

**NATIONAL PARKS AND WILDLIFE
(AMENDMENT) ACT.**

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 20, 1972.

An Act with respect to the form of proclamation for the reservation of land as a national park, state park or historic site; to make further provision with respect to the care, control and management of certain lands reserved as a national park, state park or historic site; to remove certain doubts as to the character of lands in a national park, state park or historic site that are subject to any authority or permit or any lease, license or occupancy when the authority, permit, lease, license or occupancy terminates or is surrendered, forfeited, or determined; for these and other

purposes

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purposes to amend the National Parks and Wildlife Act, 1967, and the National Parks and Wildlife (Amendment) Act, 1971; and for purposes connected therewith. [Assented to, 29th March, 1972.]

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. This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1972". Short title.

2. (1) The National Parks and Wildlife Act, 1967, is amended— Amendment of Act No. 35, 1967.

(a) (i) by omitting from subsection one of section eighteen the words "section two of the National Parks and Wildlife (Amendment) Act, 1969," and by inserting in lieu thereof the words "the National Parks and Wildlife (Amendment) Act, 1972,"; Sec. 18. (Care, control and management of areas in the Third Schedule.)

(ii) by omitting subsection (1A) of the same section;

(iii) by omitting from subsection two of the same section the words "or (1A)";

(b) (i) by omitting from subsection one of section twenty the words ", not held under lease or license or otherwise lawfully occupied, that" and by inserting in lieu thereof the word "which"; Sec. 20. (Reservation of certain lands as national park, state park or historic site.)

(ii)

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(ii) by omitting paragraph (b) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

(b) reserve, as part of a national park, state park or historic site specified in the proclamation, prescribed lands described in the proclamation that adjoin, or are adjacent to, that national park, state park or historic site.

(iii) by omitting from subsection three of the same section the following word and paragraph :—

; and

(c) the care, control and management of the lands so reserved vest in the Director.

and by inserting in lieu thereof the following word and paragraph :—

; and

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

(i) where the lands so reserved adjoin, or are adjacent to, a national park, state park or historic site described in the Third Schedule to this Act—in the trustees, or the body corporate which is trustee, of the national park, state park or historic site; or

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

for the purposes of this Act.

(c)

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- (c) by inserting next after section twenty-two the No. 20, 1972 following new section :—

New sec.
22A.

22A. (1) Upon the termination, surrender, forfeiture or determination of any authority or permit or any lease, license or occupancy (otherwise than for the purpose of renewing it or extending its term) referred to in section twenty-two of this Act, the land the subject of the authority, permit, lease, license or occupancy is, to the extent to which it would not, but for this section, be land reserved as part of the national park, state park or historic site within which it is situated, hereby so reserved.

(2) This section shall be deemed to have taken effect on the first day of October, one thousand nine hundred and sixty-seven.

- (d) (i) by omitting from subsection one of section twenty-six the words "by the operation of section nineteen or twenty" and by inserting in lieu thereof the words "upon the publication of a notification under section nineteen or a proclamation under section twenty";
- (ii) by inserting in the same subsection after the words "historic site" where firstly occurring the words "and the care, control and management of the lands is vested in the Director";
- (iii) by inserting in the same subsection after the word "notification" wherever occurring the words "or proclamation";
- (iv) by inserting at the end of the same section the following new subsection :—

(3) The provisions of subsections one and two of this section apply also where, upon the publication of a proclamation under section twenty of this Act, the care, control and management

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management of lands are vested in the trustees, or the body corporate which is trustee, of a national park, state park or historic site described in the Third Schedule to this Act and so apply as if references in those provisions to the Director were references to those trustees or, as the case may be, that body corporate.

Sec. 29.
(Plan of
manage-
ment.)

(e) by omitting paragraph (e) of subsection three of section twenty-nine and by inserting in lieu thereof the following paragraph :—

(e) the protection of each national park, state park or historic site against fire and erosion;

Sec. 49.
(Regula-
tions.)

(f) by inserting in subsection four of section forty-nine after the words “or historic site” wherever occurring the words “or any part thereof”.

(2) The amendment made by paragraph (e) of subsection one of this section shall be deemed to have taken effect on the eighth day of October, one thousand nine hundred and seventy-one.

(3) The amendment made by paragraph (f) of subsection one of this section shall be deemed to have taken effect on the first day of October, one thousand nine hundred and sixty-seven.

(4) A person is not, by reason only of the operation of subsection three of this section, guilty of an offence against any regulation made under the provisions of the National Parks and Wildlife Act, 1967, in respect of anything done or omitted to be done by him before the day this Act receives the Royal assent.

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3. (1) The National Parks and Wildlife (Amendment) No. 20, 1972 Act, 1971, is amended—

Amendment
of Act No.
36, 1971.

- (a) (i) by omitting from paragraph (d) of section three the word “two” and by inserting in lieu thereof the word “three”; (Further amendment of Act No. 35, 1967.)
- (ii) by omitting from subparagraph (iii) of paragraph (h) of the same section the word “section” where firstly occurring and by inserting in lieu thereof the word “subsection”;
- (b) by omitting from subparagraph (v) of paragraph (c) of section twelve the words “‘licenses’ where fourthly and fifthly occurring the words ‘or registration certificates’” and by inserting in lieu thereof the words “‘license’ wherever occurring the words ‘or registration certificate’”.

(2) The amendments made by subsection one of this section shall be deemed to have taken effect on the eighth day of October, one thousand nine hundred and seventy-one.

4. (1) The National Parks and Wildlife (Amendment) Act, 1971, is further amended by omitting from paragraph (a) of section seven the words “the prescribed officer” and by inserting in lieu thereof the words “the prescribed person”. (Further amendment of Act No. 36, 1971. Sec. 7. (Further amendment of Act No. 35, 1967.)

(2) Subsection one of this section shall—

- (a) if the day on which section seven of the National Parks and Wildlife (Amendment) Act, 1971, commences (in this subsection referred to as the “appointed day”) is prior to the day on which this Act receives the Royal assent—be deemed to have taken effect on the appointed day;
- (b) if the appointed day is on the same day as the day on which this Act receives the Royal assent—take effect on the appointed day; or

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- (c) if the appointed day is after the day this Act receives the Royal assent—take effect on the day this Act receives the Royal assent.
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