoked at any time by the Minister.

(4) The power of seizure under subsection (1) (a) may be exercised without exercising any of the other powers under subsection (1) (a).

(5)

(5) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, complains on oath that he has reason to suspect, and believes, that an offence against any of the provisions of this Act, the regulations or the by-laws has been committed and that there may be an animal, native plant, relic or article, in respect of which the suspected offence has been committed or which has been used in connection with the suspected offence, on specified premises or on a specified vehicle, a stipendiary magistrate may, by warrant under his hand, authorise the complainant to enter and search those premises or that vehicle.

(6) A person authorised under subsection (5) to enter premises or a vehicle may use force, whether by breaking open doors or otherwise, for the purpose of entering the premises and may—

(a) execute the warrant; and

(b) exercise the power of seizure under subsection (1) (a),

with the aid of such assistants as he deems necessary.

(7) A warrant may be issued under subsection (5) authorising a person to enter in or upon that portion of a building that is used for residential purposes notwithstanding that a written authority referred to in subsection (2) (c) has not been given authorising that person to make that entry.

Persons to deliver up fauna, etc., when required.

165. (1) Where the Director, or an officer of the Service duly authorised by the Director in that behalf, suspects on reasonable grounds any person to be committing an offence against any of the provisions of this Act, the regulations or the by-laws, he may, on production of the prescribed evidence of his authority, require that person to deliver up any animal, native plant, relic (not being real property) or article in his possession in respect of which the suspected offence is being committed or which is being used in connection with the suspected offence.

(2)

(2) Any such person after being so required shall not fail to deliver up forthwith any animal, native plant, relic (not being real property) or article to the Director or any such officer requiring him so to do.

Definition of "article" for sections 164 and 165.

166. In sections 164 and 165, "article" means prohibited weapon, firearm, explosive, net, trap, hunting device, substance, mixture, preparation, instrument, implement or any other thing.

Disposal of fauna and perishable goods when seized or delivered up.

167. (1) Where any property seized under section 164 or delivered up under section 165 is fauna or is perishable, it may forthwith be disposed of, by way of sale or otherwise, by the Director or an officer of the Service duly authorised by the Director in that behalf.

(2) The proceeds of any sale under subsection (1) shall be paid into the Fund.

(3) The payment to a person from the Fund of an amount equal to the proceeds of the sale of any property under subsection (1) operates as a discharge of any obligation to deliver up that property to that person and such a payment in discharge of any such obligation imposed by an order of the court prescribed in relation to the property under section 168 is hereby authorised.

Disposal of property seized or delivered up.

168. (1) Subject to this section, where—

(a) a person is convicted of an offence against this Act, the regulations or the by-laws;

(b) property relating to the offence, or in the possession of the offender at the time of the commission of the offence, has been seized under section 164 or delivered up under section 165; and

(c)

(c) any person applies to the court prescribed in relation to the property for an order that the property be delivered to a specified person,

that court may, whether or not it is the court making the conviction, make such an order.

(2) Subject to this section, where—

(a) property has been seized under section 164 or delivered up under section 165; and

(b) an information for an offence (being an offence on or after a conviction for which an order could be made under subsection (1) in respect of the property) has not been laid within six months after the seizure or delivering up of the property,

the court prescribed in relation to the property may, on the application of any person, order that the property be delivered to a specified person.

(3) An application for an order under subsection (1) may be made at the time of the conviction referred to in that subsection if the court making the conviction is the court prescribed in relation to the property to which the application relates.

(4) An application for an order under subsection (1) or (2) may not be made—

(a) in the case of an application for an order under subsection (1)—later than one month after the conviction referred to in that subsection; or

(b) in the case of an application for an order under subsection (2)—later than three months after the expiration of the period of six months referred to in that subsection.

(5)

(5) Where property has been seized under section 164 or delivered up under section 165 and—

(a) no application for an order under subsection (1) or (2) has been duly made; or

(b) such an application has been duly made and such an order has been refused,

the property the subject of the application and, where the property has been sold under section 167, the proceeds of the sale, shall be deemed to have been forfeited.

(6) For the purposes of this section—

(a) the value of any property sold under section 167 is an amount equal to the amount of the net proceeds of sale; and

(b) the court prescribed in relation to any property is—

(i) where the value of the property does not exceed $500—the court of petty sessions for the district in which the property was seized;

(ii) where the value of the property exceeds $500 but does not exceed $10,000—the District Court of New South Wales; and

(iii) where the value of the property exceeds $10,000—the Supreme Court of New South Wales.

Impersonating, assaulting, resisting or obstructing an officer, etc.

169. (1) A person shall not impersonate the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger.

(2) A person shall not—

(a) assault, threaten, resist, delay, obstruct or use abusive language to; or

(b)

(b) incite or encourage any other person to assault, threaten, resist, delay, obstruct or use abusive language to,

the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger, in the exercise of any of his powers, authorities, duties or functions under this Act, the regulations or the by-laws.

Corruption.

170. A person shall not, without lawful authority, offer, make or give to an officer of the Service, an ex-officio ranger or an honorary ranger any payment, gratuity or present in consideration that the officer or ranger will do or omit to do any act or thing pertaining to his powers, authorities, duties or functions as such an officer or ranger.

Penalty : $200 or imprisonment for six months or both.

Authority of officers of Service to take or kill, etc.

171. (1) The Director may authorise an officer of the Service, an ex-officio ranger or an honorary ranger—

(a) to take or kill—

(i) any animals of a class or description specified by the Director, being animals within a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve; or

(ii) any animals of a class or description specified by the Director, being protected fauna outside a park, site, reserve, area, district or refuge referred to in subparagraph (i), other than fauna that are not the property of the Crown;

(b)

(b) to fell, cut, destroy, injure, remove or set fire to any tree, timber or vegetation of a class or description specified by the Director, within a nature reserve; or

(c) to pick or have in his possession any native plant of a class or description specified by the Director, within a nature reserve.

(2) An officer of the Service, an ex-officio ranger or an honorary ranger shall not be convicted of an offence against this Act if he proves that the act constituting the offence was done, or the state of affairs constituting the offence existed, under the authority of the Director under subsection (1).

(3) For the purposes of this Act, the Director shall be deemed to be authorised under subsection (1) with respect to all animals, and all trees, timber, vegetation and native plants, to which that subsection relates or may relate.

(4) Except in so far as the Director otherwise directs, his authorisation of a person under subsection (1) with respect to any animals also authorises that person to do, in connection with the taking and killing of any such animal, any act referred to in section 45 (1) or 56 (1).

(5) Subsection (1) (a) (i) does not apply with respect to an animal that is not the property of the Crown unless the animal apparently has no owner and is not under control or unless an officer of the Service believes on reasonable grounds that the animal is endangering, or likely to endanger, any other animals or any persons or property within the park, site, reserve, area, district or refuge referred to in subsection (1) (a) (i).

(6) Nothing in this section affects the provisions of section 155 (2) (bb).

Member of police force.

172. A member of the police force shall not be convicted of an offence against this Act in respect of an act done in pursuance of or as part of his duties as such a member.

Removal of trespassers.

173. (1) Where, but for this section, section 255 of the Crown Lands Consolidation Act, 1913, would not apply to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, that section, subject to subsection (2), applies to and in respect of those lands in the same way as it applies to and in respect of Crown lands within the meaning of that Act.

(2) In the application of section 255 of the Crown Lands Consolidation Act, 1913, whether by virtue of subsection (1) or otherwise, to or in respect of any lands within a national park, historic site, nature reserve or Aboriginal area, a reference in that section to any person duly authorised by the Minister includes a reference to the Director or any person duly authorised by the Director.

Service of notices.

174. Any notice given under or for the purposes of this Act, the regulations or the by-laws may, unless otherwise specially provided, be given in any one of the following ways :—

(a) personally to the person to whom the notice is addressed; or

(b) by letter sent through the post by mail and directed to the last known place of abode or business in New South Wales of the person to whom the notice is addressed.

General offence and penalties.

175. (1) A person who—

(a) does that which by this Act (Parts II, III and V excepted) he is forbidden to do; or

(b) fails or neglects to do that which by this Act (Parts II, III and V excepted) he is required or directed to do,

is guilty of an offence against this Act.

(2) A person guilty of an offence against this Act, whether pursuant to subsection (1) or otherwise, is, where no other penalty is prescribed, liable to a penalty not exceeding—

(a) in the case of the first offence for which he is liable to a penalty under this section—$200;

(b) in the case of a second offence for which he is liable to a penalty under this section—$500; and

(c) in the case of a third or subsequent offence for which he is liable to a penalty under this section—$1,000.

Recovery of penalties.

176. (1) Any penalty imposed by this Act, the regulations or the by-laws may be recovered in a summary manner before a stipendiary magistrate or any two justices of the peace in petty sessions.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

(3) Where any person is convicted of an offence against this Act, the regulations or the by-laws and the magistrate or justices before whom he was convicted makes or make an order under section 81 of the Justices Act, 1902, for the payment by the defendant of costs, those costs shall be paid into the Fund.

Compensation.

177. (1) Where any person is convicted of an offence against this Act, the regulations or the by-laws whereby the Minister or Director incurs any charge, cost or expense or which results in or causes loss or damage to—

(a) any national park, historic site, nature reserve or Aboriginal area or to any structure or improvements thereon; or

(b)

(b) any lands vested in, surrendered to or leased to Her Majesty for the purposes of this Act or occupied under licence for the purposes of this Act, or acquired by the Minister under section 147, or to any structure or improvements thereon,

the magistrate or justices before whom he was convicted may order payment of such sum as he or they think fit by way of compensation for that charge, cost, expense, loss or damage.

(2) Any order under subsection (1) shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

Recovery of charges, etc.

178. (1) Any charge, fee or money due to the Director under the provisions of this Act, the regulations or the by-laws may be recovered as a debt or liquidated demand in a court of competent jurisdiction.

(2) The amount of any royalty due and payable under this Act or the regulations and unpaid may be recovered as a debt due to the Director from the person liable to pay that amount in a court of competent jurisdiction.

Authority to take proceedings.

179. (1) Any legal proceedings for an offence against this Act or to recover any charge, fee or money due under the provisions of this Act, the regulations or the by-laws may only be taken by a member of the police force or by a person duly authorised by the Director in that behalf, either generally or in any particular case.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of the authority without proof of the Director's signature.

180.

Continuance of authority.

180. Any person duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised that person has ceased to hold office as Director, but any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

Evidentiary provisions, etc.

181. (1) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that any lands in question form part of a national park, historic site, nature reserve, Aboriginal area, protected archaeological area, wildlife district, wildlife refuge or game reserve shall be sufficient without proof of the matter so alleged unless the defendant proves to the contrary.

(2) An allegation, in an information in respect of an offence against this Act, the regulations or the by-laws, that a standard, sign, symbol, notice or device was erected, displayed or marked with the authority of the Director, or that a standard, sign, symbol, notice or device was erected, displayed, marked, interfered with, altered or removed without the authority of the Director, shall be accepted by the court as evidence of the truth of the allegation, unless the defendant proves to the contrary.

(3) In any proceedings for an offence against this Act, the regulations or the by-laws, a certificate purporting to be signed by the officer for the time being in charge of the records kept under the law for the time being in force in any part of the Commonwealth relating to the ownership of motor vehicles and naming the owner of a motor vehicle as shown on those records shall be prima facie evidence of the name of the owner of the motor vehicle.

(4) In any prosecution under this Act, any allegation in any information that any person is unlicensed or acting without permission or authority need not be proved,

and

and that person shall be deemed to be unlicensed or acting without permission or authority, as the case may be, until the contrary is proved by the production of a licence, permit or authority or otherwise.

182. (1) In this section— Morton National Park.

"Board" means The Metropolitan Water Sewerage and Drainage Board;

"Park" means Morton National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Board may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board;

(c) where the site has been so determined, the Governor may, notwithstanding section 37, by notification published in the Gazette—

(i) revoke the reservation of the Park as to so much of the lands reserved as are within that site; and

(ii) declare those lands to be vested in the Board,

and thereupon those lands shall vest in the Board; and

(d) the Minister may, from to time, grant to the Board such easements and licences over lands within the Park for pipelines, power lines and other purposes

as

as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

(3) Anything done under or for the purposes of section 21 (2) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Macquarie Pass National Park.

183. (1) In this section—

"Commission" means The Water Conservation and Irrigation Commission;

"Park" means Macquarie Pass National Park.

(2) The following provisions shall apply to and in respect of the Park :—

(a) the Commission may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within the Park;

(b) the site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission; and

(c) the Minister may, from time to time, upon such terms as he thinks fit grant to the Commission such easements and licences over lands within the Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and ancillary works.

(3) Anything done under or for the purposes of section 21 (3) of the Act of 1967 shall be deemed to have been done under or for the purposes of this section.

Bouddi National Park.

184. (1) The Governor may, by proclamation published in the Gazette, declare that this section applies to such of the lands comprised in Bouddi National Park as are described in the proclamation.

(2)

(2) Upon the publication of the proclamation under subsection (1), the lands described in the proclamation shall cease to be part of Bouddi National Park and shall be deemed to have been reserved as a national park.

(3) Without affecting the generality of section 36, a reference in that section to a proclamation includes a reference to the proclamation under subsection (1).

Catchment areas.

185. (1) In this section, "the Acts" means the Metropolitan Water, Sewerage, and Drainage Act, 1924, and the Hunter District Water, Sewerage and Drainage Act, 1938.

(2) Nothing in this Act affects the operation of any of the provisions of either of the Acts in relation to lands within a national park, historic site or nature reserve, in so far as those provisions relate to catchment areas.

(3) Without affecting the generality of subsection (2), nothing in this Act—

(a) affects, or affects the operation of, any proclamation or by-law under either of the Acts relating to a catchment area and in force at the time of the reservation or dedication of any lands as, or as part of, a national park, historic site or nature reserve, being lands to which the proclamation or by-law relates; or

(b) affects the power of the Governor to make any proclamation or by-law under either of the Acts in relation to any lands within a national park, historic site or nature reserve.

(4) Notwithstanding anything in this Act, a lease, licence, easement or right of way shall not be granted under this Act in respect of any lands within a catchment area within the meaning of—

(a) the Metropolitan Water, Sewerage, and Drainage Act, 1924, except with the concurrence of The

Metropolitan

Metropolitan Water Sewerage and Drainage Board; or

(b) the Hunter District Water, Sewerage and Drainage Act, 1938, except with the concurrence of The Hunter District Water Board.

SCHEDULE 1.

Sec. 4 (1).

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1927, No. 2..	Wild Flowers and Native Plants Protection Act, 1927.	The whole Act.
1931, No. 35..	Wild Flowers and Native Plants Protection (Amendment) Act, 1931.	The whole Act.
1945, No. 8..	Wild Flowers and Native Plants Protection (Amendment) Act, 1945.	The whole Act.
1948, No. 47..	Fauna Protection Act, 1948. ..	The whole Act.
1959, No. 7..	Wild Flowers and Native Plants Protection (Amendment) Act, 1959.	The whole Act.
1964, No. 50..	Fauna Protection (Amendment) Act, 1964.	The whole Act.
1967, No. 35..	National Parks and Wildlife Act, 1967.	The whole Act.
1969, No. 78..	National Parks and Wildlife (Amendment) Act, 1969.	The whole Act.
1971, No. 36..	National Parks and Wildlife (Amendment) Act, 1971.	The whole Act.
1972, No. 20..	National Parks and Wildlife (Amendment) Act, 1972.	The whole Act.
1972, No. 61..	Forestry, Conservation Authority of New South Wales and Other Acts (Amendment) Act, 1972.	Section 12.
1973, No. 9..	District Court Act, 1973.	So much of Schedule 2 as amends Act No. 35, 1967.
1973, No. 11..	Justices (Amendment) Act, 1973...	Section 9.

SCHEDULE

SCHEDULE 2.

Sec. 4 (2).

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 95..	Public Roads Act 1902.	Section 8 (4) (b) (ii)— Omit "1967", insert instead "1974".
1912, No. 42..	Liquor Act, 1912.	Section 168 (2) (c)— (a) Omit "state park"; (b) Omit "1967", insert instead "1974".
1919, No. 41..	Local Government Act, 1919.	Section 289A— (a) Omit "and" where secondly occurring from paragraph (b1) of the definition of "authorised person" in subsection (1); (b) After paragraph (b1) of that definition insert the following paragraph:— (b2) an officer of the National Parks and Wildlife Service appointed by the Director to be an authorised person for the purposes of this Division; and (c) After that definition insert the following definition:— "Director" means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1974; (d) Omit "state park, historic site or aboriginal area within the meaning of the National Parks and Wildlife Act, 1967, and a nature reserve within the meaning of the Fauna Protection Act, 1948" from the definition of "public place" in subsection (1), insert instead "historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974"; (e) Omit "or (b1)" in subsection (3) (a), insert instead ", (b1) or (b2)".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1919, No. 41..	Local Government Act, 1919—*continued*	Section 289B (2)— (a) Omit from paragraph (b) "provided by, or with the approval of, the council", insert instead the following words:— "provided— (i) except as provided in sub-paragraph (ii)—by, or with the approval of, the council; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974, by the Director or the trustees thereof (if any) or by, or with the approval of, the council and with the consent of the Director or those trustees"; (b) Omit from paragraph (c) "published by the council notifying that it will remove the litter and", insert instead the following words:— "published— (i) except as provided in sub-paragraph (ii)—by the council notifying that it will remove the litter; or (ii) in the case of a national park, historic site, nature reserve or Aboriginal area within the meaning of the National Parks and Wildlife Act, 1974—under the authority of the Director or the trustees (if any) thereof or by the council with the consent of the Director or those trustees, and".
1924, No. 24..	Main Roads Act, 1924.	Section 3 (2) (i)— (a) Omit "state park" wherever occurring; (b) Omit "1967" wherever occurring, insert instead "1974".

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1935, No. 40..	Wool, Hide and Skin Dealers Act, 1935.	Section 2 (1)— Omit "a protected animal within the meaning of the Birds and Animals Protection Act, 1918—1930, or any Act amending that Act" from the definition of "Hide" or "skin", insert instead "protected fauna within the meaning of the National Parks and Wildlife Act, 1974".
1938, No. 10..	Soil Conservation Act, 1938.	Section 21A— Omit paragraph (c) of the definition of "protected land", insert instead the following paragraph:— (c) any national park, historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974.
1949, No. 31..	Bush Fires Act, 1949.	Sections 10 (7), 13 (6), 14 (3), 22 (2), 22 (3C) and 51 (1C)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or any nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 15 (5)— Omit "state park or historic site within the meaning of the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act 1948", insert instead "historic site or nature reserve within the meaning of the National Parks and Wildlife Act, 1974". Section 51 (1C)— Omit "that Service", insert instead "the Director of National Parks and Wildlife".

SCHEDULE

SCHEDULE 2 —*continued.*

AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1955, No. 28..	Petroleum Act, 1955.	Section 46 (2)— Omit "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained." Section 46— Insert at the end of the section the following subsection:— (3) The Minister shall not grant his consent under this section in respect of lands within a national park, historic site or nature reserve under the National Parks and Wildlife Act, 1974, without the concurrence in writing of the Minister for Lands.
1960, No. 10..	The National Trust of Australia (New South Wales) Act, 1960.	Section 9 (4) (b)— Omit "1967", insert instead "1974".
1973, No. 42..	Mining Act, 1973.	Section 86 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948", insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974".
1973, No. 81..	Coal Mining Act, 1973.	Sections 25 (4) and 69 (4)— Omit "a state park or a historic site under the National Parks and Wildlife Act, 1967, or a nature reserve under the Fauna Protection Act, 1948" wherever occurring, insert instead "historic site or nature reserve under the National Parks and Wildlife Act, 1974". Fourth Schedule— Omit so much of the Schedule as amends Act No. 47, 1948, and Act No. 35, 1967.

SCHEDULE 3. Sec. 4 (3).

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Interpretation.

1. In this Schedule—

"repealed enactments" means the enactments repealed by this Act;

"state park" means a state park within the meaning of the Act of 1967.

The Director.

2. (1) The person holding office as Director of National Parks and Wildlife under the Act of 1967 immediately before the commencement day shall be deemed to have been appointed Director under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967.

(2) All acts, matters and things done or omitted by, or done or suffered in relation to, the Director of National Parks and Wildlife appointed under the Act of 1967 before the commencement day shall, on and from that day, have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the Director appointed under this Act.

(3) Without affecting the generality of Schedule 4, clauses 10 and 11 of that Schedule apply to and in respect of the person holding office as Director immediately before the commencement day as if this Act had been in force at the time when he was appointed Director under the Act of 1967.

Local committees.

3. The members of a local committee constituted for any lands under the Act of 1967 and holding office immediately before the commencement day shall be deemed to be members of a local committee constituted for those lands under this Act as if this Act had been in force at the time of the constitution of the committee.

Relics Committee.

4. A person holding office as a member of the Aboriginal Relics Advisory Committee under section 33A of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Relics Committee under this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967.

Architects Committee.

5. A person holding office as an appointed member of the National Parks Advisory Committee of Architects under section 40 of the Act of 1967 immediately before the commencement day shall be deemed to have been appointed a member of the Architects Committee under

this

this Act, and he shall, subject to this Act, hold office for the remainder of the period specified in the instrument of his appointment under the Act of 1967.

Delegations.

6. (1) Any delegation in force under section 7 of the Act of 1967 shall be deemed to be a delegation under section 21.

(2) Section 7 of the Act of 1967 continues to apply to and in respect of any act or thing done by a delegate under that section before the commencement day.

Reserved, dedicated and declared lands.

7. (1) Lands comprised within a national park or state park under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a national park under this Act.

(2) Lands comprised within a historic site under the Act of 1967 immediately before the commencement day shall be deemed to be reserved as a historic site under this Act.

(3) Lands comprised within a nature reserve under the Fauna Protection Act, 1948, immediately before the commencement day shall be deemed to be dedicated as a nature reserve under this Act.

(4) A proclamation under section 20 of the Act of 1967 in force immediately before the commencement day in relation to a national park, state park or historic site under that Act shall be deemed to be a proclamation under section 33.

(5) To the extent that section 20 (5) and (6) of the Act of 1967 would, had this Act not been enacted, apply or continue to apply to or in respect of a proclamation published under section 20 of that Act before the commencement day, section 35 applies to or in respect of that proclamation.

(6) An order under section 33B of the Act of 1967 in force immediately before the commencement day in relation to an aboriginal area under that Act shall be deemed to be a proclamation in force under section 62.

(7) An order under section 33I of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be an order in force under section 65.

(8) A proclamation under section 23A (1) of the Fauna Protection Act, 1948, in force immediately before the commencement day in relation to a wildlife refuge under that Act shall be deemed to be a proclamation in force under section 68.

(9) A direction under section 33J of the Act of 1967 in force immediately before the commencement day in relation to a protected archaeological area under that Act shall be deemed to be a direction in force under section 66.

References to state parks.

8. (1) A reference, in any other Act, or in any regulation, ordinance, by-law or any other instrument or document whatever, of the same or a different kind or nature, to—

(a) a state park shall be read as a reference to a national park under this Act; or

(b) a particular state park under the Act of 1967 shall be read as a reference to the national park deemed to be reserved under clause 7 (1) and comprising the lands within that state park.

(2) Without affecting the generality of subclause (1), a reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read as a reference to the Kosciusko National Park deemed to be reserved under this Act, and a reference to the Kosciusko State Park Trust shall be read as a reference to the Director.

Plans of management.

9. (1) A plan of management under the Act of 1967 shall be deemed to be a plan of management under this Act.

(2) A working plan under the Fauna Protection Act, 1948, shall be deemed to be a plan of management under this Act.

Mining.

10. (1) A notice under section 24 (2) (a) of the Act of 1967 shall be deemed to be a notice under section 41, and anything done or commenced to be done under section 24 (2) (a) of the Act of 1967 shall be deemed to have been done or commenced under section 41.

(2) A reference in subclause (1) to section 41 includes a reference to that section as applied by any other provision of this Act.

Certain existing interests.

11. (1) In this clause, "prescribed interest" means an authority, authorisation, permit, lease, licence or occupancy to which section 22 of the Act of 1967 applied immediately before the commencement day.

(2) Section 39 applies to and in respect of a prescribed interest granted with respect to lands comprised in a national park, state park or historic site under the Act of 1967 as if this Act had been in force when that national park, state park or historic site was reserved under that Act.

Licences, etc.

12. (1) A licence, registration certificate, franchise, permit, permission, concurrence, consent, authorisation or authority, issued or given under any of the repealed enactments, shall be deemed to be issued or given under this Act.

(2) Notwithstanding subsection (1), a permit granted under section 33 of the Fauna Protection Act, 1948, shall be deemed to be a licence issued under section 127.

Open seasons.

13. A notice of an open season under section 18 of the Fauna Protection Act, 1948, in force immediately before the commencement day shall be deemed to be an order in force under section 95.

Property.

14. (1) Any property acquired by the Minister under the Act of 1967 shall be deemed to have been acquired by him under this Act.

(2) Lands acquired under section 19A of the Act of 1967 shall be deemed to have been acquired under section 145.

(3) Lands acquired under section 19B of the Act of 1967 shall be deemed to have been acquired under section 146 (1).

(4) A lease or licence granted under the Act of 1967 and in force immediately before the commencement day shall be deemed to have been granted under this Act.

(5) A franchise in force under section 32 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 152.

(6) An easement or right of way in force under section 31 of the Act of 1967 immediately before the commencement day shall be deemed to have been granted under section 153.

Community service contribution.

15. (1) Any community service contribution under section 37 of the Act of 1967 due and payable immediately before the commencement day shall be deemed to be due and payable under section 140.

(2) Section 140 applies to and in respect of any community service provided or maintained under section 37 of the Act of 1967 before the commencement day and in respect of which a notice of the amount of contribution had not been served under that section before that day.

Forfeiture and seizure.

16. The provisions of any of the repealed enactments continue to apply to and in respect of any forfeiture or seizure under those provisions before the commencement day, and so apply as if this Act had not been enacted.

Regulations and by-laws.

17. Any regulations in force under any of the repealed enactments immediately before the commencement day shall be deemed to be regulations made under this Act, but any such regulations shall, to the extent to which they would be by-laws if made under this Act, be deemed to be by-laws made under this Act.

Certain amendments made by Act of 1967.

18. The amendments made by sections 52, 53, 54 and 56 of the Act of 1967 continue to have the same force and effect as if those sections had not been repealed by this Act.

Exercise of powers before commencement day.

19. Where, by virtue of section 37 of the Interpretation Act, 1897, any act or thing is to be done under this Act before the commencement day, and the act or thing is to be done by or in relation to the Director appointed under this Act, the act or thing may be done by or in relation to the Director of National Parks and Wildlife appointed under the Act of 1967, or a person duly acting in his place, and when so done, shall have the same effect as if done by the Director under this Act.

SCHEDULE 4. Sec. 7 (2).

THE DIRECTOR.

Interpretation.

1. In this Schedule, "statutory body" means any body declared under clause 2 to be a statutory body for the purposes of this Schedule.

Declaration of statutory bodies.

2. The Governor may, by proclamation published in the Gazette, declare any body constituted by or under any Act to be a statutory body for the purposes of the definition of "statutory body" in clause 1.

Term of office.

3. The Director shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is, if otherwise qualified, eligible for reappointment from time to time for such further period or periods as the Governor may appoint.

Salary.

4. The salary of the Director shall be as fixed by the Governor from time to time.

Application of Public Service Act, 1902.

5. The Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to that Act during his term of office.

Ineligibility by reason of age.

6. A person who is of or above the age of sixty-five years is not eligible for appointment as Director.

Director attaining 65 years of age.

7. The Director shall cease to hold office on the day on which he attains the age of sixty-five years.

Removal from office.

8. The Governor may for any cause which to him seems sufficient remove the Director from office.

Vacation of office.

9. The Director shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

Preservation of certain rights of Director if previously public servant, etc.

10. (1) In this clause, "superannuation scheme" means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under any Act.

(2) Subject to subclause (3) and to the terms of his appointment, where the Director was, immediately before his appointment as Director—

(a) an officer of the Public Service;

(b) a contributor to a superannuation scheme;

(c) an officer employed by any statutory body; or

(d) a person in respect of whom provision was made by an Act that he retain any rights accrued or accruing to him as an officer or employee,

he—

(e) shall retain any rights accrued or accruing to him as such an officer, contributor or person;

(f) may continue to contribute to any superannuation scheme to which he was a contributor immediately before his appointment as Director; and

(g) shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity,

as if he had continued to be such an officer, contributor or person during his service as Director, and—

(h) his service as Director shall be deemed to be service as an officer or employee for the purpose of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and

(i) he shall be deemed to be an officer or employee, and the Government of New South Wales shall be deemed to be his employer, for the purpose of the superannuation scheme to which he is entitled to contribute under this subclause.

(3)

(3) Where the Director would, but for this subclause, be entitled under subclause (2) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme, he shall not be so entitled upon his becoming (whether upon his appointment as Director or at any later time while he holds office as Director) a contributor to any other superannuation scheme, and the provisions of subclause (2) (i) cease to apply to or in respect of him and the Government of New South Wales in any case where he becomes a contributor to such another superannuation scheme.

(4) Subclause (3) does not prevent the payment to the Director upon his ceasing to be a contributor to a superannuation scheme of such amount as would have been payable to him if he had ceased, by reason of resignation, to be an officer or employee for the purposes of that scheme.

(5) The Director shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

Director entitled to re-appointment in former employment in certain cases.

11. (1) In this clause, "retiring age" means—

(a) in relation to a person who was, immediately before his appointment as Director, an officer of the Public Service—the age of sixty years; and

(b) in relation to a person who was, immediately before his appointment as Director, an officer or employee of a statutory body—the age at which officers or employees (being officers or employees of the class to which that person belonged immediately before his appointment as Director), as the case may be, of that statutory body are entitled to retire.

(2) Where a person ceases to be Director, otherwise than pursuant to clause 9 (paragraph (b) excepted), he shall, if he has not attained the retiring age, be entitled to be appointed, where, immediately before his appointment as Director, he was—

(a) an officer of the Public Service—to some office in the Public Service; or

(b) an officer or employee of a statutory body—to some office in the service of that statutory body,

not lower in classification and salary than that which he held immediately before his appointment as Director.

SCHEDULE

SCHEDULE 5.

Sec. 31.

NATIONAL PARKS AND HISTORIC SITES UNDER THE CARE, CONTROL AND MANAGEMENT OF TRUSTEES.

Column 1. Name of national park or historic site.	Column 2. Corporate name of trustees.
Brisbane Water National Park ..	Trustees of Brisbane Water National Park.
Dorrigo National Park	Trustees of Dorrigo National Park.
Gibraltar Range National Park ..	Trustees of Gibraltar Range National Park.
Mount Kaputar National Park ..	Trustees of Mount Kaputar National Park.
New England National Park ..	Trustees of New England National Park.
Warrumbungle National Park ..	Trustees of Warrumbungle National Park.
Captain Cook's Landing Place Historic Site.	Trustees of Captain Cook's Landing Place Historic Site.
Vaucluse House Historic Site ..	Trustees of Vaucluse House Historic Site.

SCHEDULE 6.

Sec. 13 (2).

TRUSTEES.

Term of office.

1. (1) A trustee holding office on the commencement day shall, subject to this Act, hold office for a period of five years, and is eligible for further appointment as a trustee.

(2) A trustee appointed after the commencement day shall, subject to this Act, hold office for such period not exceeding five years as may be specified in the notification of his appointment, and is eligible for further appointment as a trustee.

Ineligibility by reason of age.

2. A person who is of or above the age of seventy years is not eligible for appointment as a trustee.

Trustee attaining 70 years of age.

3. A trustee shall cease to hold office on the day on which he attains the age of seventy years.

Removal from office.

4. The Governor may for any cause which to him seems sufficient remove from office any trustee.

5. A trustee shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

6. The Minister may, from time to time, by notification published in the Gazette, fill any vacancy that occurs in the office of trustee and may, by a like notification, appoint additional trustees. New trustees.

7. (1) A majority of the trustees of a national park or historic site shall form a quorum at any meeting of the trustees and any duly convened meeting at which a quorum is present shall be competent to transact any business of the trustees. Quorum.

(2) Questions arising at a meeting of the trustees of a national park or historic site shall be determined by a majority of votes of the trustees present and voting.

8. The procedure for the calling of meetings of the trustees of a national park or historic site and for the conduct of business at those meetings shall, subject to this Schedule and any by-laws made in relation thereto applicable to the national park or historic site, be as determined by the trustees. Procedure.

9. The trustees shall cause to be forwarded to the Minister during the month of July in each year financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case may require. Report.

SCHEDULE 7.

Sec. 22 (2).

THE COUNCIL.

1. (1) The Council shall consist of— Composition.

(a) the Director; and

(b) twelve other members (in this Schedule referred to as "appointed members") appointed by the Minister.

(2)

(2) In making appointments under this Schedule, the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or interests, to undertake wildlife conservation.

(3) Of the appointed members—

(a) three shall be persons each of whom is a trustee of, or a member of a local committee for, a national park;

(b) one shall be a person who is a trustee of, or a member of the local committee for, a historic site;

(c) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;

(d) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;

(e) one shall be a person experienced in the science of botany nominated by the Minister;

(f) one shall be a person who is a member of the National Parks Association of New South Wales;

(g) one shall be a person nominated in the manner prescribed by one or more of the universities functioning within New South Wales;

(h) one shall be an officer of the Australian Museum nominated by the Minister administering the Australian Museum Act, 1902;

(i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949, as amended, of the Parliament of the Commonwealth; and

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

Term of office.

2. An appointed member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Ineligibility by reason of age.

3. A person who is of or above the age of seventy years is not eligible for appointment as an appointed member.

Appointed member attaining 70 years of age.

4. An appointed member shall cease to hold office on the day on which he attains the age of seventy years.

5.

Removal from office.

5. The Governor may for any cause which to him seems sufficient remove from office any appointed member.

Vacation of office.

6. An appointed member shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed, except in the case of a member appointed pursuant to clause 1 (3) (a) or (b) who ceases to hold that qualification by reason of the care, control and management of the national park or historic site having become vested in the Director; or

(e) is removed from office by the Governor.

Filling casual vacancy.

7. On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (3) in the same manner as that predecessor.

Alternate members.

8. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (3) in the same manner as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Council, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

Chairman.

9. (1) The Director shall be the chairman of the Council.

(2) The chairman shall preside at all meetings of the Council at which he is present.

Absence of chairman.

10. In the absence of the chairman at any meeting, the members present at the meeting may elect one of their number to preside as chairman.

Chairman's vote.

11. The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

Quorum.

12. (1) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council.

(2) Questions arising at a meeting of the Council shall be determined by a majority of votes of the members present and voting.

Procedure.

13. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Council.

Fees.

14. A member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE 8.

Sec. 24 (2).

Local Committees.

Initial composition.

1. The local committee first constituted for each national park or historic site after the date upon which the care, control and management thereof have been vested in the Director shall be the persons who, immediately before that date, were the trustees or the members of the body corporate which was trustee thereof, or where there were no trustees or was no trustee, such persons as the Minister may appoint.

Removal from office.

2. The Governor may for any cause which to him seems sufficient remove from office any member of a local committee.

Vacation of office.

3. A member of a local committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or

(d) is removed from office by the Governor.

4. After the first constitution of a local committee, the members of the local committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy. Subsequent composition.

5. The members of a local committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such period not exceeding five years as may be specified in the respective instruments of appointment, and are eligible for further appointment under this Schedule. Term of office.

6. A person who is of or above the age of seventy years is not eligible for appointment under this section as a member. Ineligibility by reason of age.

7. A member of a local committee shall cease to hold office on the day on which he attains the age of seventy years. Member attaining 70 years of age.

8. (1) A majority of the members of a local committee shall form a quorum at any meeting of the committee and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the committee. Quorum.

(2) Questions arising at a meeting of a local committee shall be determined by a majority of votes of the members present and voting.

9. The procedure for the calling of meetings of a local committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the local committee. Procedure.

10. A member of a local committee shall be entitled to receive such travelling and other expenses (if any) as the Minister may determine in respect of him. Expenses.

SCHEDULE 9.

Sec. 27 (2).

THE RELICS COMMITTEE.

1. (1) The Relics Committee shall consist of eight members appointed by the Minister. Composition.

(2) Of the members of the Relics Committee—

(a) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;

(b) one shall be an archaeologist or anthropologist on the staff of the Australian Museum;

(c)

(c) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;

(d) one shall be a person nominated by The National Trust of Australia (New South Wales);

(e) one shall be an officer of the Department of Mines; and

(f) one shall be an officer of the Service.

Term of office.

2. A member shall, subject to this Schedule, hold office for a period of five years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member.

Removal from office.

3. The Minister may for any cause which to him seems sufficient remove from office any member of the Relics Committee.

Vacation of office.

4. A member of the Relics Committee shall be deemed to have vacated his office if he—

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

Filling casual vacancy.

5. On the occurrence of a vacancy in the office of a member of the Relics Committee, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (2) in the same manner (if any) as that predecessor.

Alternate members.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Relics Committee, a person qualified under clause 1 (2) in the same manner (if any) as the person for whom he is the alternate member.

(2) An alternate member shall have and may exercise, while acting as a member of the Relics Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

7. (1) Five members shall form a quorum at any meeting of the Relics Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee. Quorum.

(2) Questions arising at a meeting of the Relics Committee shall be determined by a majority of votes of the members present and voting.

8. The procedure for the calling of meetings of the Relics Committee and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Relics Committee. Procedure.

9. A member of the Relics Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him. Fees.

SCHEDULE 10.

Sec. 29 (2).

THE ARCHITECTS COMMITTEE.

1. (1) The Architects Committee shall consist of seven members. Composition.

(2) One of the members shall be the person who for the time being holds the office of Government Architect.

(3) The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting of the Architects Committee which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(4) The other six members (in this Schedule referred to as "appointed members") shall be appointed by the Minister and shall be architects registered under the Architects Act, 1921, of whom—

(a) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

(b) one other shall be qualified as a landscape architect.

2. An appointed member shall, subject to this Schedule, hold office for such period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member. Term of office.

3. The Minister may for any cause which to him seems sufficient remove from office any appointed member. Removal from office.

4. An appointed member shall be deemed to have vacated his office if he— Vacation of office.

(a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(d) ceases to hold the qualification by virtue of which he was appointed; or

(e) is removed from office by the Minister.

5. On the occurrence of a vacancy in the office of an appointed member, otherwise that by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (4) in the same manner (if any) as that predecessor. Filling of casual vacancy.

6. (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (4) in the same manner (if any) as the person for whom he is the alternate member. Alternate members.

(2) An alternate member shall have and may exercise, while acting as a member of the Architects Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

7. (1) Four members shall form a quorum at any meeting of the Architects Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee. Quorum.

(2) Questions arising at a meeting of the Architects Committee shall be determined by a majority of votes of the members present and voting.

8. The procedure for the calling of meetings of the Architects Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Architects Committee. Procedure.

9. A member of the Architects Committee shall be entitled to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him. Fees.

SCHEDULE

SCHEDULE 11.

Secs. 5 (1), 93.

UNPROTECTED FAUNA.

MAMMALS

Carnivora other than Pinnipedia	Bears, lions, dogs, etc.
Insectivora	Moles, hedgehogs.
Artiodactyla, other than *Cervus timorensis* (Javan Rusa deer)	Cloven hoofed animals.
Perissodactyla	Horses, donkeys, etc.
Primates	Apes, monkeys.
Subungulates	Elephants.
Pteropus policephalus and *Pteropus scapulatus*	Fruit bat or flying fox.
Lepus europaeus	Hare.
Oryctolagus cuniculus	Rabbit.
Sciurus palmarum	Indian Palm Squirrel.

BIRDS

Carduelis carduelis	Goldfinch.
Chloris chloris	Greenfinch.
Passer domesticus	Sparrow.
Zosterops lateralis	Eastern Silvereye.
Phalacrocorax carbo	Black Cormorant or Shag.
Phalacrocorax varius	Pied Cormorant.
Phalacrocorax sulcirostris	Little Black Cormorant.
Phalacrocorax melanoleucus	Little Pied Cormorant.
Corvus cecilae	Crow.
Corvus coronoides	Raven.
Strepera graculina	Pied Currawong.
Cacatua galerita	Sulphur-crested or White Cockatoo.
Cacatua roseicapilla	Rose-breasted Cockatoo or Galah.
Platycercus elegans	Crimson Rosella.
Platycercus eximius	Eastern Rosella.
Sturnis vulgaris	Common Starling.
Pycnonotus jocosus	Red-whiskered Bul Bul.
Turdus merula	Blackbird.
Passer montanus	Tree Sparrow.
Acridotheres tristis	Indian Myna.
Streptopelia chinensis	Indian Turtle Dove.
Corvus bennetti	Little Crow.
Lonchura punctulata	Spice (nutmeg) Finch.
Lonchura ferruginosa	Black-headed Mannikin.
Anas platyrhynchos	Mallard Duck.

SCHEDULE 12. Secs. 5 (1), 94.

ENDANGERED FAUNA.

MAMMALS

Onychogalea fraenata	Bridled Nail-tailed Wallaby.
Petrogale xanthopus	Yellow-footed Rock-Wallaby.
Burramys parvus	Mountain Pygmy Possum.
Planigale tenuirostris	Southern Planigale.
Antechinus maculatus	Pigmy Marsupial Mouse.
Antechinus laniger	Eastern Jerboa Marsupial.
Planigale gilesi	Giles Planigale.
Dasyurus viverrinus	Eastern Native Cat.

REPTILES

Hoplocephalus bungaroides ..	Broad-headed Snake.

BIRDS

Pterodroma leucoptera	Gould Petrel.
Xenorhynchus asiaticus	Jabiru.
Stictonetta naevosa	Freckled Duck.
Aviceda subcristata	Crested Hawk.
Falco hypoleucos	Grey Falcon.
Haematopus ostralegus	Pied Oystercatcher.
Charadrius cucullatus	Hooded Dotterel.
Sterna albifrons sinensis	Little Tern.
Leipoa ocellata	Mallee Fowl.
Pedionomus torquatus	Plain Wanderer.
Grus rubicunda	Brolga.
Eupodotis australis	Australian Bustard.
Megaloprepia magnifica	Wompoo Pigeon.
Geophaps scripta	Squatter Pigeon.
Cacatua tenuirostris	Long-billed Corella.
Opopsitta diopthalma coxeni ..	Fig Parrot.
Psephotus pulcherrimus	Paradise Parrot.
Pezoporus wallicus	Ground Parrot.
Tyto longimembris	Grass Owl.
Podargus plumiferus	Plumed Frogmouth.
Menura alberti	Albert Lyrebird.
Atrichornis rufescens	Rufous Scrub-Bird.
Dasyornis brachypterus	Eastern Bristle-Bird.
Amytornis barbatus	Grey Grasswren.
Amytornis striatus	Striated Grasswren.
Pachycephala rufogularis	Red-lored Whistler.
Manorina melanotis	Black-eared Miner.
Strepera versicolor melanoptera ..	Black-winged Currawong.

SCHEDULE 13. Secs. 5 (1), 115.

PROTECTED NATIVE PLANTS.

SEED PLANTS

Actinotus helianthi	Flannel Flower.
Archontophoenix cunninghamiana	Bangalow Palm.
Blandfordia, all native species ..	Christmas Bells.
Boronia, all native species ..	Boronia.
Bulbophyllum, all native species ..	Orchid.
Calanthe triplicata	Orchid.
Casuarina cunninghamiana ..	River Oak.
Caustis, all native species ..	Curly Sedge.
Ceratopetalum gummiferum ..	Christmas Bush.
Clianthus formosus	Sturt's Desert Pea.
Crowea, all native species ..	Crowea.
Cymbidium, all native species ..	Orchid.
Dendrobium, all native species ..	Orchid.
Dipodium, all native species ..	Orchid.
Doryanthes, all native species ..	Giant Lily.
Eriostemon, all native species ..	Wax Plant.
Galeola, all native species ..	Orchid.
Geodorum pictum	Orchid.
Grevillea aspleniifolia	Fern-leaved Grevillea.
Grevillea caleyi	Caley's Grevillea.
Grevillea longifolia	Fern-leaved Grevillea.
Liparis, all native species ..	Orchid.
Livistona australis	Cabbage Tree Palm.
Lomatia silaifolia	Crinkle Bush.
Microstrobos fitzgeraldii ..	.....
Oberonia, all native species ..	Orchid.
Pandanus, all native species ..	Pandanus.
Papillilabium beckleri	Orchid.
Parasarcochilus, all native species	.....
Peristeranthus hillii	Orchid.
Persoonia pinifolia	Pine-leaved Geebung.
Phaius tancarvilliae	Orchid.
Phreatia, all native species ..	Orchid.
Restio tetraphyllus	Restio.
Rhinerrhiza divitiflora	Orchid.
Sarcochilus, all native species ..	Orchid.

SCHEDULE 13—*continued.*

SEED PLANTS—*continued*	
Schistotylus purpuratus	Orchid.
Sprengelia incarnata	Sprengelia.
Taeniophyllum, all native species	Orchid.
Telopea, all native species ..	Waratah.
Xylomelum, all native species ..	Woody Pear.
All native species of epiphytic and lithophytic orchids not included elsewhere in this Schedule.	
FERNS AND FERN ALLIES	
Adiantum, all native species ..	Maiden Hair Fern.
Asplenium nidus	Bird's Nest Fern.
Asplenium falcatum	.....
Cyathea, all native species ..	Tree Fern.
Davallia pyxidata	Hare's Foot Fern.
Dicksonia, all native species ..	Tree Fern.
Lycopodium deuterodensum ..	Mountain Moss.
Platycerium, all native species ..	Elk Horn and Stag Horn.
Tmesipteris, all native species ..	.....
Todea barbara	Tree Fern.
MOSSES	
Sphagnum, all native species ..	Sphagnum Moss.

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