

FAUNA PROTECTION (AMENDMENT) ACT.

Act No. 50, 1964.

An Act to increase the membership of the Fauna Elizabeth II,
No. 50, 1964 Protection Panel ; to provide for the establishment of wildlife refuges and game reserves ; for these and other purposes to amend the Fauna Protection Act, 1948 ; and for purposes connected therewith. [Assented to, 9th December, 1964.]

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 :—

1. (1) This Act may be cited as the "Fauna Protection Short title
and citation. (Amendment) Act, 1964".

(2)

Fauna Protection (Amendment) Act.

No. 50, 1964

(2) The Fauna Protection Act, 1948, as amended by this Act, may be cited as the Fauna Protection Act, 1948–1964.

Amendment
of Act No.
47, 1948.

2. The Fauna Protection Act, 1948, is amended—

Sec. 2.
(Division
into Parts.)

(a) by inserting in section two next after the matter relating to Division 3 of Part IV the words “DIVISION 3A.—*Wildlife Refuges and Game Reserves*”;

Sec. 4.
(Defi-
nitions.)

(b) by inserting in section four next after the definition of “Mammal” the following new definition :—

“Owner”, in relation to land, includes every person who jointly or severally, whether at law or in equity—

- (a) is entitled to the land for any estate of freehold in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, 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 land 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.

Sec. 5.
(Fauna
Protection
Panel.)

(c) (i) by omitting paragraphs (e) and (f) of subsection three of section five and by inserting in lieu thereof the following paragraphs :—

- (e) two members, one of whom shall be an officer of the Department of Lands and the other the Western Lands Commissioner, an Assistant Western Lands Commissioner or an officer employed in

in the office of the Western Lands Commissioner, shall be appointed on the nomination of the Minister for Lands; No. 50, 1964

- (f) one member shall be appointed on the nomination of the Minister for Tourist Activities and shall be an officer of the Department of Tourist Activities;
- (ii) by inserting next after paragraph (i) of the same subsection the following new paragraphs :—
 - (j) one member shall be appointed on the nomination of the Premier and shall be a member of the police force;
 - (k) one member shall be appointed on the nomination of the Minister and shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949 of the Commonwealth of Australia.
- (d) by inserting in subsection three of section twenty after the word “twenty-six” the word, figures and letter “or 26A”; Sec. 20.
(Rare fauna.)
- (e) by inserting in subsection five of section twenty-two after the word “twenty-six” the word, figures and letter “or 26A”; Sec. 22.
(Fauna within districts.)
- (f) by inserting in section twenty-three after the word “twenty-six” the word, figures and letter “or 26A”; Sec. 23.
(Penalty for trespass.)
- (g) by inserting next after section twenty-three the following new Division :— New
Division
3A.

DIVISION 3A.—*Wildlife Refuges and Game Reserves.*

23A. (1) The Governor may, on the recommendation of the panel and with the consent of every owner and occupier of any land, by proclamation declare that land to be a wildlife refuge or game reserve. Wildlife
refuges
and game
reserves.

(2)

No. 50, 1964

(2) A proclamation shall not be made under subsection one of this section except with the approval of the Minister for Mines.

Any such approval may be given in respect of any specified lands, any specified class of lands or lands within any specified area.

(3) Any such proclamation may, on the recommendation of the panel, and shall, if a request to do so is made by the Minister for Mines or any owner or occupier of the land, be revoked and may, on the recommendation of the panel and with the consent of the Minister for Mines and every owner and occupier of the land, be amended.

(4) In respect of any land declared to be a wildlife refuge or a game reserve under this section the panel may prepare a scheme of operations the objects of which shall be the maintenance or restoration of the natural environments, and the encouragement of the care, propagation, preservation and conservation of protected fauna and the appreciation of protected fauna in their natural environments.

(5) A scheme of operations shall, if approved by the Minister and every owner and occupier of the land to which it relates, be the working plan for the wildlife refuge or game reserve.

(6) A working plan may, with the approval of the Minister and every owner and occupier of the land to which it relates, be amended from time to time and thereafter the working plan, as so amended, shall be the working plan for the wildlife refuge or game reserve.

(7) A working plan may contain provisions for the panel to carry out any works in furtherance of the objects of the working plan and the

the provisions of subsection six of section nine of No. 50, 1964
this Act shall extend mutatis mutandis to the carry-
ing out of any such works.

(8) If any person otherwise than under
and in accordance with a license—

- (a) issued under section twenty-five or twenty-six of this Act, is found in any wildlife refuge; or
- (b) issued under section twenty-five or twenty-six or 26A of this Act, is found in any game reserve,

in possession of any fauna or in search or pursuit of, or for the purpose of taking or killing any fauna he shall be guilty of an offence and be liable to a penalty not exceeding one hundred pounds, and having in his possession when so found any implements or means for taking or killing fauna or being accompanied by dogs shall be prima facie evidence of such purpose.

(9) Any person who—

- (a) in any wildlife refuge takes or kills any fauna otherwise than under and in accordance with a license issued under section twenty-five or twenty-six of this Act; or
- (b) in any game reserve takes or kills any fauna otherwise than under and in accordance with a license issued under section twenty-five or twenty-six or 26A of this Act,

shall be guilty of an offence and be liable to a penalty not exceeding one hundred pounds.

(10) Subsections eight and nine of this section shall not apply to any person while he is acting in pursuance of any duty imposed on him by or under any Act.

(11)

No. 50, 1964

(11) In respect of any Crown lands the consent or approval of, and any request by, the Crown under subsection one, three, five or six of this section may be signified or made by the Minister for Lands.

In this subsection "Crown lands" has the meaning ascribed to that expression in section five of the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts.

New sec.
26A.

- (h) by inserting next after section twenty-six the following new section : —

Game
licenses.

26A. (1) The panel may in the prescribed form issue to any person a license (to be called a "game license") authorising that person to take or kill the protected fauna specified therein at such times and in such places or areas and subject to such conditions as may be so specified.

(2) A license issued under subsection one of this section does not authorise a person to take or kill any protected fauna for the purpose of sale.

Sec. 27.
(Persons
taking or
killing
fauna for
sale.)

- (i) by omitting from subparagraph (i) of paragraph (d) of subsection one of section twenty-seven the words "hare, rabbit, kangaroo, wallaroo, wallaby or opossum" and by inserting in lieu thereof the words "hare or rabbit";

Sec. 43.
(Regu-
lations.)

- (j) by inserting at the end of subsection two of section forty-three the following new paragraph : —

(m) for the management and control, in accordance with the working plan in force in relation thereto, of any wildlife refuge or game reserve.

GENERAL