

**NATIONAL PARKS AND WILDLIFE (AMENDMENT) ACT,
1983, No. 183**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 183, 1983.

An Act to amend the National Parks and Wildlife Act, 1974, with respect to certain advisory bodies established under that Act; to provide for the reservation of lands as state recreation areas and the dedication of lands as state game reserves under that Act; to provide for increased penalties and otherwise with respect to offences; and for certain other purposes. [Assented to, 31st December, 1983.]

See also Crimes (Endangered Fauna) Amendment Act, 1983; Crown Lands (State Recreation Areas) Amendment Act, 1983; Miscellaneous Acts (National Parks and Wildlife) Amendment Act, 1983.

National Parks and Wildlife (Amendment).

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:—

Short title.

1. This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1983".

Commencement.

2. (1) Except as provided by subsections (2) and (3), this Act shall commence on the date of assent to this Act.

(2) Section 5, in its application to Schedule 1 (8), and Schedule 1 (8) 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) Section 5, in its application to Schedule 4 (9), and Schedule 4 (9) 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.

Principal Act.

3. The National Parks and Wildlife Act, 1974, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
ADVISORY BODIES.

National Parks and Wildlife (Amendment).

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION AREAS.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES.

SCHEDULE 5.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

SCHEDULE 7.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 80, 1974.

5. The Principal Act is amended in the manner set forth in Schedules 1–6.

Savings and transitional provisions.

6. Schedule 7 has effect.

Revocation of reservation of land as historic site (Vaucluse House).

7. The reservations under the National Parks and Wildlife Act, 1967, or the Principal Act of land as Vaucluse House Historic Site and as part of Vaucluse House Historic Site are, to the extent that those reservations have not been revoked, revoked.

National Parks and Wildlife (Amendment).

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADVISORY BODIES.

(1) (a) Section 3—

From the matter relating to Part III, omit “22–30”, insert instead “22–28”.

(b) Section 3—

Omit the matter relating to Division 4 of Part III.

(c) Section 3—

Omit the matter relating to Schedule 10.

(2) Section 5 (1), definition of “Architects Committee”—

Omit the definition.

(3) Section 24 (1)—

Omit the subsection, insert instead:—

(1) An advisory committee may be constituted—

- (a) for one or more national parks;
- (b) for one or more historic sites; or
- (c) for one or more nature reserves,

or for a combination of lands being national parks, historic sites or nature reserves.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADVISORY BODIES—
continued.

(4) Section 25—

Omit the section, insert instead:—

Dissolution of advisory committees.

25. Where a national park, historic site or nature reserve becomes part of some other national park, historic site or nature reserve, an advisory committee—

- (a) for the firstmentioned park, site or reserve shall be deemed to have been dissolved, but a member thereof shall be eligible for appointment to any other advisory committee; or
- (b) for a combination of lands that includes that park, site or reserve shall be deemed, in relation only to that park, site or reserve, to have been dissolved.

(5) (a) Section 26—

Omit “the national park or historic site” where firstly occurring, insert instead “any national park, historic site or nature reserve”.

(b) Section 26—

Omit “the national park or historic site” where secondly occurring, insert instead “the national park, historic site or nature reserve”.

(6) Part III, Division 4—

Omit the Division.

(7) Section 154 (a), (b)—

Omit “, the Relics Committee or the Architects Committee” wherever occurring, insert instead “or the Relics Committee”.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADVISORY BODIES—
continued.

(8) (a) Schedule 7, clause 1 (1) (b)—

Omit “twelve”, insert instead “13”.

(b) Schedule 7, clause 1 (2)—

Omit the subclause, insert instead:—

(2) In appointing and re-appointing persons under this Schedule, the Minister shall, as far as is reasonably practicable, ensure—

- (a) that 4 at least of the members for the time being holding office have special knowledge of botany or zoology or other special knowledge concerning the conservation or management of wildlife; and
- (b) that there is a continuity of experienced membership of the Council.

(c) Schedule 7, clause 1 (3) (a)–(e)—

Omit the paragraphs, insert instead:—

- (a) 2 shall be members of an advisory committee for a national park or for lands that include a national park;
- (b) 1 shall be a member of an advisory committee for a historic site or for lands that include a historic site;
- (c) 1 shall be a person selected by the Minister from 3 nominees of the Nature Conservation Council of New South Wales or some other organisation having, in the opinion of the Minister, aims and objectives similar to those of that Council;
- (d) 1 shall be a person selected by the Minister from nominees of the Australia International Council on Monuments and Sites, or some other organisation having, in the opinion of the Minister, aims and objectives similar to those of that Council;

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADVISORY BODIES—
continued.

- (e) I shall be an officer of a New South Wales Government Department, statutory body or instrumentality concerned with the management of natural resources;
- (d) Schedule 7, clause 1 (3) (f)—
Omit “who is a member”, insert instead “selected by the Minister from 3 nominees”.
- (e) Schedule 7, clause 1 (3) (g)—
Omit “one shall be a person”, insert instead “2 shall be persons”.
- (f) Schedule 7, clause 1 (3) (i)—
Omit “Commonwealth; and”, insert instead “Commonwealth, engaged in research relating to the management or conservation of wildlife;”.
- (g) Schedule 7, clause 1 (3) (j), (k)—
Omit clause 1 (3) (j), insert instead:—
(j) I shall be a nominee of a grazing or agricultural association in New South Wales approved by the Minister; and
(k) I shall be a person selected by the Minister from nominees of such organisations as the Minister may appoint, being organisations which, in the opinion of the Minister, have an interest in the use and enjoyment of national parks or other lands reserved or dedicated under this Act.
- (h) Schedule 7, clause 2—
Omit “five years”, insert instead “4 years”.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADVISORY BODIES—
continued.

- (i) Schedule 7, clause 2 (2)—

At the end of clause 2, insert:—

(2) A person shall not hold office (whether for 2 consecutive terms or otherwise) for more than 8 years as an appointed member.

- (j) Schedule 7, clause 12 (1)—

Omit “Seven”, insert instead “Eight”.

- (9) (a) Schedule 8, clause 1—

Omit the clause, insert instead:—

Composition.

1. An advisory committee shall consist of persons appointed by the Minister.

- (b) Schedule 8, clauses 4, 5—

Omit the clauses, insert instead:—

Vacancies and additional members.

4. The Minister may from time to time appoint additional members of any advisory committee or appoint a member to fill any vacancy.

Term of office.

5. The members of an advisory committee shall hold office for such period, not exceeding 5 years, as may be specified in their respective instruments of appointment and are eligible, if otherwise qualified, for further appointment under this Schedule.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ADVISORY BODIES—
continued.

- (10) Schedule 10—
Omit the Schedule.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE
RECREATION AREAS.

- (1) (a) Section 3—
After the matter relating to Division 1 of Part IV, insert:—
DIVISION 1A.—*State recreation areas—ss. 47A–47N.*
- (b) Section 3—
After the matter relating to Schedule 9, insert:—
SCHEDULE 9A.—MANAGEMENT OF STATE RECREATION
AREAS BY TRUSTEES.
- (2) (a) Section 5 (1), definition of “state recreation area”—
Omit the definition, insert instead:—
“state recreation area” means lands reserved as a state
recreation area under this Act;
- (b) Section 5 (7)—
Omit the subsection.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(3) Section 6 (b)—

Omit “or, so far as it relates to state recreation areas, the Crown Lands Consolidation Act, 1913, or both”.

(4) (a) Section 8 (1)—

After “historic site” where firstly occurring, insert “, state recreation area”.

(b) Section 8 (1)—

Omit “or historic site”, insert instead “, historic site or state recreation area”.

(c) Section 8 (2) (b1)—

After section 8 (2) (b), insert:—

(b1) the areas to be reserved as state recreation areas are areas containing features of regional recreational significance in a natural setting and which are capable of providing a range of recreational opportunities without detriment to the natural environment or cultural significance of the areas;

(d) Section 8 (2A)—

Omit the subsection.

(e) Section 8 (5)—

After “historic site”, insert “, state recreation area”.

(f) Section 8 (5)—

After “Director”, insert “(or, where the relic is discovered in a state recreation area administered by trustees, the trustees of the state recreation area)”.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(g) Section 8 (5)—

Omit “he thinks”, insert instead “may appear”.

(5) Section 10—

Omit “or, so far as it relates to state recreation areas, the Crown Lands Consolidation Act, 1913.”.

(6) Section 11 (5)—

Omit “or, so far as it relates to state recreation areas, the Crown Lands Consolidation Act, 1913”.

(7) (a) Section 21 (1)—

Omit “or section 17A of the Crown Lands Consolidation Act, 1913”.

(b) Section 21 (1)—

Omit “or, in relation to state recreation areas, by or under the Crown Lands Consolidation Act, 1913”.

(8) Part IV, Division 1A—

After Division 1 of Part IV, insert:—

DIVISION 1A.—*State recreation areas.*

Interpretation: Pt. IV, Div. 1A.

47A. In this Division—

“prescribed lands” means—

(a) Crown lands;

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (b) lands of the Crown;
- (c) lands that are reserves within the meaning of Part III B of the Crown Lands Consolidation Act, 1913; or
- (d) lands acquired under section 145, 147 or 148,

but does not include—

- (e) any lands in respect of which any Act (other than the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts) provides that the lands shall be used for a purpose referred to in the Act or shall not be used for any purpose other than that referred to in the Act; or
- (f) any lands within a state recreation area;

“prescribed time”, in relation to a House of Parliament, means 14 sitting days of that House, whether or not they occur during the same session.

Reservation of state recreation areas.

47B. (1) Subject to this Act, the Minister may, by notification published in the Gazette, reserve, as a state recreation area, any prescribed lands described in the notification, for the purpose of public recreation and enjoyment.

(2) Subject to this Act, the Minister may, by notification published in the Gazette, reserve, as part of a state recreation area specified in the notification, any prescribed lands described in the notification, for the purpose of public recreation and enjoyment.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (3) Upon the publication of a notification under subsection (1)—
- (a) where a trustee was holding office under Part III B of the Crown Lands Consolidation Act, 1913, immediately before that publication—
 - (i) in respect of all of the lands described in the notification, the trustee shall, subject to this Act, continue to be trustee of those lands; or
 - (ii) in respect of part only of those lands, the trustee shall cease to hold that office in respect of that part of those lands;
 - (b) any by-laws or rules and regulations that, immediately before that publication, applied to all of the lands described in the notification and not to any other lands—
 - (i) shall continue to apply to the lands so described; and
 - (ii) shall be deemed to be by-laws made under this Act and may be amended or repealed accordingly; and
 - (c) any by-laws or rules and regulations that, immediately before that publication, applied to—
 - (i) part only of the lands described in the notification; or
 - (ii) all of the lands so described and also to any other lands,shall cease to apply to the lands so described.
- (4) Upon the publication of a notification under subsection (2)—
- (a) where a trustee of all or any part of the lands described in the notification was holding office under Part III B of the Crown Lands Consolidation Act, 1913, 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;

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (b) where a trustee was holding office as trustee of the state recreation area specified in the notification immediately before that publication, the trustee shall be deemed to have been appointed trustee of the lands described in the notification;
- (c) any by-laws that, immediately before that publication, applied to the state recreation area specified in the notification shall apply to the lands described in the notification; and
- (d) any by-laws or rules and regulations that, immediately before that publication, applied to all or any part of the lands described in the notification shall cease to apply to the lands so described.

(5) 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 (3) or (4) shall, in so far as they applied to those lands, be deemed to have been repealed.

(6) To the extent to which a dedication, reservation (other than a reservation under this Division) or vesting affects lands described in a notification published under subsection (1) or (2), the publication revokes the dedication, reservation or vesting, and the instruments of title (if any) shall be surrendered for cancellation or notation, as the case may require.

(7) Upon the publication of a notification under subsection (1) or (2)—

- (a) the lands described in the notification become Crown lands to the extent to which they were not Crown lands immediately before that publication; and
- (b) except in any case where subsection (3) (a) (i) or (4) (b) operates, the Minister shall be charged with the care, control and management of the lands so described until trustees are appointed under Schedule 9A.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(8) A notification under subsection (1) or (2) may be made in relation to one or more state recreation areas.

(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. 47B.

47C. Lands shall not be reserved under section 47B (1) or (2)—

- (a) where the lands are lands of the Crown—without the concurrence in writing of the Minister or public authority in whom they were vested immediately before the reservation;
- (b) where the lands are 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; or
- (c) in any case—without the concurrence in writing of the Minister or Ministers administering the Mining Act, 1973, and the Coal Mining Act, 1973.

Tabling of notification of reservation, and disallowance.

47D. (1) A copy of a notification published under section 47B (1) or (2) shall be laid before each House of Parliament within the prescribed time after publication thereof.

(2) Where a House of Parliament passes a resolution of which notice has been given within 15 sitting days of that House after a copy of a notification has been laid before it under subsection

National Parks and Wildlife (Amendment).

SCHEDULE 2—continued.**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION AREAS—continued.**

(1) (whether or not those sitting days occur during the same session) and the resolution disallows the reservation effected by the notification of any lands as, or as part of, a particular state recreation area—

- (a) the reservation thereupon ceases to have effect; and
- (b) those lands cease to be, or to be part of, a state recreation area.

(3) Where any lands cease to be, or to be part of, a state recreation area 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) any by-laws applicable thereto immediately before the disallowance shall cease to apply to those lands; and
- (c) those lands may be dealt with as if they had been acquired under Part XI.

(4) 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 (3) shall, in so far as they applied to those lands, be deemed to have been repealed.

Term and office of trustees of state recreation area.

47E. (1) A trustee of a state recreation area continued in office by section 47B (3) (a) (i) shall, subject to clauses 5 and 11 of Schedule 9A, hold office for a term of 5 years commencing on the date of publication in the Gazette of the notification under section 47B (1) in relation to the state recreation area, but is, subject to that Schedule, eligible for further appointment as a trustee of the state recreation area.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(2) A trustee of a state recreation area (other than a trustee continued in office, as referred to in subsection (1)) shall, subject to clauses 5 and 11 of Schedule 9A, hold office for such term as is specified in the notification by which the trustee was appointed, but is, subject to that Schedule, eligible for further appointment as a trustee of the state recreation area.

(3) Nothing in this section applies to an administrator appointed under clause 14 of Schedule 9A.

Name of state recreation area.

47F. The Minister—

- (a) by a notification published under section 47B (1) or (2) or by another notification published in the Gazette, may assign a name to a state recreation area; and
- (b) by notification published in the Gazette, may from time to time alter the name of a state recreation area.

Limitation on use of expression “state recreation area”.

47G. The expression “state recreation area” shall not be used either alone or in conjunction with other words as the name of any lands used for the purpose of public recreation and enjoyment unless the lands are within a state recreation area reserved under this Division.

Existing interests.

47H. (1) In this section, “existing interest” means any authority, authorisation, permit, lease, licence or occupancy.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(2) Except as provided by this Act, the reservation of lands as, or as part of, a state recreation area 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 to any permit or licence under the Petroleum (Submerged Lands) Act, 1982.

(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 State recreation area within which they are situated, hereby so reserved.

Restrictions on disposal of or dealing with lands within state recreation areas.

47I. (1) Notwithstanding anything in this or any other Act, lands within a state recreation area shall not be sold, leased or otherwise dealt with except as provided in this Division or in Schedule 9A.

National Parks and Wildlife (Amendment).

SCHEDULE 2—continued.**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION AREAS—continued.**

(2) Without affecting the generality of subsection (1), lands within a state recreation area shall not be dedicated, reserved or otherwise dealt with under Part III of the Crown Lands Consolidation Act, 1913, or the Closer Settlement Acts.

Provisions relating to mining.

47J. (1) In this section, “mining interest” means—

- (a) any authority (other than an exploration licence) under the Mining Act, 1973;
- (b) any authorisation under the Coal Mining Act, 1973 (other than an authorisation under section 20 of that Act) or any coal lease under that Act; or
- (c) any lease under the Petroleum Act, 1955.

(2) Subject to this section, the Mining Act, 1973, the Coal Mining Act, 1973, the Petroleum Act, 1955, and the Petroleum (Submerged Lands) Act, 1982, apply, at any time, to lands within a state recreation area to the extent to which those Acts are in force at that time.

(3) A mining interest shall not be granted in respect of lands within a state recreation area without the concurrence in writing of the Minister.

(4) A renewal of, or extension of the term of, a mining interest in respect of lands within a state recreation area (other than an existing interest referred to in section 47H) 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.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(5) Except as provided in this section, nothing in this Division affects the right, title or interest of any person (other than a person who is or was trustee of the lands comprised in a state recreation area) in respect of minerals in any such lands.

(6) A claim shall not be registered under Part IV of the Mining Act, 1973, over any lands within a state recreation area.

(7) Where a provision of the Coal Mining Act, 1973, prevents, or has the effect of preventing, a person from exercising in lands within a state recreation area any of the rights conferred by that Act or by an instrument under that Act, except with the consent of the Minister for the time being administering that Act, that Minister shall not, in the case of any such lands, give consent under that provision without the approval of—

- (a) where the lands are not within an irrigation area as defined in the Crown Lands Consolidation Act, 1913—the Minister; or
- (b) where the lands are within such an irrigation area—the Minister for the time being administering the Irrigation Act, 1912.

Application of certain other provisions.

47k. The provisions of sections 42, 43 and 44 apply to and in respect of a state recreation area in the same way as they apply to and in respect of a national park or historic site.

Revocation, etc., of state recreation area.

- 47L. (1) Notwithstanding anything in this or any other Act—
- (a) the reservation of lands as, or as part of, a state recreation area shall not be revoked; and

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(b) lands within a state recreation area shall not be appropriated or resumed,

except in accordance with this section.

(2) Where the Minister is of the opinion that the reservation of lands as, or as part of, a state recreation area should be revoked as to the whole or any part of those lands, the Minister may cause a notice to be published in the Gazette, setting forth the mode in which it is proposed to deal with the lands.

(3) Where in any Act provisions are contained enabling the appropriation or resumption of Crown lands and a Minister of the Crown is of the opinion that it is in the public interest to appropriate or resume any lands within a state recreation area under those provisions, that Minister may cause a notice to be published in the Gazette, setting forth the mode in which it is proposed to deal with the lands and drawing attention to the fact that the lands are within a state recreation area.

(4) Where a notice is published under subsection (2) or (3), a copy of the notice shall be laid before each House of Parliament within the prescribed time after publication thereof.

(5) Where a House of Parliament passes a resolution of which notice has been given within 15 sitting days of that House after a copy of the notice so published has been laid before it under subsection (4) (whether or not those sitting days occur during the same session) and the resolution disallows the proposal set forth in the notice, no further action shall be taken in the matter.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(6) If no such resolution is passed, it shall be lawful for the proposal so set forth to be carried out—

- (a) in the case of a proposal that the reservation of lands as, or as part of, a state recreation area be revoked as to the whole or any part of those lands—by the Minister, by notification published in the Gazette, revoking the reservation in accordance with the proposal; or
- (b) in the case of a proposal for the appropriation or resumption of any lands within a state recreation area—by the appropriation or resumption of the lands, as specified in the proposal, being effected in accordance with and subject to the provisions of the Act enabling the appropriation or resumption.

(7) Upon the publication of a notification under subsection (6) (a) revoking the reservation of lands as, or as part of, a state recreation area as to the whole or any part thereof, the whole of the lands or that part, as the case may be, shall cease to be, or to be part of, a state recreation area, as the case may be.

Disposal of certain property.

47M. Where lands have ceased to be a state recreation area, and there were formerly trustees of the area appointed or deemed to have been appointed, or continued in office, under this Act, any real or personal property (other than the lands comprising the former state recreation area, but including lands purchased in connection with that former area under section 8A of the Public Parks Act, 1912, section 37Y of the Crown Lands Consolidation Act, 1913, or clause 8 of Schedule 9A) that would, if the lands were a state recreation area and trustees were holding office in respect thereof, be held by or vested in them in their capacity as trustees and not otherwise, may, unless otherwise lawfully dealt with, be disposed of by the Minister in such manner as the Minister may consider appropriate, and for this purpose any lands so purchased may be dealt with as if they had been acquired under Part XI.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.***Management of state recreation areas by trustees.**

47N. Schedule 9A has effect in respect of the management of state recreation areas by trustees.

(9) (a) Section 72 (1A)—

After section 72 (1), insert:—

(1A) The Minister may from time to time cause a plan of management to be prepared for any state recreation area.

(b) Section 72 (2)—

After “historic site”, insert “, state recreation area”.

(c) Section 72 (2A)—

After section 72 (2), insert:—

(2A) Without affecting the generality of subsection (2) in so far as it applies to state recreation areas, a plan of management for such an area may specify any activity proposed to be permitted in any part of the area and the nature of any development proposed to be carried out to encourage the use of that part for the activity so specified.

(d) Section 72 (4) (e)—

Omit “and historic site”, insert instead “, historic site and state recreation area”.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(10) Section 75A—

After section 75, insert:—

Adoption, etc., of plan of management for state recreation area.

75A. (1) Where a plan of management has been prepared for a state recreation area, the Minister—

(a) shall refer a copy of the plan to the trustees of the state recreation area (if any); and

(b) may refer a copy to any other person,
for consideration.

(2) The persons to whom a copy of a plan of management has been referred under subsection (1) may, within such period as the Minister approves, make representations to the Minister in connection with the plan.

(3) The Minister shall, before adopting the plan of management, consider any representations made in pursuance of subsection (2).

(4) The Minister may adopt the plan of management without alteration or with such alterations as the Minister thinks fit.

(5) Where the Minister has adopted a plan of management for a state recreation area—

(a) the plan shall be carried out and given effect to by the trustees of the area to which the plan relates; and

(b) no operations shall be undertaken on or in relation to the lands to which the plan relates unless the operations are in accordance with the plan.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(6) The Minister may, from time to time, amend or alter a plan of management that has been adopted under subsection (4) or may cancel such a plan of management.

(7) Where the Minister cancels a plan of management for any state recreation area under subsection (6), the Minister may, at the same time or subsequently, adopt a new plan of management in accordance with subsection (4).

(8) The provisions of section 72 (2), (2A) and (4) and subsection (1) to (4), inclusive, apply to and in respect of an amendment or alteration under subsection (6) in the same way as they apply to and in respect of a plan of management.

(9) A reference in subsection (5) (a) and (b) to a plan of management is, where the plan has been amended or altered under subsection (6), a reference to the plan as so amended or altered.

(11) Section 80 (1)—

After “historic site”, insert “, state recreation area”.

(12) Section 86—

After “historic site” wherever occurring, insert “, state recreation area”.

(13) Section 138 (1) (a)—

Omit “or, in relation to state recreation areas, the Crown Lands Consolidation Act, 1913”.

(14) Section 139 (2) (a)—

Omit “or, in relation to state recreation areas, the Crown Lands Consolidation Act, 1913”.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (15) (a) Section 153 (1)—
After “historic site”, insert “, state recreation area”.
- (b) Section 153 (1)—
After “park, site” insert “, area”.
- (c) Section 153 (3)—
Omit “or historic site”, insert instead “, historic site or state recreation area”.
- (d) Section 153 (3)—
Omit “or site”, insert instead “, site or area”.
- (16) (a) Section 155 (1)—
After “historic site”, insert “, state recreation area”.
- (b) Section 155 (2c)—
Before section 155 (3), insert:—
- (2c) Without affecting the generality of subsection (2), the Governor may, in relation to any state recreation area, make by-laws for or with respect to any matter for or with respect to which a by-law might be made under the Crown Lands Consolidation Act, 1913, in relation to a reserve within the meaning of Part IIIb of that Act.
- (17) (a) Section 157 (1)—
After “Service”, insert “, or any person duly authorised by the Minister in that behalf”.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(b) Section 157 (2)—

Omit “or any other officer of the Service duly authorised by the Director in that behalf,”, insert instead “any officer of the Service duly authorised by the Director in that behalf or any person duly authorised by the Minister in that behalf”.

(c) Section 157 (2)—

After “historic site”, insert “, state recreation area”.

(18) Section 158 (1)—

After “Service”, insert “, or any person duly authorised by the Minister in that behalf”.

(19) Section 162—

After “historic site” wherever occurring, insert “, state recreation area”.

(20) Section 173—

After “historic site” wherever occurring, insert “, state recreation area”.

(21) (a) Section 177 (1)—

Omit “Director incurs”, insert instead “the Director, or any trustees holding office under this Act, incurs or incur”.

(b) Section 177 (1) (a)—

After “historic site”, insert “, state recreation area”.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(22) Section 181 (1)—

After “historic site”, insert “, state recreation area”.

(23) Schedule 9A—

After Schedule 9, insert:—

SCHEDULE 9A.

(Sec. 47N.)

MANAGEMENT OF STATE RECREATION AREAS BY TRUSTEES.

Interpretation.

1. In this or any other Act, or in any instrument made under an Act, except in so far as the context or subject-matter otherwise indicates or requires, a reference (however expressed) to a trustee or the trustees of a state recreation area includes, where a corporation has been constituted under clause 3 or 14 in respect of such an area, a reference to that corporation.

Appointment of trustees.

2. (1) In this clause, a reference to a person is a reference to a natural person.

(2) Subject to subclause (5), the Minister may, by notification published in the Gazette, appoint not less than 3 persons to be trustees of a state recreation area.

(3) Subject to subclause (5), the Minister may, by notification published in the Gazette, appoint a person to be a trustee of a state recreation area—

(a) in the place of a person who is deemed to have vacated office as a trustee; or

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(b) in addition to persons already holding office as trustees of the area.

(4) Without affecting the generality of subclause (2) or (3), the Minister may, under either of those subclauses, appoint a person who holds a particular office or position to be a trustee by virtue of being the holder of that office or position.

(5) An appointment shall not be made under this clause, whether to fill a vacancy or otherwise, which would result in the total number of trustees for the time being of a state recreation area exceeding, or being maintained or increased beyond, 7.

(6) Where a person is appointed to be a trustee of a state recreation area by virtue of being the holder of a particular office or position, then, in ascertaining the number of trustees of the state recreation area for the purposes of subclause (5), that person shall not be counted.

(7) A person of or above the age of 70 years is not eligible for appointment under this clause as a trustee.

(8) Subject to section 47E and this Schedule, a person appointed to be a trustee of a state recreation area under this clause shall hold office for such term, not exceeding 5 years, as is specified in the notification by which the person was appointed, but is, subject to this Schedule, eligible for further appointment from time to time as a trustee of the area.

(9) Where there are no trustees of a state recreation area for the time being, the Minister shall have the care, control and management of the area.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.***Incorporation of certain trustees.**

3. (1) The Minister may, by notification published in the Gazette—

- (a) declare that the trustees (appointed under clause 2) of a state recreation area specified in the notification, and their successors in office, shall be a corporation; and
- (b) assign a corporate name to the corporation.

(2) On and from the publication in the Gazette of a notification under subclause (1)—

- (a) the trustees of the state recreation area specified in the notification, and their successors in office, shall be a corporation under the corporate name assigned in the notification to the corporation; and
- (b) the powers, authorities, duties and functions of the trustees, whether conferred or imposed by this Act or otherwise, shall be deemed to be conferred or imposed on the corporation alone.

(3) The Minister may, from time to time, by notification published in the Gazette, assign a new corporate name to a corporation constituted under this clause and, on and from the publication in the Gazette of the notification, the corporate name of the corporation shall, without affecting the continuity of the corporation, be the name so assigned.

(4) Where a corporation is constituted under this clause in relation to the trustees of a state recreation area, the common seal of the corporation shall, except in so far as the by-laws applicable to the area otherwise provide, be kept by such trustee or officer of the trustees as the trustees from time to time determine.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(5) Where a corporation is constituted under this clause in relation to the trustees of a state recreation area, no matter or thing done, and no contract entered into, by the trustees 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.

(6) The Minister may, by notification published in the Gazette, dissolve a corporation constituted under this clause.

(7) Where—

- (a) a corporation is constituted under this clause in relation to the trustees of a state recreation area;
- (b) there are no trustees of the area for the time being; and
- (c) the corporation does not have an estate in fee simple in the area otherwise than by the operation of clause 7,

the corporation shall be deemed to be dissolved and the Minister shall have the care, control and management of the area.

(8) A notification under subclause (1) may be contained in the same instrument as a notification under clause 2.

(9) A notification under subclause (1), (3) or (6) may be made in relation to one or more state recreation areas.

Trustees charged with care, control and management.

4. The trustees of a state recreation area appointed under this Schedule are charged with the care, control and management of the state recreation area.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.***Vacation of office of trustees.**

5. (1) A trustee (appointed under clause 2) of a state recreation area shall be deemed to have vacated office—

- (a) if the trustee dies;
- (b) if the trustee resigns the office by instrument in writing addressed to the Minister;
- (c) if the trustee 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) if the trustee is removed from office by the Minister;
- (e) if the Minister declares, by notification published in the Gazette, that, from information contained in a report forwarded to the Minister under clause 6, the number of duly convened meetings of the trustees of the state recreation area held during any year of the trust at which the trustee was present was less than 40 per cent of the total number of duly convened meetings of the trustees during the year;
- (f) on the day on which the trustee attains the age of 70 years;
- (g) in the case of a person who was appointed to be a trustee by virtue of being the holder of a particular office or position and who ceases to hold that office or position, except as provided in paragraph (h), upon the person's ceasing to hold that office or position; or
- (h) in the case of a person who was appointed to be a trustee by virtue of being the holder of the office of member of a council within the meaning of the Local Government Act, 1919, or mayor, Lord Mayor or president of an area within the meaning of that Act, and who ceases to hold that office otherwise than in circumstances giving rise to an extraordinary

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

vacancy under section 35 of that Act and otherwise than by reason of the removal of the members of a council under section 86 of that Act—

- (i) upon the expiration of 1 month after the person ceases to hold that office, unless the person is elected or appointed, or re-elected or re-appointed, to that office; or
- (ii) upon the election or appointment of another person to that office,

whichever first occurs.

(2) The Minister may, by notification published in the Gazette, remove from office any trustee appointed under clause 2 for any cause which to the Minister seems sufficient.

(3) Nothing in this clause affects the operation of the provisions of clause 11 (12) relating to the vacation of office of a trustee.

Trustees to report to Minister.

6. (1) Trustees appointed under clause 2 shall cause to be forwarded to the Minister during the month next following the close of the financial year of the trust financial and other statements in relation to such matters arising out of the trust as the Minister either generally or in any particular case or class of cases may require.

(2) The Minister may, in any particular case or class of cases, waive the requirements of subclause (1) either wholly or in part, and for such periods as the Minister may determine, if in the Minister's opinion the circumstances of the case or class of cases are such that it is desirable to do so.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.***Estate of trustees.**

7. (1) Except to the extent that the trustees of a state recreation area have an estate in fee simple in the area apart from this clause, the trustees shall, for the purposes only of this Schedule and of any by-law, be deemed to have that estate in the area.

(2) The trustees of a state recreation area are not capable of alienating, charging, granting leases of, or licences in respect of, or in any way disposing of the area or any part of the area except in accordance with this Schedule.

(3) The removal of a trustee under this Schedule shall divest the trustee so removed of any estate in the lands subject to the trust.

(4) The revocation of the reservation, as to the whole or a part, of a state recreation area divests the trustees of any estate in the whole or that part of the area, as the case may be.

Purchase or lease of lands, etc., outside state recreation area.

8. The trustees of a state recreation area—

- (a) may, with the approval of the Minister, purchase or take a lease of any lands (whether or not adjoining the state recreation area) required by them for use in connection with the area;
- (b) may expend trust money in using or improving any lands purchased by them or of which they have taken a lease—
 - (i) under and in accordance with paragraph (a);
 - (ii) before the commencement of the Crown Lands and Other Acts (Reserves) Amendment Act, 1974, under and in accordance with section 8A (a) of the Public Parks Act, 1912; or

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (iii) before the date of assent to the National Parks and Wildlife (Amendment) Act, 1983, under and in accordance with section 37Y of the Crown Lands Consolidation Act, 1913; and
- (c) may, with the approval of the Minister and the consent of the owner, expend trust money for or in connection with the improvement of any lands, where in their opinion that expenditure is desirable to provide or improve access to the state recreation area, or to provide or improve facilities or amenities for persons visiting the area.

Quorum.

9. (1) The number ascertained by dividing the total number of trustees of a state recreation area by 2 and adding 1 to the quotient (any fractional remainder being disregarded) shall, unless a greater number is fixed by any by-law having effect in relation to the area, be the number of trustees necessary to form a quorum at any meeting of the trustees.

(2) Any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

(3) A decision of the majority of the trustees present at a meeting shall be the decision of the trustees.

Certain disabilities not to affect ex-officio trustees.

10. (1) This clause applies to a person who is appointed as a trustee of a state recreation area by virtue of being the holder of a particular office or position.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(2) Any duty or disability—

- (a) which would, but for this clause, be imposed on a person to whom this clause applies (in that person's capacity as a trustee of a state recreation area) by a provision of this or any other Act or by a rule of law or equity; and
- (b) which would, but for this clause, be so imposed on that person by reason of that person's both being a trustee of a state recreation area and holding the office or position by virtue of which that person was appointed a trustee of that area,

does not affect that person.

Pecuniary interest in contract.

11. (1) A person who is a trustee of a state recreation area may have a pecuniary interest, direct or indirect, in a contract or proposed contract with the trustees of the area.

(2) Where a person who is a trustee of a state recreation area has a pecuniary interest, direct or indirect, in a contract or proposed contract with the trustees of the area and is present at a meeting of the trustees at which the contract or proposed contract is the subject of consideration, the person shall at the meeting, as soon as practicable after the commencement thereof, disclose the interest, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or proposed contract.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(3) Subject to subclause (4), where it has been disclosed to the trustees of a state recreation area, or they have reason to believe that 1 of the trustees has or may have a pecuniary interest, direct or indirect, in a proposed contract with the trustees, the trustees shall not enter into that contract unless—

- (a) the trustees have caused to be published in a newspaper circulating in the district in which the state recreation area is situated a notice—
 - (i) setting out the nature of work or services to be performed, or goods to be supplied, or both, as the case may be, under the contract; and
 - (ii) inviting persons willing to perform the work or services, or supply the goods, or both, as the case may be, to submit tenders to the trustees on or before a date and time specified in the notice (being not earlier than 21 days after the publication of the notice) to the trustees at an address specified in the notice; and
- (b) the trustees are satisfied, after considering all the tenders submitted in accordance with the notice, that, having regard to all the circumstances, none of the tenders is more advantageous than that submitted in relation to that contract.

(4) Nothing in subclause (3) applies in the case of an emergency.

(5) For the purposes of this clause, a person shall be treated as having an indirect pecuniary interest in a contract or proposed contract if—

- (a) the person or the person's nominee is a member of a company or other body with which the contract is made or is proposed to be made; or
- (b) the person is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made,

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

but a person who is a member of a company or other body shall not, by reason only of that membership, be treated as being so interested if the person has no beneficial interest in any shares of that company or other body.

(6) Where a trustee has an indirect pecuniary interest in a contract or proposed contract and would not be treated as having such an interest but for the fact that the trustee has a beneficial interest in shares of a company or other body, then, if the total nominal value of those shares does not exceed \$1,000 or one-hundredth of the total nominal value of the issued share capital of the company or other body, whichever is the lesser, so much of subclause (2) as prohibits the trustee from taking part in the consideration or discussion of, or from voting on any question with respect to, the contract or proposed contract shall not apply to the trustee, without prejudice, however, to the duty of disclosure imposed by that subclause.

(7) Where the share capital of the company or other body referred to in subclause (6) is of more than one class, subclause (6) shall not apply if the total nominal value of all the shares of any one class in which the trustee so referred to has a beneficial interest exceeds one-hundredth part of the total issued share capital of that class of the company or other body.

(8) In the case of married persons who are living together, the interest of one spouse shall, if known to the other, be deemed for the purposes of this clause to be also an interest of the other spouse.

(9) A general notice given in writing by a trustee of a state recreation area to each of the other trustees, or to the secretary of the trustees (if any), to the effect that the trustee or the trustee's spouse is a member or in the employment of a specified company or other body, or that either of them is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of the trustee's interest in any

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

contract or proposed contract relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(10) The trustees of a state recreation area shall cause to be recorded in a book to be kept for the purpose particulars of any disclosure made under subclause (2) and of any notice given under subclause (9).

(11) A person who fails to comply with the provisions of subclause (2) shall for each offence be liable to a penalty not exceeding \$200, unless the person proves that he or she did not know that a contract or proposed contract in which he or she had a pecuniary interest was the subject of consideration at the meeting.

(12) A person convicted of an offence against this clause shall be deemed to have vacated office as trustee of any state recreation area of which the person is, at the time of conviction, holding office as trustee, unless the court by which the person is convicted sees fit in the circumstances of the case to declare that the person shall not by virtue of the conviction be deemed to have vacated office as such a trustee.

(13) The Minister may, subject to such conditions as the Minister may think fit to impose, remove any disability imposed by subclause (2) in any case in which the number of trustees so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the Minister that it is in the public interest that the disability should be removed.

(14) The trustees of a state recreation area may by resolution provide for the exclusion of a trustee from a meeting of the trustees while any contract or proposed contract in which the trustee has an interest, as referred to in this clause, is under consideration.

National Parks and Wildlife (Amendment).

SCHEDULE 2—continued.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION AREAS—continued.

(15) In this clause, “shares” includes stock and “share capital” shall be construed accordingly.

Power of Minister to enter state recreation areas.

12. (1) The Minister, or any person authorised by the Minister for the purpose, may at any time enter any state recreation area of which any trustees have the care, control and management and may inspect the area.

(2) A person who obstructs the Minister or a person authorised by the Minister in the exercise of the power conferred by this clause is guilty of an offence and liable to a penalty not exceeding \$100.

Aid of police may be called in.

13. The trustees of a state recreation area, or any ranger or other officer appointed by the trustees, may call in the aid of the police for the removal, by force if necessary, of any person who is found committing a breach of any by-law applicable to the area, or who by disorderly or insulting conduct in the area or in any public place within the meaning of the Offences in Public Places Act, 1979, causes annoyance or inconvenience to persons in the state recreation area or going to or coming from the area.

Administrator.

14. (1) Where there are no trustees of a state recreation area for the time being, the Minister may, by notification published in the Gazette, appoint a person to be administrator of the area.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(2) On the publication in the Gazette of a notification under subclause (1) in relation to a State recreation area, the administrator thereby appointed is constituted a corporation sole in respect of the area, under such corporate name as may be specified in the notification.

(3) The Minister may, from time to time, by notification published in the Gazette, assign a new corporate name to a corporation sole constituted under this clause and, on and from the publication in the Gazette of the notification, the corporate name of the corporation sole shall, without affecting the continuity of the corporation, be the name so assigned.

(4) A corporation sole constituted under this clause ceases to be the administrator of a state recreation area and is dissolved—

- (a) upon the appointment of trustees of the area under clause 2; or
- (b) if the Minister, by notification published in the Gazette, so declares.

(5) A corporation sole constituted under this clause shall have an official seal.

(6) Section 38 (I) (paragraph (b) excepted) and section 38 (III) of the Interpretation Act, 1897, apply to and in respect of a corporation sole constituted under this clause.

(7) The Minister, by notification published in the Gazette—

- (a) may remove from office any person appointed as administrator under this clause; and
- (b) may fill any vacancy in the office of administrator.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(8) If the Minister so directs, an administrator holding office under this clause shall, out of the Fund or out of money provided by Parliament, be paid such remuneration, including travelling and subsistence allowances, as the Minister determines in respect of the administrator.

(9) The office of administrator under this clause shall for the purposes of any Act be deemed not to be an office of profit under the Crown.

Consent of Minister to lease or mortgage.

15. (1) Where—

- (a) the trustees of a state recreation area have passed a resolution that it is desirable to lease or mortgage the area or any part thereof upon specified terms or conditions; and
- (b) those trustees have applied in writing to the Minister for consent to the proposed lease or mortgage and have furnished a full statement of the facts relating thereto (including, in the case of any proposed lease, particulars of the rent reserved in respect thereof),

the Minister may give consent in writing either as to the whole or as to part of the lands in respect of which the application was made, or may refuse to grant the application.

(2) In the case of an application for consent to a lease under this clause, the Minister may give consent either generally or by authorising the lease subject to such conditions, restrictions, reservations and covenants, and in such manner and within such time, as the Minister thinks desirable, or by approving of a particular lease.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(3) In the case of an application for consent to a mortgage under this clause, the Minister's consent shall not be given generally, but the terms of the proposed mortgage shall in each case be submitted to the Minister for approval.

(4) Without affecting the operation of subclauses (2) and (3), the Minister may, in giving consent under this clause—

- (a) vary the terms or conditions referred to in subclause (1) (a);
or
- (b) impose such terms and conditions as the Minister thinks desirable.

(5) The Minister may, at any time, withdraw, either wholly or in part, any consent given under this clause, or vary the terms thereof, if the withdrawal or variation does not prejudice the rights of third parties.

(6) After obtaining the consent of the Minister under this clause, and not otherwise, the trustees of a state recreation area may lease or mortgage lands within the area according to the terms of the consent.

(7) A mortgage under this clause may contain a power of sale.

(8) Where lands are the subject of a mortgage under this clause, a power of sale, whether contained in the mortgage or conferred on the mortgagee by the Conveyancing Act, 1919, shall not be exercised in relation to those lands until after the expiration of 1 month after a written notice of intention to do so has been given to the Minister.

(9) For the purposes of subclause (8), a notice shall be deemed not to have been given to the Minister if it is given before the power of sale would, but for that subclause, have become exercisable.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(10) A lease shall not be granted under this clause for any purpose for which an authority, permit, lease or license may be granted under the Fisheries and Oyster Farms Act, 1935.

Minister may appoint person to execute instruments.

16. (1) In any case in which trustees desire to exercise the powers conferred by clause 15, the Minister may appoint a person who shall have power to execute all deeds and other instruments and do all things necessary for the due exercise of those powers.

(2) The receipt of the person so appointed shall be a sufficient discharge to any lessee or mortgagee bona fide paying money in respect of any lease or mortgage.

(3) Any mortgage or lease of land under the provisions of the Real Property Act, 1900, signed by the person so appointed, shall have the same effect as if signed by the registered proprietor of the land.

Protection of lessee or mortgagee.

17. No lessee or mortgagee dealing bona fide with a person appointed under clause 16 shall be prejudiced or affected by any omission or irregularity in respect of any of the matters prescribed by this Schedule.

Proceeds.

18. (1) The proceeds of a lease or mortgage under clause 15 shall be held by the trustees, after payment of costs, expenses and encumbrances, for the general purposes of the trust, and may be invested or applied by them accordingly, but, where the Minister gives any direction as to the application of the proceeds, the proceeds shall be applied in accordance with the direction.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(2) The Minister may direct that any portion of the income or revenue of the trustees shall be set apart for payment of interest on, or gradual extinction of, any mortgage debt, and the portion so set apart shall be invested as the Minister directs.

Temporary licences.

19. (1) The trustees of a state recreation area may—

- (a) without the consent of the Minister, grant temporary licences for grazing or any other prescribed purpose; or
- (b) with the consent in writing of the Minister, grant temporary licences for any purpose,

in respect of the whole or any part of the area, on such terms and subject to such conditions as, in the case of licences referred to in paragraph (a), the trustees approve or, in the case of licences referred to in paragraph (b), the Minister approves.

(2) A licence shall not be granted under this clause for any purpose for which an authority, permit, lease or license may be granted under the Fisheries and Oyster Farms Act, 1935.

(3) A licence granted under subclause (1) (a) shall cease to have effect after it has been in force for a period of 2 years, but nothing in this subclause affects any right of the trustees—

- (a) to revoke a licence before the expiration of that period; or
- (b) to grant a licence for a shorter period.

Termination of certain leases and licences.

20. (1) Except as provided by subclause (2), a lease of, or a licence in respect of, any lands within a state recreation area, being a lease or licence granted by the trustees, ceases and determines upon the revocation of the reservation of those lands as, or as part of, a state recreation area.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

(2) Where the reservation, as a state recreation area, of part only of lands the subject of a lease or licence is revoked and the trustees of the area that included those lands have agreed, before the revocation, with the lessee or licensee that the lease or licence should continue in force as if never granted in respect of the part the subject of the revocation, the lease or licence shall, upon the revocation, continue in force accordingly.

(3) No compensation is payable in respect of the determination of a lease or licence by virtue of this clause.

Transfer of assets, debts and liabilities in certain circumstances.

21. (1) The provisions of subclauses (2) and (3) have effect in relation to a state recreation area—

- (a) upon the publication of a notification under clause 2 appointing trustees of the area (other than an area in respect of which a corporation is constituted under clause 3), or upon the publication of a notification under clause 3 (1) declaring that the trustees of the area, and their successors in office, shall be a corporation, and so have effect as if in those provisions—
- (i) “the operative time” meant the publication of the notification;
 - (ii) “the prior time” meant the time immediately before that publication or, if the trustees of the area last holding office before that publication have vacated office before that publication, the time when they so vacated office;
 - (iii) “the former controllers” meant the trustees of the area last holding office before that publication or, if there were no such trustees holding office immediately before that publication, the Minister; and

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (iv) “the present controllers” meant, if the notification was published under clause 2, the trustees holding office upon that publication or, if the notification was published under clause 3 (1), the corporation; or
- (b) upon a person’s vacating office as trustee of the area (other than an area in respect of which a corporation is constituted under clause 3), and so have effect as if in those provisions—
 - (i) “the operative time” meant the time when the person so vacated office;
 - (ii) “the prior time” meant the time immediately before the person so vacated office;
 - (iii) “the former controllers” meant the trustees of the area last holding office immediately before the person so vacated office; and
 - (iv) “the present controllers” meant the trustees of the area holding office immediately after the person so vacated office or, if there are no such trustees then holding office, the Minister.

(2) Where this subclause has effect in relation to a state recreation area in accordance with subclause (1), then, as from the operative time—

- (a) the property of the former controllers relating to the care, control and management of the area, including all money, books of accounts, registers, records and all documents and things relating to, or connected with, the operation of the area, shall become the property of the present controllers and any land previously purchased in pursuance of section 8A of the Public Parks Act, 1912, section 37Y of the Crown Lands Consolidation Act, 1913, or clause 8, being land that, at the prior time, was vested in or belonged to the former controllers shall vest in and belong to the present controllers;

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (b) all money and liquidated and unliquidated claims that, at the prior time, were payable to or recoverable by the former controllers in connection with the care, control and management of the area shall be money and liquidated and unliquidated claims payable to or recoverable by the present controllers;
- (c) all proceedings pending at the prior time at the suit of the former controllers in connection with the care, control and management of the area, shall be deemed to be proceedings pending at the suit of the present controllers and all proceedings so pending at the suit of any person against the former controllers shall be deemed to be proceedings pending at the suit of that person against the present controllers;
- (d) all contracts, agreements, arrangements and undertakings entered into with, and all securities lawfully given to or by, the former controllers, in connection with the care, control and management of the area, and in force at the prior time shall be deemed to be contracts, agreements, arrangements and undertakings entered into with, and securities given to or by, the present controllers;
- (e) the present controllers may, in connection with the care, control and management of the area, in addition to pursuing any other remedies or exercising any other powers that may be available to them, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of proceedings so referred to as the former controllers might have done had the circumstances not arisen by reason of which the provisions of this subclause have effect in accordance with subclause (1);
- (f) the present controllers may enforce and realise any security or charge existing at the prior time in favour of the former controllers in connection with the care, control and management of the area, and may exercise any powers thereby conferred on the former controllers as if the security or charge were a security or charge in favour of the present controllers;

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

- (g) all debts, money and claims, liquidated and unliquidated, that, at the prior time, were due or payable by, or recoverable against, the former controllers in connection with the care, control and management of the area shall be debts due, money payable by and claims recoverable against, the present controllers;
- (h) all liquidated and unliquidated claims in connection with the care, control and management of the area for which the former controllers would, had the circumstances not arisen by reason of which the provisions of this subclause have effect in accordance with subclause (1), have been liable shall be liquidated and unliquidated claims for which the present controllers shall be liable; and
- (i) all acts, matters and things done or omitted by, or done or suffered in relation to, the former controllers of the area, being acts, matters and things not referred to in the foregoing provisions of this subclause, shall have the same force and effect as if they had been done or omitted by, or done or suffered in relation to, the present controllers of the area.

(3) No attornment to the present controllers of a state recreation area by a lessee from the former controllers of the area shall be required.

(4) The provisions of subclause (2) have effect so as not to affect, or affect the consequences of, the operation of any law or any act, matter or thing lawfully done or omitted between the prior time (within the meaning of any of the paragraphs of subclause (1)) and the operative time (within the meaning of the same paragraph) in relation to any circumstances in which subclause (2) has effect.

(5) Where, but for this clause, a trustee or former trustee of a state recreation area would be personally liable for a breach of trust or for any other act or omission in relation to which the

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE RECREATION
AREAS—*continued.*

trustee or former trustee would have no right of indemnity from any of the funds of the trustees of the area, nothing in this clause takes away any such liability nor imposes any such liability on any other person.

SCHEDULE 3.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME
RESERVES AND THE ADMINISTRATION OF PARKS, ETC.

(1) (a) Section 3—

Omit the matter relating to Division 2 of Part II.

(b) Section 3—

After the matter relating to Division 2 of Part IV, insert:—

DIVISION 2A.—*State game reserves—ss. 58A–58J.*

(c) Section 3—

From the matter relating to Division 6 of Part IV, omit “*game reserves*”, insert instead “*wildlife management areas*”.

(d) Section 3—

Omit the matter relating to Schedules 5 and 6.

(e) Section 3—

After the matter relating to Schedule 13, insert:—

SCHEDULE 14.—MODIFICATION OF THE PUBLIC
WORKS ACT, 1912.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (2) (a) Section 5 (1), definition of “game reserve”—

Omit the definition.

- (b) Section 5 (1), definition of “state game reserve”—

After the definition of “State forest”, insert:—

“state game reserve” means lands dedicated as a state game reserve under this Act;

- (c) Section 5 (1), definition of “wildlife management area”—

After the definition of “wildlife district”, insert:—

“wildlife management area” means lands declared to be a wildlife management area under this Act;

- (d) Section 5 (5)—

Omit the subsection.

- (3) (a) Section 8 (1)—

After “nature reserve” wherever occurring, insert “, state game reserve”.

- (b) Section 8 (2) (c)—

Omit “and”.

- (c) Section 8 (2) (c1)—

After section 8 (2) (c), insert:—

(c1) the areas to be dedicated as state game reserves are areas that are suitable for the taking or killing of fauna as game and the propagation of fauna for that purpose;
and

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(d) Section 8 (3)—

Omit “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”, insert instead “national park, historic site, nature reserve and Aboriginal area”.

(e) Section 8 (5)—

After “nature reserve”, insert “, state game reserve”.

(f) Section 8 (6)—

Omit “game reserves”, insert instead “wildlife management areas”.

(4) Section 11 (3)—

Omit the subsection.

(5) Section 12—

After “nature reserves” wherever occurring, insert “, state game reserves”.

(6) Part II, Division 2—

Omit the Division.

(7) Section 23 (1) (a)—

Omit “and nature reserves”, insert instead “, nature reserves and state game reserves”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(8) Sections 31, 32—

Omit the sections, insert instead:—

Care, control and management of parks and sites.

31. The Director shall have the care, control and management of national parks and historic sites.

(9) Section 33 (4) (c)—

Omit the paragraph, insert instead:—

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

(10) Section 35 (4)—

Omit the subsection, insert instead:—

(4) 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) the Director shall cease to have the care, control and management of those lands;
- (b) any by-laws applicable thereto immediately before the disallowance shall cease to apply to those lands; and
- (c) those lands may be dealt with as if they had been acquired under Part XI.

(11) Section 36 (b)—

Omit the paragraph, insert instead:—

- (b) by proclamation published in the Gazette, may from time to time alter the name of a national park or historic site.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (12) Section 41 (6)—
Omit “is or”.
- (13) (a) Section 46 (1)—
Omit “a notification under section 32 or”.
- (b) Section 46 (3)—
Omit the subsection.
- (14) (a) Section 47 (1)—
Omit “any lands are”, insert instead “upon the taking effect of a proclamation under section 33 any persons cease to hold office as trustees of lands”.
- (b) Section 47 (1)—
Omit “of those lands”.
- (15) Section 52 (1)—
Omit “, but subject to section 8 of the Public Roads Act 1902”.
- (16) Section 54—
Omit the section, insert instead:—

Provisions relating to mining.

54. The provisions of section 41 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) a reference in those provisions to a reservation under Division 1 were a reference to a dedication under this Division; and

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (b) a reference in those provisions to the commencement day were a reference to the date of assent to the National Parks and Wildlife (Amendment) Act, 1983.

(17) Section 58 (e)—

Omit “(1) and (2)”.

(18) Part IV, Division 2A—

After Division 2 of Part IV, insert:—

DIVISION 2A.—*State game reserves.*

Dedication of state game reserves.

58A. (1) Subject to this Act, the Governor may, by proclamation published in the Gazette, dedicate, as a state game 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 state game 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 state game reserve shall be deemed to be dedicated for the purposes of—

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

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (b) the study of wildlife, natural environments and natural phenomena;
- (c) the promotion of the appreciation and enjoyment of wildlife, natural environments and natural phenomena;
- (d) the propagation of fauna for taking or killing as game; and
- (e) the provision of suitable land for the taking or killing of fauna as game.

(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 or vesting affects lands described in a proclamation published under subsection (1) or (2), the publication revokes the dedication, reservation or vesting, and the instruments of title (if any) shall be surrendered for cancellation or notation, as the case may require.

(6) The Governor, by 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 state 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.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(7) The Governor, by proclamation published in the Gazette, may amend or revoke a proclamation under subsection (6).

(8) A proclamation under this section may be made in relation to one or more state game reserves.

Limitation on power to dedicate under section 58A.

58B. Notwithstanding section 58A, 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 58A (1) or (2) without the concurrence in writing of the Minister administering the Fisheries and Oyster Farms Act, 1935.

Name of state game reserve.

58C. The Governor—

- (a) by a proclamation published under section 58A (1) or (2) or by another proclamation published in the Gazette, may assign a name to a state game reserve; and
- (b) by proclamation published in the Gazette, may, from time to time, alter the name of a state game reserve.

Revocation, resumption or appropriation of state game reserve.

58D. (1) Notwithstanding anything in any Act—

- (a) the dedication of lands as, or as part of, a state game reserve shall not be revoked; or
- (b) lands within a state game reserve shall not be appropriated or resumed,

except by an Act of Parliament.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(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 state game reserves.

58E. (1) Notwithstanding anything in the Crown Lands Consolidation Act, 1913, or any other Act, no lands within a state game 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 state game 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.

58F. The provisions of section 41 apply to and in respect of a state game 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) a reference in those provisions to a reservation under Division 1 were a reference to a dedication under this Division; and
- (b) a reference in those provisions to the commencement day were a reference to the date of assent to the National Parks and Wildlife (Amendment) Act, 1983.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.***Application of Forestry Act, 1916.**

58G. (1) The Forestry Act, 1916, does not apply to or in respect of lands within a state game reserve.

(2) Notwithstanding anything in subsection (1), all licences and permits under the Forestry Act, 1916, affecting lands within a state game 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 state game reserves.

58H. (1) A person shall not—

- (a) take or kill any animal that is within a state game 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 state game reserve;
- (c) carry, discharge or be in possession of any prohibited weapon in a state game reserve;
- (d) carry or be in possession of any explosive, net, trap or hunting device in a state game reserve; or
- (e) be accompanied by a dog in a state game 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 6 months or both.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(3) A person shall not be convicted of an offence arising under subsection (1) if the person 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 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 being in possession of a net if the person proves that the net was carried or was in the person's 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 state game reserve, or a person authorised by such a lessee or occupier 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).

Restrictions as to timber, vegetation, plants, etc., in state game reserves.

58I. (1) Subject to section 58G (2), a person shall not fell, cut, destroy, injure, pick, remove or set fire to any tree, timber, plant, flower or vegetation in a state game reserve.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(2) A person shall not be in possession of any native plant within a state game 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 6 months or both.

(4) A person shall not be convicted of an offence arising under subsection (1) or (2) if the person 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 by or under any Act.

(5) A person, being a lessee or occupier of any lands within a state game reserve or a person authorised by such a lessee or occupier 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 state game reserves.

58.J. The provisions of—

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

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (b) section 35;
- (c) section 39;
- (d) sections 43 and 44; and
- (e) sections 46 and 47,

apply to and in respect of a state game 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—

- (f) a proclamation under section 33 (2) or (3) were a reference to a proclamation under section 58A (1) or (2); and
- (g) a reservation under Division 1 were a reference to a dedication under this Division.

(19) Part IV, Division 6, heading—

Omit “*game reserves*”, insert instead “*wildlife management areas*”.

(20) (a) Section 69 (1)–(4)—

Omit “game reserve” wherever occurring, insert instead “wildlife management area”.

(b) Section 69 (3)—

Omit “the reserve”, insert instead “the area”.

(c) Section 69 (4) (b)—

Omit “a reserve”, insert instead “an area”.

(d) Section 69 (5) (a)—

Omit “game reserves”, insert instead “wildlife management areas”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(21) Section 70—

Omit “game reserve” wherever occurring, insert instead “wildlife management area”.

(22) Section 71 (1), (3)—

After “wildlife refuge” wherever occurring, insert “or wildlife management area”.

(23) (a) Section 72 (1) (c)—

After “nature reserve”, insert “or state game reserve”.

(b) Section 72 (1) (d)—

Omit “game reserve”, insert instead “wildlife management area”.

(c) Section 72 (2)—

After “nature reserve”, insert “, state game reserve”.

(d) Section 72 (2)—

Omit “or game reserve”, insert instead “or wildlife management area”.

(e) Section 72 (3)—

Omit “or nature reserve”, insert instead “, nature reserve or state game reserve”.

(f) Section 72 (4) (b), (d), (i)—

After “nature reserve” wherever occurring, insert “, state game reserve”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (g) Section 72 (4) (b), (d)—
Omit “or game reserve” wherever occurring, insert instead “or wildlife management area”.
- (h) Section 72 (4) (b)—
Omit “or refuge”, insert instead “, refuge or area”.
- (i) Section 72 (4) (c), (g), (h)—
Omit “or nature reserve” wherever occurring, insert instead “, nature reserve or state game reserve”.
- (j) Section 72 (4) (f)—
Before “and”, insert “, state game reserve”.
- (k) Section 72 (5)—
Omit “game reserve”, insert instead “wildlife management area”.

- (24) Section 73 (3)—
Omit “game reserve”, insert instead “wildlife management area”.

- (25) Section 74—
After “nature reserve” wherever occurring, insert “, state game reserve”.

- (26) Section 76—
After “nature reserve” wherever occurring, insert “or state game reserve”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES
AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(27) Section 78—

Omit “game reserve” wherever occurring, insert instead “wildlife management area”.

(28) Section 80 (1)—

After “nature reserve”, insert “, state game reserve”.

(29) (a) Section 81 (1)—

Omit “or historic site”, insert instead “, historic site, nature reserve, state game reserve, Aboriginal area, wildlife refuge or wildlife management area”.

(b) Section 81 (1)—

Omit “by the trustees of the park or site or”.

(c) Section 81 (1)—

Omit “where the care, control and management thereof have been vested in the Director”.

(d) Section 81 (2)—

Omit the subsection.

(e) Section 81 (4)—

After “nature reserve”, insert “, state game reserve”.

(30) Section 85—

After “nature reserve” wherever occurring, insert “, state game reserve”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(31) Section 86—

After “nature reserve” wherever occurring, insert “, state game reserve”.

(32) Section 88—

After “nature reserve” wherever occurring, insert “ state game reserve”.

(33) (a) Section 120 (2)—

After “nature reserve”, insert “, state game reserve”.

(b) Section 120 (2)—

Omit “or game reserve”, insert instead “or wildlife management area”.

(34) (a) Section 122 (1) (b)—

After “section”, insert “58A,”.

(b) Section 122 (1) (b)—

Omit “or game reserve”, insert instead “, state game reserve or wildlife management area”.

(35) (a) Section 123 (2)—

After “nature reserve”, insert “, state game reserve”.

(b) Section 123 (2)—

Omit “or game reserve”, insert instead “or wildlife management area”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(36) (a) Section 129 (a)—

Omit “or nature reserve”, insert instead “, nature reserve or state game reserve”.

(b) Section 129 (b)—

Omit “game reserve”, insert instead “wildlife management area”.

(37) (a) Section 138 (1) (b) (i), (xi)—

After “nature reserve” wherever occurring, insert “, state game reserve”.

(b) Section 138 (1) (e)—

After “nature reserve” wherever occurring, insert “, state game reserve”.

(c) Section 138 (1) (f)—

Omit “game reserve”, insert instead “wildlife management area”.

(38) (a) Section 139 (2) (b)—

Omit “national park, historic site or”.

(b) Section 139 (2) (d)—

Omit “national parks, historic sites, nature reserves or state recreation areas”, insert instead “the purposes of this Act”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(c) Section 139 (2) (e)—

After “nature reserve”, insert “, state game reserve”.

(d) Section 139 (2) (m)—

Omit “game reserve”, insert instead “wildlife management area”.

(e) Section 139 (4)—

Omit “purchased under section 147”, insert instead “acquired under Part XI”.

(39) Section 140 (1)—

Omit “or nature reserve”, insert instead “, nature reserve or state game reserve”.

(40) Section 141 (2)—

After “nature reserves”, insert “or state game reserves”.

(41) Section 143—

After “nature reserve”, insert “, state game reserve”.

(42) Section 144—

Omit “or nature reserve”, insert instead “, nature reserve or state game reserve”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(43) Sections 145–147—

Omit the sections, insert instead:—

Acquisition of land for reservation, etc.

145. The Minister may, for the purpose of obtaining land for reservation or dedication under Part IV or of preserving, protecting and preventing damage to relics or Aboriginal places—

- (a) on behalf of Her Majesty, enter into and give effect to an agreement for the vesting in, or surrender to, Her Majesty of any land; or
- (b) acquire any land (including land previously appropriated or resumed for any purpose) by purchase or exchange or by resumption or appropriation in accordance with this Part.

Acquisition or occupation of lands for certain purposes.

146. (1) For the purpose of—

- (a) improving access to any land reserved or dedicated under this Act;
- (b) the management, maintenance or improvement of any such land; or
- (c) carrying out works for any of those purposes,

the Minister may—

- (d) 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 land adjoining or in the vicinity of the land so reserved or dedicated; or

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (e) acquire any land (including land previously appropriated or resumed for any purpose) adjoining or in the vicinity of the land so reserved or dedicated by purchase or exchange or by resumption or appropriation in accordance with this Part.

(2) For the purpose of obtaining lands for use in connection with the administration of this Act, the Minister may—

- (a) 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 land; or
- (b) acquire any land (including any land previously appropriated or resumed for any purpose) by purchase or exchange or by resumption or appropriation in accordance with this Part.

Resumption.

147. (1) A resumption or appropriation for the purposes of this Act shall be effected by the Governor under the Public Works Act, 1912, and, without limiting the generality of the foregoing, appropriation under that Act may be effected in respect of any land vested in Her Majesty or any person in trust for Her Majesty.

(2) A resumption or appropriation for the purposes of this Act shall be deemed to be for an authorised work and the Minister shall be deemed to be the Constructing Authority.

(3) Notwithstanding subsection (1), sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply in respect of the expenditure on any works constructed in pursuance of this Act, but section 38 of that Act applies in respect of any such expenditure.

(4) For the purposes of this section and not otherwise, Schedule 14 has effect.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(44) Section 148 (4) (b)—

After “nature reserve”, insert “or state game reserve”.

(45) Section 149—

Omit the section, insert instead:—

Disposal of lands, gifts, etc.

149. (1) Subject to any conditions of a gift or an agreement by or under which any such property may have been acquired, the Minister may sell, grant leases of, dispose of or otherwise deal with any lands or other property—

(a) acquired by the Minister, otherwise than on behalf of Her Majesty, under this Part; or

(b) acquired by the Minister on behalf of Her Majesty for the purposes of this Act by purchase with money from the Fund, by exchange of any property so purchased or by gift,

or any interest in any such lands or other property.

(2) Nothing in this section applies to or in respect of lands while—

(a) reserved as, or as part of, a national park, historic site or state recreation area; or

(b) dedicated as, or as part of, a nature reserve or state game reserve.

(46) Section 150 (1)—

Omit “sections 147, 148 and 149”, insert instead “this Part”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (47) (a) Section 151 (1) (d)—
After “nature reserve”, insert “or state game reserve”.
- (b) Section 151 (1) (d)—
After “49”, insert “or 58A, as the case may be”.
- (c) Section 151 (1) (e), (f)—
Omit “or nature reserve” wherever occurring, insert instead
“, nature reserve or state game reserve”.
- (48) (a) Section 153 (1)—
Omit “or nature reserve”, insert instead “, nature reserve or state
game reserve”.
- (b) Section 153 (4)—
After “nature reserve” wherever occurring, insert “or state game
reserve”.
- (49) (a) Section 155 (1)—
After “nature reserve”, insert “, state game reserve”.
- (b) Section 155 (2A), (2B)—
After section 155 (2), insert:—
- (2A) Without affecting the generality of subsection (2), a
by-law made in pursuance of subsection (2) (v)—
- (a) may include provisions for or with respect to site, design,
methods of construction and any matters which a
council under the Local Government Act, 1919, may
take into consideration in exercising its powers,
authorities, duties and functions under that Act; and

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

- (b) may adopt wholly or partially or by reference any codes, rules, specifications or provisions which relate to any matter in respect of which the by-law may be made and which are—
- (i) recommended or adopted by the Standards Association of Australia;
 - (ii) recommended or adopted by the American Society for Testing Materials, the British Standards Institution or the International Organization for Standardization or any other standards organisation or body of any place outside Australia, being an organisation or body declared by the Minister by order published in the Gazette to be an approved standards organisation or body for the purposes of this subsection;
 - (iii) included in any Act, regulation, ordinance, rule or by-law of this or any other State or the Commonwealth;
 - (iv) included in any document issued by any Department of the Crown in right of this or any other State or the Commonwealth or issued by any instrumentality of this or any other State or the Commonwealth constituted by an Act of the Parliament thereof; or
 - (v) approved by the Minister and published in the Gazette.

(2B) Where any lands, not being a park or part of a park, are acquired or occupied by the Minister under Part XI, the Governor may, in relation to any such lands, make by-laws not

*National Parks and Wildlife (Amendment).*SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

inconsistent with this Act or with any reservation or condition subject to which the lands were acquired or occupied, for or with respect to any matter specified in subsection (2) in relation to a park.

(c) Section 155 (3)—

Omit the subsection, insert instead:—

(3) Without affecting the generality of section 156 (2) or (3), by-laws—

(a) made under subsection (2) for or with respect to parks;
or

(b) made under subsection (2B) for or with respect to other lands acquired or occupied by the Minister,

may be made to apply generally to all parks or to all such other lands so acquired or occupied or may be limited to any park or any particular lands so acquired or occupied, or any specified part of any such park or other lands, and unless so limited shall be taken to apply generally to all parks or to all such other lands, as the case may be.

(d) Section 155 (4)—

Omit “or any part thereof”, insert instead “or any particular lands acquired or occupied by the Minister, or any part thereof”.

(e) Section 155 (4)—

After “parks”, insert “or to any such lands”.

(50) Section 157 (2)—

After “nature reserve”, insert “, state game reserve”.

(51) Section 161 (1), definition of “prescribed land”—

(a) In paragraph (a), after “nature reserve”, insert “, state game reserve”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(b) In paragraph (a), after "area;", insert "or".

(c) Omit paragraphs (b)–(d), insert instead:—

(b) land acquired or occupied under Part XI;

(52) Section 162—

After "nature reserve" wherever occurring, insert ", state game reserve".

(53) Section 163 (2)—

After "nature reserve", insert ", state game reserve".

(54) (a) Section 171 (1) (a) (i)—

After "nature reserve", insert ", state game reserve".

(b) Section 171 (1) (a) (i)—

Omit "or game reserve", insert instead "or wildlife management area".

(c) Section 171 (1) (b), (c)—

After "nature reserve" wherever occurring, insert "or state game reserve".

(55) Section 173—

After "nature reserve" wherever occurring, insert ", state game reserve".

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(56) (a) Section 177 (1) (a)—

After “nature reserve”, insert “, state game reserve”.

(b) Section 177 (1) (b)—

Omit “under section 147”, insert instead “for the purposes of this Act”.

(57) (a) Section 181 (1)—

After “nature reserve”, insert “, state game reserve”.

(b) Section 181 (1)—

Omit “or game reserve”, insert instead “or wildlife management area”.

(58) Section 185 (2), (3)—

Omit “or nature reserve” wherever occurring, insert instead “, nature reserve or state game reserve”.

(59) Schedules 5, 6—

Omit the Schedules.

(60) Schedule 7, clause 6 (d)—

Omit “, 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”.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME
RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(61) Schedule 14—

After Schedule 13, insert:—

SCHEDULE 14.

(Sec. 147.)

MODIFICATION OF THE PUBLIC WORKS ACT, 1912.

The Public Works Act, 1912, shall, for the purposes referred to in section 147, be deemed to be amended—

- (a) (i) by omitting from section 53 the words "so seised, possessed or entitled as aforesaid";
- (ii) by omitting from section 53 the words "as in the preceding section mentioned" and by inserting instead the words "and may claim compensation in respect of the land resumed and agree to, settle and determine with the Constructing Authority the amount of such compensation";
- (iii) by inserting in section 53 (3) after the word "release" the words "and to claim, agree to, settle and determine with the Constructing Authority the amount of compensation";
- (iv) by omitting section 53 (5);
- (b) by inserting in section 102 after the word "time" where secondly occurring the words "as the Constructing Authority allows or, in default of any such allowance of further time, within such time";
- (c) by omitting section 124 and by inserting instead the following section:—

124. (1) For the purpose of ascertaining the compensation to be paid, regard shall in every case be had by the Land and Environment Court not only to the value of the land taken but also to the damage (if any) caused by the severing of the land taken from other lands or by the exercise of any statutory powers of the Constructing Authority otherwise injuriously affecting such other lands and that Court shall assess the compensation according to what it finds to have been the value of such lands, estate or interest at the time the notification was published in the Gazette and without being bound in any way by the amount of the valuation notified to such claimant and without reference to any alteration in such value arising from the construction of any works upon the land taken.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO STATE GAME RESERVES AND THE ADMINISTRATION OF PARKS, ETC.—*continued.*

(2) Notwithstanding subsection (1), the Land and Environment Court, in ascertaining such compensation, shall take into consideration and give effect to, by way of set-off or abatement, any enhancement in the value of the interest of any such owner in any land adjoining the land taken or severed therefrom by the construction of any works upon the land taken, but in no case does this subsection operate so as to require any payment to be made by such owner to the Constructing Authority in consideration of such enhancement in value as aforesaid.

(3) Notwithstanding subsection (1), in the case of land under the surface taken or acquired by notification in the Gazette for the purpose of constructing a subterranean tunnel, no compensation shall be allowed or awarded unless—

- (a) the surface of the overlying soil is disturbed;
- (b) the support of such surface is destroyed or injuriously affected by the construction of such tunnel; or
- (c) any mines or underground workings in or adjacent to such land are thereby rendered unworkable or are so affected as aforesaid.
- (d) by omitting section 126 (3);
- (e) by omitting from section 135 (1) the words “such conveyances” and by inserting instead the words “conveyances or assurances of lands taken”.

SCHEDULE 4.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES.

(1) (a) Section 98 (2) (b)—

After “taking”, insert “or killing”.

(b) Section 98 (2)—

At the end of the subsection, insert:—

Penalty: \$2,000 or imprisonment for 6 months or both.

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES—
continued.

(2) (a) Section 99 (1) (a)—

After “fauna”, insert “of a species named in Part 1 or 2 of Schedule 12”.

(b) Section 99 (1) (b)—

Omit “endangered”, insert instead “such”.

(c) Section 99 (1)—

Omit “\$1,000”, insert instead “\$4,000”.

(d) Section 99 (1)—

Omit “six months”, insert instead “1 year”.

(3) (a) Section 101 (2)—

Omit the subsection, insert instead:—

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

(a) \$2,000 or imprisonment for 6 months or both, in respect of protected fauna other than endangered fauna; or

(b) \$4,000 or imprisonment for 1 year or both, in respect of protected fauna being endangered fauna of a species named in Part 1 or 2 of Schedule 12.

(b) Section 101 (4)—

Omit “he proves”, insert instead “the person satisfies the court that the person believed, on reasonable grounds,”.

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES—
continued.

(c) Section 101 (5)—

Omit “having in his possession of any protected fauna, if he proves”, insert instead “possession of any protected fauna, if the person satisfies the court”.

(d) Section 101 (5) (a)—

Omit “that the”, insert instead “that the person believed, on reasonable grounds, that the”.

(e) Section 101 (5) (a)—

Omit “he”, insert instead “the person”.

(f) Section 101 (5) (b)—

Omit “lawfully obtained”, insert instead “which the person believed, on reasonable grounds, had been lawfully obtained by the person”.

(g) Section 101 (5) (c) (ii), (iii)—

Omit “he” wherever occurring, insert instead “the person”.

(h) Section 101 (5) (c) (ii)—

Omit “his”, insert instead “the person’s”.

(i) Section 101 (5) (c) (iii)—

Omit “him”, insert instead “the person”.

(j) Section 101 (7)—

After section 101 (6), insert:—

(7) A reference in this section to protected fauna does not include a reference to fauna to which Part VI of the Crimes Act, 1900, applies.

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES—
continued.

(4) Section 110 (1), (2)—

Omit "\$400" wherever occurring, insert instead "\$3,000".

(5) Section 111—

Omit "\$200", insert instead "\$500".

(6) (a) Section 156 (1) (a)—

Omit "\$200", insert instead "\$500".

(b) Section 156 (1) (b)—

Omit "\$10", insert instead "\$20".

(7) Section 157 (3)—

Omit "\$200", insert instead "\$500".

(8) Section 158 (2)—

Omit "\$200", insert instead "\$500".

(9) Section 160—

Omit the section, insert instead:—

Penalty notice for certain offences.

160. (1) In this section—

"owner" has the same meaning as in section 159;

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES—
continued.

“prescribed offence” means an offence prescribed for the purposes of this section and includes a parking offence within the meaning of section 159;

“prescribed person” means a person, or a person belonging to a class of persons, prescribed for the purposes of this section.

(2) Where it appears to a prescribed person that any other person has committed any prescribed offence against this Act, the regulations or the by-laws or is, by virtue of section 159, guilty of such 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 or she may pay to a person specified in the notice at the place and within the time so specified the amount of the penalty prescribed for the offence if dealt with under this section.

(3) A notice under subsection (2) may be served—

(a) where the offence is a parking offence within the meaning of section 159 or an offence of which a person is guilty by virtue of that section—

(i) in the manner provided by section 174; or

(ii) by addressing the notice to the owner of the vehicle to which the offence relates, without naming that owner or stating his or her address, and leaving it on, or attaching it to, the vehicle; or

(b) in any other case—in the manner provided by section 174.

(4) Where the amount of penalty prescribed for an alleged offence is paid pursuant to this section, no person shall be liable for any further proceedings for the alleged offence.

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES—
continued.

(5) Payment of a penalty pursuant to this section is not an admission of liability for the purpose of any action or proceedings and does not in any way affect or prejudice any civil claim, action or proceedings arising out of the same occurrence.

(6) The regulations may—

- (a) prescribe an offence as a prescribed offence for the purposes of this section by specifying the offence or by reference to the provision creating the offence;
- (b) prescribe the amount (not exceeding \$100) of penalty payable under this section for each prescribed offence; and
- (c) for the purposes of this section, prescribe different amounts of penalties for different offences or classes of offences, or for offences or classes of offences having regard to the circumstances thereof.

(7) No amount of penalty prescribed under this section for any offence shall exceed any maximum amount of penalty which could be imposed for the offence by a court.

(8) The provisions of this section are supplemental to, and do not derogate from, any other provisions of this or any other Act in relation to proceedings that may be taken in respect of prescribed offences.

(10) (a) Section 170—

Omit "\$200". insert instead "\$1,000".

(b) Section 170—

Omit "six months", insert instead "1 year".

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO OFFENCES—
continued.

(11) (a) Section 175 (2)—

Omit “exceeding—”, insert instead “exceeding \$2,000.”.

(b) Section 175 (2) (a)–(c)—

Omit the paragraphs.

(12) Section 176 (1), (1A), (1B)—

Omit section 176 (1), insert instead:—

(1) Proceedings for an offence against this Act, the regulations or the by-laws may be taken summarily in a court of petty sessions constituted by a stipendiary magistrate.

(1A) The maximum penalty that a court may impose in respect of an offence against this Act, the regulations or the by-laws is \$4,000 (including any daily penalty or any further penalty for a second or subsequent offence) or the maximum penalty provided by this Act or the regulations or the by-laws in respect of the offence, whichever is the lesser.

(1B) Notwithstanding anything in the Justices Act, 1902, proceedings for an offence against this Act, the regulations or the by-laws may be taken within 2 years after the offence was committed.

National Parks and Wildlife (Amendment).

SCHEDULE 5.

(Sec. 5.)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 3—

After the matter relating to Schedule 12, insert:—

SCHEDULE 12A.—PROTECTED AMPHIBIANS.

(2) (a) Section 5 (1), definition of “amphibian”—

After the definition of “advisory committee”, insert:—

“amphibian” means any frog or other member of the class
amphibia that is native to Australia and includes the
eggs and the young thereof;

(b) Section 5 (1), definition of “animal”—

Before “aquatic” where firstly occurring, insert “amphibians or”.

(c) Section 5 (1), definition of “bird” —

Omit the definition, insert instead:—

“bird” means any bird that is native to, or is of a species that
periodically or occasionally migrates to, Australia, and
includes the eggs and the young thereof and the skin,
feathers or any other part thereof;

(d) Section 5 (1), definition of “fauna”—

Omit “or reptile”. insert instead “, reptile or protected
amphibian”.

(e) Section 5 (1), definition of “protected amphibian”—

After the definition of “prohibited weapon”, insert:—

“protected amphibian” means an amphibian of a species
named in Schedule 12A;

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(f) Section 5 (1), definition of “vehicle”—

After “propelled” wherever occurring, insert “, or directed or controlled,”.

(3) Section 81 (4)—

Omit “anything in any other Act”, insert instead “anything in this or any other Act or in any instrument made under this or any other Act”.

(4) Section 81A—

After section 81, insert:—

Leases, etc., subject to plan of management.

81A. Without affecting the generality of the provisions of this Part, this Part has effect in respect of any part of a national park, historic site, nature reserve or state game reserve that is the subject of a lease, licence or easement granted under Part XII.

(5) Section 94A—

After section 94, insert:—

Amendment of Schedule 12A (protected amphibians).

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

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

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

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

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

(6) (a) Section 97 (1) (b1)—

After section 97 (1) (b), insert:—

(b1) a protected amphibian that was, before the date of assent to the National Parks and Wildlife (Amendment) Act, 1983, lawfully taken or in the lawful possession of any person other than the Crown and that had not been liberated before that day;

(b) Section 97 (1) (c)—

After “fauna”, insert “(not being a protected amphibian)”.

(7) Section 98 (4)—

After section 98 (3), insert:—

(4) Subsection (2) does not apply to the taking of any reptile of a species named in an order made by the Governor and published in the Gazette for the purposes of this subsection.

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(8) Section 109—

Omit the section, insert instead:—

Unlawful liberation of animals.

109. A person shall not—

- (a) liberate, anywhere in New South Wales, any animal (other than a homing pigeon) not native to New South Wales, otherwise than under and in accordance with a licence under section 127; or
- (b) liberate, elsewhere than in the locality of capture, any animal native to New South Wales which the person has captured.

(9) Section 127—

Omit “fauna”, insert instead “any animal”.

(10) (a) Section 143—

Omit “Director”, insert instead “Minister, the Director or an officer of the Service”.

(b) Section 143 (c)—

After “permission”, insert “, consent or approval”.

(c) Section 143—

After “Act”, insert “. the regulations or the by-laws”.

(d) Section 143—

Omit “he”, insert instead “the Director or an officer of the Service duly authorised by the Director in that behalf”.

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (e) Section 143—
Omit “him”, insert instead “the Director”.
- (11) (a) Section 151 (4)—
Omit “subsection (5)”, insert instead “this Act”.
- (b) Section 151 (5)—
Omit the subsection.
- (12) Section 154 (g)—
After “fauna”, insert “or native plants”.
- (13) (a) Section 165 (1)—
Omit “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.”, insert instead:—
require that person to deliver up—
- (a) any animal, native plant, relic (not being real property) or article in that person’s possession, or which it is within that person’s power to deliver up, in respect of which the suspected offence is being committed or which is being used in connection with the suspected offence; or
- (b) any books, papers or records in that person’s possession, or which it is within that person’s power to deliver up, relating to the suspected offence.

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 165 (2)—

Omit “or article”, insert instead “, article, books, papers or records”.

(14) Section 168 (6) (b)—

Omit the paragraph, insert instead:—

(b) the court prescribed in relation to any property is such court as would, if the value of the property were the amount of a debt, be a court of competent jurisdiction for the recovery of that debt.

(15) (a) Section 169 (2) (a)—

After “delay,”, insert “hinder,”.

(b) Section 169 (2) (b)—

After “delay,”, insert “hinder,”.

(c) Section 169 (3), (4)—

After section 169 (2), insert:—

(3) Without affecting the generality of subsection (2) (a), a person shall not, upon a request for information or other reasonable assistance being made by the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger in the exercise of any powers, authorities, duties or functions under this Act, the regulations or the by-laws, refuse to give the information or other assistance requested or knowingly give any information that is false or misleading in a material particular.

(4) A person shall not incite or encourage another person to contravene subsection (3).

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(16) (a) Section 177 (1) (a)—

Omit “or” where lastly occurring.

(b) Section 177 (1) (b)—

Omit “thereon.”, insert instead “thereon; or”.

(c) Section 177 (1) (c)—

After section 177 (1) (b), insert:—

(c) any other property, real or personal, which by this Act is vested in Her Majesty or which, for the purposes of this Act, is vested in, or leased, controlled, used or operated by or on behalf of, the Minister or Director,

(d) Section 177 (1)—

Omit “magistrate or justices”, insert instead “court”.

(e) Section 177 (1)—

Omit “he or they think”, insert instead “the court thinks”.

(17) Section 178 (1)—

Omit “due to the Director”, insert instead “recoverable by the Director or an officer of the Service”.

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(18) Section 181 (5), (6)—

After section 181 (4), insert:—

(5) In any proceedings for an offence against this Act, the regulations or the by-laws, a certificate purporting to be signed by the Director or a prescribed officer of the Service and certifying—

- (a) that any person was or was not, on a date or within a period specified therein, the holder of any specified licence, certificate, consent, authority or other thing issued or granted by instrument in writing under this Act; or
- (b) that, on a date or within a period so specified, any such licence, certificate, consent, authority or other thing—
 - (i) related to any specified premises;
 - (ii) was subject to any specified conditions or restrictions; or
 - (iii) was, to any specified extent, unconditional or unrestricted,

shall be prima facie evidence of the matter or matters so certified.

(6) In any proceedings for an offence against this Act, the regulations or the by-laws, a certificate purporting to be signed by the Director and certifying—

- (a) that an amount specified therein is the amount of any charge, cost or expense incurred as specified therein by reason of the offence; or
- (b) that an amount specified therein is the amount of any loss or damage sustained, as specified therein, as a result of the offence,

shall be prima facie evidence of the matter or matters so certified.

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(19) Schedules 12, 12A—

Omit Schedule 12, insert instead:—

SCHEDULE 12.

(Secs. 5 (1), 94.)

ENDANGERED FAUNA.

Part 1.

FAUNA OF SPECIAL CONCERN.

MAMMALS

| | | |
|---------------------------------|-------|---------------------------|
| <i>Ornithorhynchus anatinus</i> | .. | Platypus. |
| <i>Dasyurus maculatus</i> | .. .. | Spotted-tailed Quoll. |
| <i>Phascogale tapoatafa</i> | .. .. | Brush-tailed Phascogale. |
| <i>Dasyuroides byrnei</i> | .. .. | Kowari. |
| <i>Dasycercus cristicauda</i> | .. .. | Mulgara. |
| <i>Antechinus apicalis</i> | .. .. | Dibbler. |
| <i>Antechinus minimus</i> | .. .. | Swamp Antechinus. |
| <i>Planigale tenuirostris</i> | .. .. | Narrow-nosed Planigale. |
| <i>Planigale gilesi</i> | .. .. | Paucident Planigale. |
| <i>Sminthopsis longicaudata</i> | .. .. | Long-tailed Dunnart. |
| <i>Sminthopsis psammophila</i> | .. .. | Sand Hill Dunnart. |
| <i>Sminthopsis hirtipes</i> | .. .. | Hairy-footed Dunnart. |
| <i>Sminthopsis douglasi</i> | .. .. | Julia Creek Dunnart. |
| <i>Sminthopsis butleri</i> | .. .. | Carpentarian Dunnart. |
| <i>Thylacinus cynocephalus</i> | .. .. | Thylacine. |
| <i>Mymecobius fasciatus</i> | .. .. | Numbat. |
| <i>Nytoryctes typhlops</i> | .. .. | Marsupial Mole. |
| <i>Isoodon auratus</i> | .. .. | Golden Bandicoot. |
| <i>Perameles gunni</i> | .. .. | Eastern Barred Bandicoot. |
| <i>Perameles eremiana</i> | .. .. | Desert Bandicoot. |
| <i>Macrotis leucura</i> | .. .. | Lesser Bilby. |
| <i>Wyulda squamicaudata</i> | .. .. | Scaly-tailed Possum. |
| <i>Pseudocheirus peregrinus</i> | | |
| <i>occidentalis</i> | .. .. | Western Ringtail Possum. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*MAMMALS—*continued.*

| | | |
|--------------------------------------|-------|----------------------------------|
| <i>Pseudocheirus dahli</i> | .. .. | Rock Ringtail Possum. |
| <i>Gymnobelideus leadbeateri</i> | .. .. | Leadbeater's Possum. |
| <i>Acrobates pygmaeus</i> | .. .. | Feathertail Glider. |
| <i>Cercartetus nanus</i> | .. .. | Eastern Pygmy Possum. |
| <i>Cercartetus lepidus</i> | .. .. | Little Pygmy Possum. |
| <i>Phascolarctos cinereus</i> | .. .. | Koala. |
| <i>Potorous tridactylus gilberti</i> | | Gilbert's Potoroo. |
| <i>Potorous platyops</i> | .. .. | Broad-faced Potoroo. |
| <i>Potorous apicalis</i> | .. .. | Southern Potoroo. |
| <i>Potorous longipes</i> | .. .. | Long-footed Potoroo. |
| <i>Bettongia penicillata tropica</i> | .. .. | Brush-tailed Bettong. |
| <i>Caloprymnus campestris</i> | .. .. | Desert Rat-kangaroo. |
| <i>Lagorchestes conspicillatus</i> | .. .. | Spectacled Hare-wallaby. |
| <i>Lagorchestes hirsutus</i> | .. .. | Rufous Hare-wallaby. |
| <i>Lagostrophus fasciatus</i> | .. .. | Banded Hare-wallaby. |
| <i>Onychogalea lunata</i> | ..... | Crescent Nailtail Wallaby. |
| <i>Petrogale concinna</i> | .. .. | Nabarlek. |
| <i>Petrogale persephone</i> | .. .. | Proserpine Rock-wallaby. |
| <i>Petrogale burbidgei</i> | .. .. | Warabi. |
| <i>Thylogale billardieri</i> | .. .. | Red-bellied Pademelon. |
| <i>Macropus eugenii</i> | .. .. | Tammar Wallaby. |
| <i>Macropus greyi</i> | .. .. | Toolache Wallaby. |
| <i>Macropus robustus isabellinus</i> | .. .. | Euro (Barrow Island). |
| <i>Macroderma gigas</i> | .. .. | Ghost Bat. |
| <i>Hipposideros galeritus</i> | .. .. | Fawn Horseshoe-bat. |
| <i>Hipposideros semoni</i> | .. .. | Wart-nosed Horseshoe-bat. |
| <i>Hipposideros stenotis</i> | .. .. | Lesser Wart-nosed Horseshoe-bat. |
| <i>Rhinonicteris arantius</i> | .. .. | Orange Horseshoe-bat. |
| <i>Taphozous saccolaimus</i> | .. .. | Naked-rumped Sheath-tail-bat. |
| <i>Taphozous mixtus</i> | .. .. | Troughton's Sheath-tail-bat. |
| <i>Myotis adversus</i> | .. .. | Large-footed Myotis. |
| <i>Murina florium</i> | .. .. | Tube-nosed Insectivorous-bat. |
| <i>Xeromys myoides</i> | .. .. | False Water-rat. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*MAMMALS—*continued.*

| | | | |
|---------------------------------|----|----|-----------------------------|
| <i>Mesembriomys gouldii</i> | .. | .. | Black-footed tree-rat. |
| <i>Zyzomys pedunculatus</i> | .. | .. | Central Rock-rat. |
| <i>Pseudomys praeconis</i> | .. | .. | Shark Bay Mouse. |
| <i>Pseudomys novaeollandiae</i> | .. | .. | New Holland Mouse. |
| <i>Pseudomys fumeus</i> | .. | .. | Smoky Mouse. |
| <i>Pseudomys occidentalis</i> | .. | .. | Western Mouse. |
| <i>Pseudomys fieldi</i> | .. | .. | Alice Springs Mouse. |
| <i>Pseudomys shorridgei</i> | .. | .. | Heath Mouse. |
| <i>Pseudomys chapmani</i> | .. | .. | Pebble-mound Mouse. |
| <i>Notomys fuscus</i> | .. | .. | Dusky Hopping-mouse. |
| <i>Notomys macrotis</i> | .. | .. | Big-eared Hopping-mouse. |
| <i>Notomys amplus</i> | .. | .. | Short-tailed Hopping-mouse. |
| <i>Notomys aquilo</i> | .. | .. | Northern Hopping-mouse. |
| <i>Dugong dugon</i> | .. | .. | Dugong. |
| <i>Arctocephalus forsteri</i> | .. | .. | New Zealand Fur-seal. |
| <i>Balaena glacialis</i> | .. | .. | Right Whale. |
| <i>Balaenoptera musculus</i> | .. | .. | Blue Whale. |
| <i>Megaptera novaeangliae</i> | .. | .. | Humpback Whale. |

REPTILES

| | | | |
|----------------------------------|----|----|-----------------------|
| <i>Crocodylus johnstoni</i> | .. | .. | Freshwater Crocodile. |
| <i>Crocodylus porosus</i> | .. | .. | Saltwater Crocodile. |
| <i>Dermochelys coriacea</i> | .. | .. | Leathery Turtle. |
| <i>Pseudemydura umbrina</i> | .. | .. | Western Swamp Turtle. |
| <i>Amphibolurus yinneathara</i> | .. | .. | ..... |
| <i>Ctenotus delli</i> | .. | .. | ..... |
| <i>Ctenotus youngsoni</i> | .. | .. | ..... |
| <i>Ctenotus lanceolini</i> | .. | .. | ..... |
| <i>Egernia stokesii badia</i> | .. | .. | ..... |
| <i>Egernia stokesii stokesii</i> | .. | .. | ..... |
| <i>Lerista christinae</i> | .. | .. | ..... |
| <i>Lerista humphriesi</i> | .. | .. | ..... |
| <i>Lerista lineata</i> | .. | .. | ..... |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*REPTILES—*continued.*

| | | | | |
|----------------------------------|----|----|----|----------------------------|
| <i>Menetia amaura</i> | .. | .. | .. | ..... |
| <i>Tiliqua adelaidensis</i> | .. | .. | .. | ..... |
| <i>Aspidites ramsayi</i> | .. | .. | .. | Woma. |
| <i>Liasis childreni</i> | .. | .. | .. | Children's Python. |
| <i>Liasis olivaceous barroni</i> | .. | .. | .. | Pilbara Olive Python. |
| <i>Python carinatus</i> | .. | .. | .. | ..... |
| <i>Python spilotes</i> | .. | .. | .. | Carpet and Diamond Python. |
| <i>Brachyaspis atriceps</i> | .. | .. | .. | ..... |
| <i>Vermicella calonotus</i> | .. | .. | .. | ..... |

BIRDS

| | | | | |
|----------------------------------|----|----|----|-------------------------------|
| <i>Diomedea exulans</i> | .. | .. | .. | Wandering Albatross. |
| <i>Calonectris leucomelas</i> | .. | .. | .. | Streaked Shearwater. |
| <i>Puffinus pacificus</i> | .. | .. | .. | Wedge-tailed Shearwater. |
| <i>Puffinus griseus</i> | .. | .. | .. | Sooty Shearwater. |
| <i>Puffinus tenuirostris</i> | .. | .. | .. | Short-tailed Shearwater. |
| <i>Oceanites oceanicus</i> | .. | .. | .. | Wilson's Storm-Petrel. |
| <i>Oceanodroma leucorhoa</i> | .. | .. | .. | Leach's Storm-Petrel. |
| <i>Sula abbotti</i> | .. | .. | .. | Abbott's Booby. |
| <i>Sula sula</i> | .. | .. | .. | Red-footed Booby. |
| <i>Sula dactylatra</i> | .. | .. | .. | Masked Booby. |
| <i>Sula leucogaster</i> | .. | .. | .. | Brown Booby. |
| <i>Fregata andrewsi</i> | .. | .. | .. | Christmas Island Frigatebird. |
| <i>Fregata minor</i> | .. | .. | .. | Great Frigatebird. |
| <i>Fregata ariel</i> | .. | .. | .. | Least Frigatebird. |
| <i>Phaethon rubricauda</i> | .. | .. | .. | Red-tailed Tropicbird. |
| <i>Phaethon lepturus</i> | .. | .. | .. | White-tailed Tropicbird. |
| <i>Ardeola ibis</i> | .. | .. | .. | Cattle Egret. |
| <i>Egretta alba</i> | .. | .. | .. | Great Egret. |
| <i>Cereopsis novaehollandiae</i> | .. | .. | .. | Cape Barren Goose. |
| <i>Tadorna radjah</i> | .. | .. | .. | Radjah Shelduck. |
| <i>Anas querquedula</i> | .. | .. | .. | Garganey. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*BIRDS—*continued.*

| | | | |
|----------------------------------|----|----|--------------------------|
| <i>Haliaeetus leucogaster</i> | .. | .. | White-bellied Sea-Eagle. |
| <i>Megapodius reinwardt</i> | .. | .. | Orange-footed Scrubfowl. |
| <i>Rallus pectoralis</i> | .. | .. | Lewin's Rail. |
| <i>Irediparra gallinacea</i> | .. | .. | Comb-crested Jacana. |
| <i>Pluvialis squatarola</i> | .. | .. | Grey Plover. |
| <i>Pluvialis dominica</i> | .. | .. | Lesser Golden Plover. |
| <i>Charadrius hiaticula</i> | .. | .. | Ringed Plover. |
| <i>Charadrius mongolus</i> | .. | .. | Mongolian Plover. |
| <i>Charadrius leschenaultii</i> | .. | .. | Large Sand Plover. |
| <i>Charadrius veredus</i> | .. | .. | Oriental Plover. |
| <i>Arenaria interpres</i> | .. | .. | Ruddy Turnstone. |
| <i>Numenius madagascariensis</i> | .. | .. | Eastern Curlew. |
| <i>Numenius phaeopus</i> | .. | .. | Whimbrel. |
| <i>Numenius minutus</i> | .. | .. | Little Curlew. |
| <i>Tringa glareola</i> | .. | .. | Wood Sandpiper. |
| <i>Tringa brevipes</i> | .. | .. | Grey-tailed Tattler. |
| <i>Tringa incana</i> | .. | .. | Wandering Tattler. |
| <i>Tringa hypoleucos</i> | .. | .. | Common Sandpiper. |
| <i>Tringa nebularia</i> | .. | .. | Greenshank. |
| <i>Tringa stagnatilis</i> | .. | .. | Marsh Sandpiper. |
| <i>Tringa terek</i> | .. | .. | Terek Sandpiper. |
| <i>Gallinago hardwickii</i> | .. | .. | Latham's Snipe. |
| <i>Gallinago stenura</i> | .. | .. | Pin-tailed Snipe. |
| <i>Gallinago megala</i> | .. | .. | Swinhoe's Snipe. |
| <i>Limnodromus semipalmatus</i> | .. | .. | Asian Dowitcher. |
| <i>Limosa limosa</i> | .. | .. | Black-tailed Godwit. |
| <i>Limosa lapponica</i> | .. | .. | Bar-tailed Godwit. |
| <i>Calidris canutus</i> | .. | .. | Red Knot. |
| <i>Calidris tenuirostris</i> | .. | .. | Great Knot. |
| <i>Calidris acuminata</i> | .. | .. | Sharp-tailed Sandpiper. |
| <i>Calidris melanotos</i> | .. | .. | Pectoral Sandpiper. |
| <i>Calidris bairdii</i> | .. | .. | Baird's Sandpiper. |
| <i>Calidris mauri</i> | .. | .. | Western Sandpiper. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—continued.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—continued.

BIRDS—continued.

| | | | | |
|--|----|----|----|---------------------------|
| <i>Calidris ruficollis</i> | .. | .. | .. | Red-necked Stint. |
| <i>Calidris subminuta</i> | .. | .. | .. | Long-toed Stint. |
| <i>Calidris ferruginea</i> | .. | .. | .. | Curlew Sandpiper. |
| <i>Calidris alba</i> | .. | .. | .. | Sanderling. |
| <i>Tryngites subruficollis</i> | .. | .. | .. | Buff-breasted Sandpiper. |
| <i>Limicola falcinellus</i> | .. | .. | .. | Broad-billed Sandpiper. |
| <i>Philomachus pugnax</i> | .. | .. | .. | Ruff. |
| <i>Phalaropus fulicarius</i> | .. | .. | .. | Grey Phalarope. |
| <i>Phalaropus lobatus</i> | .. | .. | .. | Red-necked Phalarope. |
| <i>Glaucola maldivarum</i> | .. | .. | .. | Oriental Pratincole. |
| <i>Stercorarius maccormicki</i> | .. | .. | .. | South Polar Skua. |
| <i>Stercorarius parasiticus</i> | .. | .. | .. | Arctic Jaeger. |
| <i>Stercorarius pomarinus</i> | .. | .. | .. | Pomarine Jaeger. |
| <i>Stercorarius longicauda</i> | .. | .. | .. | Long-tailed Jaeger. |
| <i>Chidonias leucoptera</i> | .. | .. | .. | White-winged Tern. |
| <i>Chidonias niger</i> | .. | .. | .. | Black Tern. |
| <i>Hydroprogne caspia</i> | .. | .. | .. | Caspian Tern. |
| <i>Sterna hirundo</i> | .. | .. | .. | Common Tern. |
| <i>Sterna sumatrana</i> | .. | .. | .. | Black-naped Tern. |
| <i>Sterna anaethetus</i> | .. | .. | .. | Bridled Tern. |
| <i>Anous stolidus</i> | .. | .. | .. | Common Noddy. |
| <i>Anous tenuirostris</i> | .. | .. | .. | Lesser Noddy. |
| <i>Ptilinopus regina</i> | .. | .. | .. | Rose-crowned Fruit-dove. |
| <i>Chalcophaps indica</i> | .. | .. | .. | Emerald Dove. |
| <i>Petrophassa smithii</i> | .. | .. | .. | Partridge Pigeon. |
| <i>Calyptorhynchus lathami</i> | .. | .. | .. | Glossy Black-cockatoo. |
| <i>Polytelis alexandrae</i> | .. | .. | .. | Alexandra's Parrot. |
| <i>Cyanoramphus novaezelandiae</i> | | | | |
| <i>cookii</i> | .. | .. | .. | Norfolk Island Parrot. |
| <i>Geopsittacus occidentalis</i> | .. | .. | .. | Night Parrot. |
| <i>Psephotus chrysopterygius</i> | .. | .. | .. | Golden-shouldered Parrot. |
| <i>Psephotus dissimilis</i> | .. | .. | .. | Hooded Parrot. |
| <i>Northiella haematogaster narethae</i> | | | | Naretha Blue Bonnet. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*BIRDS—*continued.*

| | | |
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| <i>Neophema chrysogaster</i> | | Orange-bellied Parrot. |
| <i>Neophema splendida</i> | | Scarlet-chested Parrot. |
| <i>Cuculus saturatus</i> | .. .. | Oriental Cuckoo. |
| <i>Ninox rufa</i> | .. .. | Rufous Owl. |
| <i>Ninox squamipila natalis</i> | .. .. | Christmas Island Owl. |
| <i>Ninox novaeseelandiae royana</i> | .. .. | Norfolk Island Boobook. |
| <i>Hirundapus caudacutus</i> | .. .. | White-throated Needletail. |
| <i>Apus pacificus</i> | .. .. | Fork-tailed Swift. |
| <i>Merops ornatus</i> | .. .. | Rainbow Bee-eater. |
| <i>Pitta iris</i> | .. .. | Rainbow Pitta. |
| <i>Artichornis clamosus</i> | .. .. | Noisy Scrub-bird. |
| <i>Hirundo rustica</i> | .. .. | Barn Swallow. |
| <i>Mortacilla flava</i> | .. .. | Yellow Wagtail. |
| <i>Coracina tenuirostris</i> | .. .. | Cicadabird. |
| <i>Zoothera dauma</i> | .. .. | White's Thrush. |
| <i>Drymodes superciliaris</i> | .. .. | Northern Scrub-robin. |
| <i>Microeca flavigaster</i> | .. .. | Lemon-bellied Flycatcher. |
| <i>Microeca tormenti</i> | .. .. | Kimberley Flycatcher. |
| <i>Poecilodryas superciliosa</i> | .. .. | White-browed Robin. |
| <i>Falcunculus frontatus</i> | .. .. | Crested Shrike-tit. |
| <i>Rhipidura rufifrons</i> | .. .. | Rufous Fantail. |
| <i>Psophodes nigrogularis</i> | .. .. | Western Whipbird. |
| <i>Cinlosoma punctatum</i> | .. .. | Spotted Quail-thrush. |
| <i>Pomatostomus temporalis</i> | .. .. | Grey-crowned Babbler. |
| <i>Malurus coronatus</i> | .. .. | Purple-crowned Fairy-wren. |
| <i>Malurus leucopterus</i> | .. .. | White-winged Fairy-wren (Dirk Hartog Island and Barrow Island races). |
| <i>Amytornis dorotheae</i> | .. .. | Carpenterian Grasswren. |
| <i>Amytornis goyderi</i> | .. .. | Eyraen Grasswren. |
| <i>Dasyornis longirostris</i> | .. .. | Western Bristlebird. |
| <i>Dasyornis broadbenti</i> | .. .. | Rufous Bristlebird. |
| <i>Pardalotus quadragintus</i> | .. .. | Forty-spotted Pardalote. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*BIRDS—*continued.*

| | | | |
|------------------------------|----|----|---------------------------|
| <i>Zosterops albogularis</i> | .. | .. | Norfolk Island Silvereye. |
| <i>Emblema oculata</i> | .. | .. | Red-eared Firetail. |
| <i>Lonchura flaviprymna</i> | .. | .. | Yellow-rumped Mannikin. |
| <i>Chlamydera maculata</i> | .. | .. | Spotted Bowerbird. |

Part 2.

VULNERABLE AND RARE FAUNA.

MAMMALS

| | | | |
|-------------------------------|----|----|------------------------|
| <i>Planigale maculata</i> | .. | .. | Common Planigale. |
| <i>Sminthopsis leucopus</i> | .. | .. | White-footed Dunnart. |
| <i>Cercartetus concinnus</i> | .. | .. | Western Pygmy-possum. |
| <i>Burramys parvus</i> | .. | .. | Mountain Pygmy-possum. |
| <i>Macropus parma</i> | .. | .. | Parma Wallaby. |
| <i>Macropus dorsalis</i> | .. | .. | Black-striped Wallaby. |
| <i>Phoniscus papuensis</i> | .. | .. | Dome-headed Bat. |
| <i>Rattus sordidus</i> | .. | .. | Canefield Rat. |
| <i>Mastacomys fuscus</i> | .. | .. | Broad-toothed Rat. |
| <i>Leggadina forresti</i> | .. | .. | Forrest's Mouse. |
| <i>Pseudomys pilligaensis</i> | .. | .. | Pilliga Mouse. |
| <i>Melomys burtoni</i> | .. | .. | Grassland Melomys. |

REPTILES

| | | | |
|--------------------------------|----|----|----------------------|
| <i>Aprasia parapulchella</i> | .. | .. | ..... |
| <i>Aprasia pseudopulchella</i> | .. | .. | ..... |
| <i>Egernia frerei</i> | .. | .. | Major Skink |
| <i>Cacophis krefftii</i> | .. | .. | Dwarf Crowned Snake. |

BIRDS

| | | | |
|-------------------------------|----|----|--------------------------|
| <i>Pterodroma solandri</i> | .. | .. | Providence Petrel. |
| <i>Puffinus carneipes</i> | .. | .. | Flesh-footed Shearwater. |
| <i>Xenorhynchus asiaticus</i> | .. | .. | Black-necked Stork. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*BIRDS—*continued.*

| | | | |
|----------------------------------|----|----|------------------------------|
| <i>Anseranas semipalmata</i> | .. | .. | Magpie Goose. |
| <i>Pandion haliaetus</i> | .. | .. | Osprey. |
| <i>Aviceda subcristata</i> | .. | .. | Pacific Baza. |
| <i>Lophoictinia isura</i> | .. | .. | Square-tailed Kite. |
| <i>Hamirostra melanosternon</i> | .. | .. | Black-breasted Buzzard. |
| <i>Haliastur indus</i> | .. | .. | Brahminy Kite. |
| <i>Erythrotriorchis radiatus</i> | .. | .. | Red Goshawk. |
| <i>Falco subniger</i> | .. | .. | Black Falcon. |
| <i>Falco peregrinus</i> | .. | .. | Peregrine Falcon. |
| <i>Falco hypoleucos</i> | .. | .. | Grey Falcon. |
| <i>Turnix melanogaster</i> | .. | .. | Black-breasted Button-quail. |
| <i>Gallinula olivacea</i> | .. | .. | Bush-hen. |
| <i>Grus rubicundus</i> | .. | .. | Brolga. |
| <i>Burhinus neglectus</i> | .. | .. | Beach Thick-knee. |
| <i>Haematopus longirostris</i> | .. | .. | Pied Oystercatcher. |
| <i>Haematopus fuliginosus</i> | .. | .. | Sooty Oystercatcher. |
| <i>Charadrius rubricollis</i> | .. | .. | Hooded Plover. |
| <i>Larus dominicanus</i> | .. | .. | Kelp Gull. |
| <i>Ptilinopus magnificus</i> | .. | .. | Wompoo Fruit-Dove |
| <i>Petrophassa scripta</i> | .. | .. | Squatter Pigeon. |
| <i>Callocephalon fimbriatum</i> | .. | .. | Gang-gang Cockatoo. |
| <i>Cacatua leadbeateri</i> | .. | .. | Pink Cockatoo. |
| <i>Polytelis swainsonii</i> | .. | .. | Superb Parrot. |
| <i>Polytelis anthopeplus</i> | .. | .. | Regent Parrot. |
| <i>Neophema pulchella</i> | .. | .. | Turquoise Parrot. |
| <i>Ninox strenua</i> | .. | .. | Powerful Owl. |
| <i>Tyto novaehollandiae</i> | .. | .. | Masked Owl. |
| <i>Tyto longimembris</i> | .. | .. | Eastern Grass Owl. |
| <i>Tyto tenebrosa</i> | .. | .. | Sooty Owl. |
| <i>Halcyon chloris</i> | .. | .. | Collared Kingfisher. |
| <i>Menura alberti</i> | .. | .. | Albert's Lyrebird. |
| <i>Atrichornis rufescens</i> | .. | .. | Rufous Scrub-bird. |
| <i>Coracina lineata</i> | .. | .. | Yellow-eyed Cuckoo-shrike. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*BIRDS—*continued*

| | | | | |
|--|----|----|----|---------------------------------|
| <i>Monarcha leucotis</i> | .. | .. | .. | White-eared Monarch. |
| <i>Cinclosoma cinnamomeum</i> | .. | .. | .. | Chestnut-breasted Quail-thrush. |
| <i>Amytornis barbatus</i> | .. | .. | .. | Grey Grasswren. |
| <i>Strepera versicolor melanoptera</i> | .. | .. | .. | Black-winged Currawong. |
| <i>Poephila cincta</i> | .. | .. | .. | Black-throated Finch. |

Part 3.

THREATENED FAUNA.

MAMMALS

| | | | | |
|----------------------------------|----|----|----|----------------------------|
| <i>Antechinomys laniger</i> | .. | .. | .. | Kultarr. |
| <i>Potorous tridactylus</i> | .. | .. | .. | Long-nosed Potoroo. |
| <i>Petrogale penicillata</i> | .. | .. | .. | Brush-tailed Rock-wallaby. |
| <i>Pseudomys gracilicaudatus</i> | .. | .. | .. | Eastern Chestnut Mouse. |

REPTILES

| | | | | |
|----------------------------------|----|----|----|-------------------------------|
| <i>Gonocephalus spinipes</i> | .. | .. | .. | Southern Angle-headed Dragon. |
| <i>Echiopsis curta</i> | .. | .. | .. | Bardick. |
| <i>Hoplocephalus bungaroides</i> | .. | .. | .. | Broad-headed Snake. |
| <i>Hoplocephalus stephensi</i> | .. | .. | .. | Stephen's Banded Snake. |
| <i>Simoselaps australis</i> | .. | .. | .. | Coral Snake. |

BIRDS

| | | | | |
|---------------------------------|----|----|----|---------------------|
| <i>Pterodroma leucoptera</i> | .. | .. | .. | Gould's Petrel. |
| <i>Stictonetta naevosa</i> | .. | .. | .. | Freckled Duck. |
| <i>Leipoa ocellata</i> | .. | .. | .. | Malleefowl. |
| <i>Ardeotis australis</i> | .. | .. | .. | Australian Bustard. |
| <i>Burhinus magnirostris</i> | .. | .. | .. | Bush Thick-knee. |
| <i>Pezoporus wallicus</i> | .. | .. | .. | Ground Parrot. |
| <i>Sterna Albigrons</i> | .. | .. | .. | Little Tern. |
| <i>Podargus ocellatus</i> | .. | .. | .. | Marbled Frogmouth. |
| <i>Pachycephala rufogularis</i> | .. | .. | .. | Red-lored Whistler. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*BIRDS—*continued.*

| | | | | |
|-------------------------------|----|----|----|----------------------|
| <i>Amytornis striatus</i> | .. | .. | .. | Striated Grasswren. |
| <i>Dasyornis brachypterus</i> | .. | .. | .. | Eastern Bristlebird. |
| <i>Xanthomyza phrygia</i> | .. | .. | .. | Regent Honeyeater. |

Part 4.

FAUNA IN IMMINENT DANGER OF EXTINCTION.

MAMMALS

| | | | | |
|-------------------------------|----|----|----|------------------------------|
| <i>Dasyurus viverrinus</i> | .. | .. | .. | Eastern Quoll. |
| <i>Dasyurus geoffroii</i> | .. | .. | .. | Western Quoll. |
| <i>Phascogale calura</i> | .. | .. | .. | Red-tailed Phascogale. |
| <i>Myrmecobius fasciatus</i> | .. | .. | .. | Numbat. |
| <i>Perameles bougainville</i> | .. | .. | .. | Western Barred Bandicoot. |
| <i>Macrotis lagotis</i> | .. | .. | .. | Greater Bilby. |
| <i>Chaeropus ecaudatus</i> | .. | .. | .. | Pig-footed Bandicoot. |
| <i>Lasiorninus krefftii</i> | .. | .. | .. | Northern Hairy-nosed Wombat. |
| <i>Bettongia penicillata</i> | .. | .. | .. | Brush-tailed Bettong. |
| <i>Bettongia gaimardi</i> | .. | .. | .. | Tasmanian Bettong. |
| <i>Bettongia lesueur</i> | .. | .. | .. | Burrowing Bettong. |
| <i>Lagorchestes leporides</i> | .. | .. | .. | Eastern Hare-wallaby. |
| <i>Onychogalea fraenata</i> | .. | .. | .. | Bridled Nailtail Wallaby. |
| <i>Petrogale xanthopus</i> | .. | .. | .. | Yellow-footed Rock-wallaby. |
| <i>Myotis australis</i> | .. | .. | .. | Small-footed Myotis. |
| <i>Rattus tunneyi</i> | .. | .. | .. | Pale Field-rat. |
| <i>Conilurus albipes</i> | .. | .. | .. | Rabbit-eared Tree-rat. |
| <i>Leporillus conditor</i> | .. | .. | .. | Greater Stick-nest Rat. |
| <i>Leporillus apicalis</i> | .. | .. | .. | Lesser Stick-nest Rat. |
| <i>Pseudomys gouldii</i> | .. | .. | .. | Gould's Mouse. |
| <i>Pseudomys australis</i> | .. | .. | .. | Plains Mouse. |
| <i>Pseudomys oralis</i> | .. | .. | .. | Desert Mouse. |
| <i>Notomys mitchelli</i> | .. | .. | .. | Mitchell's Hopping-mouse. |
| <i>Notomys longicaudatus</i> | .. | .. | .. | Long-tailed Hopping-mouse. |

National Parks and Wildlife (Amendment).

SCHEDULE 5—*continued.*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

REPTILES

Leiopisma lichenigera Lord Howe Island Skink.

BIRDS

Pedionomus torquatus Plains Wanderer.
Tricholimnas sylvestris Lord Howe Island Woodhen.
Psittaculirostris diophthalma .. Double-eyed Fig Parrot.
Psephotus pulcherrimus Paradise Parrot.
Manorina melanotis Black-eared Miner.
Strepera graculina crissalis Lord Howe Island Currawong.
Amytornis textilis Thick-billed Grasswren.

SCHEDULE 12A.

(Secs. 5 (1), 94A.)

PROTECTED AMPHIBIANS.

Litoria brevipalmata Green-thighed Frog.
Litoria flavipunctata
Litoria glandulosa
Litoria jervisesis Jervis Bay Tree Frog.
Litoria maculata
Litoria pearsoniana
Assa darlingtoni Pouched Frog.
Kyarranus loveridgei Loveridge's Frog.
Kyarranus sphagnicolus Sphagnum Frog.
Pseudophryne australis Red Crowned Toadlet.
Pseudophryne corroboree Corroboree Frog.
Lechriodus fletcheri Fletcher's Frog.

National Parks and Wildlife (Amendment).

SCHEDULE 6.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

- (1) (a) Section 5 (1), definition of "explosive"—
Omit "Explosives Act, 1905", insert instead "Dangerous Goods Act, 1975".
- (b) Section 5 (2) (a)—
After "for", insert "Local Government and".
- (2) Sections 8 (5), 86 (b), 88—
Omit "The Trustees of the Australian Museum" wherever occurring, insert instead "the Australian Museum Trust".
- (3) (a) Section 35 (1)—
Omit "fourteen", insert instead "14".
- (b) Section 35 (3)—
Omit "fifteen", insert instead "15".
- (4) Section 39 (4)—
Omit "1967", insert instead "1982".
- (5) Section 41 (3)—
Omit "granted" where firstly occurring.
- (6) Sections 45 (2), 56 (2), 57 (3), 90 (1), 110, 168 (2) (b), 168 (4) (b), 170—
Omit "six months" wherever occurring, insert instead "6 months".
- (7) (a) Section 47 (1)—
Omit "an employee under the Public Service Act, 1902", insert instead "a temporary employee under the Public Service Act, 1979".

National Parks and Wildlife (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

- (b) Section 47 (2) (a)—
Omit "section 44 of the Public Service Act, 1902", insert instead "section 80 of the Public Service Act, 1979".
- (c) Section 47 (2) (b)—
Omit "section 44", insert instead "section 80".
- (d) Section 47 (2) (d), (e)—
Omit "1902" wherever occurring, insert instead "1979".
- (8) Section 88 (4)—
Omit "Act, 1902", insert instead "Trust Act, 1975".
- (9) Section 90 (7) (a)—
Omit "seven", insert instead "7".
- (10) Section 108—
Omit "nineteen", insert instead "19".
- (11) Section 135 (5) (a)—
Omit "one month", insert instead "1 month".
- (12) Section 159 (4) (a) (i), (b) (i)—
Omit "twenty-one" wherever occurring, insert instead "21".
- (13) Section 164 (6)—
After "premises" where secondly occurring, insert "or vehicle".

National Parks and Wildlife (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(14) (a) Section 168 (4) (a)—

Omit “one month”, insert instead “1 month”.

(b) Section 168 (4) (b)—

Omit “three months”, insert instead “3 months”

(15) Section 183 (1), definition of “Commission”—

Omit “The Water Conservation and Irrigation Commission”, insert instead “the Water Resources Commission”.

(16) (a) Schedule 3, clause 5—

Omit the clause.

(b) Schedule 3, clause 12 (2)—

Omit “subsection (1)”, insert instead “subclause (1)”.

(17) (a) Schedule 4, clause 5—

Omit “1902”, insert instead “1979”.

(b) Schedule 4, clauses 6, 7 (1)—

Omit “sixty-five” wherever occurring, insert instead “65”.

(c) Schedule 4, clause 11 (1) (a)—

Omit “sixty”, insert instead “60”.

(18) (a) Schedule 7, clause 1 (3) (f), (h), (i)—

Omit “one” wherever occurring, insert instead “1”.

National Parks and Wildlife (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Schedule 7, clause 1 (3) (h)—

Omit “Act, 1902”, insert instead “Trust Act, 1975”.

(c) Schedule 7, clauses 3, 4—

Omit “seventy” wherever occurring, insert instead “70”.

(19) (a) Schedule 8, clauses 6, 7—

Omit “seventy” wherever occurring, insert instead “70”.

(b) Schedule 8, clause 6—

Omit “under this section as a member”, insert instead “as a member of an advisory committee”.

(20) (a) Schedule 9, clause 1 (1)—

Omit “eight”, insert instead “8”.

(b) Schedule 9, clause 1 (2)—

Omit “one” wherever occurring, insert instead “1”.

(c) Schedule 9, clause 1 (2) (e)—

Omit “Mines”, insert instead “Mineral Resources”.

(d) Schedule 9, clause 2—

Omit “five”, insert instead “5”.

SCHEDULE 7.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Advisory committees.

1. (1) An advisory committee constituted, before the date of assent to this Act, under section 24 of the Principal Act in respect of any lands shall be deemed to have been constituted under that section of that Act, as amended by this Act, in respect of the same lands.

National Parks and Wildlife (Amendment).

SCHEDULE 7—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Nothing in this Act affects the term of office of any member of an advisory committee holding office immediately before the date of assent to this Act.

Reconstitution of the National Parks and Wildlife Advisory Council.

2. Notwithstanding anything in the Principal Act, a person being a member of the Council established by section 22 of that Act holding office immediately before the commencement of Schedule 1 (8) ceases to hold office on that commencement, but any such person may, subject to the Principal Act, as amended by this Act, be reappointed thereto.

Status of certain lands.

3. (1) The lands comprised in a state recreation area within the meaning of the Principal Act, as in force immediately before the date of assent to this Act, shall be deemed to be reserved as a state recreation area under Division 1A of Part IV of that Act, as amended by this Act.

(2) Nothing in this Act or the Crown Lands (State Recreation Areas) Amendment Act, 1983, affects the operation, with respect to lands within a state recreation area, of any Act or any instrument made under any Act other than the Principal Act or the Crown Lands Consolidation Act, 1913, or any instrument thereunder.

(3) The lands comprised in a game reserve within the meaning of the Principal Act, as in force immediately before the date of assent to this Act, shall be deemed to be declared to be a wildlife management area under Division 6 of Part IV of that Act, as amended by this Act, and the name borne by any such reserve immediately before that date is hereby varied accordingly.

Trustees of state recreation areas.

4. (1) A person holding office, immediately before the date of assent to this Act, under section 370 of the Crown Lands Consolidation Act, 1913, as trustee of the lands comprised in a state recreation area within the meaning of that Act, as in force immediately before that date—

- (a) shall be deemed to have been appointed as a trustee of the same lands under clause 2 of Schedule 9A to the Principal Act, as amended by this Act;
and

National Parks and Wildlife (Amendment).

SCHEDULE 7—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(b) where the person so held office by virtue of being the holder of any office or position, shall be deemed to have been so appointed by virtue of being the holder of that office or position.

(2) Nothing in this Act or the Crown Lands (State Recreation Areas) Amendment Act, 1983, affects the term of office of any trustee to whom subclause (1) applies.

(3) A corporation constituted under section 37Q of the Crown Lands Consolidation Act, 1913, and in existence immediately before the date of assent to this Act in respect of a state recreation area, within the meaning of that Act, as in force immediately before that date, shall be deemed to have been constituted under clause 3 of Schedule 9A to the Principal Act, as amended by this Act.

Plans of management.

5. (1) A plan of management under Part IIIB of the Crown Lands Consolidation Act, 1913, in respect of lands within a state recreation area shall be deemed to be a plan of management in force under the Principal Act, as amended by this Act, in respect of those lands.

(2) Sections 81 (4) and 81A of the Principal Act, as amended by this Act, shall apply to and in respect of—

- (a) a plan of management prepared or adopted whether before, or on or after, the date of assent to this Act;
- (b) a provision of an Act or instrument enacted, executed or made whether before, or on or after, the date of assent to this Act; and
- (c) a lease, licence or easement granted under Part XII of the Principal Act whether before, or on or after, the date of assent to this Act.

Interests in certain lands.

6. (1) In this clause, "interest" means any mortgage, authority, authorisation, permit, lease, licence, easement, right of way or other right, title or interest whatever.

(2) An interest granted, contracted or otherwise created, before the date of assent to this Act, under any provision of Part IIIA or IIIB of the Crown Lands Consolidation Act, 1913, and which was in existence immediately before that date in respect of any lands within a state recreation area shall be deemed to be an interest granted, contracted or otherwise created under the corresponding provision of the Principal Act, as amended by this Act.

National Parks and Wildlife (Amendment).

SCHEDULE 7—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(3) Nothing in this Act or the Crown Lands (State Recreation Areas) Amendment Act, 1983, affects the terms or conditions of any interest existing, immediately before the date of assent to this Act, in respect of any lands within a state recreation area or a game reserve within the meaning of the Principal Act, as in force immediately before that date, or the use permitted of any such lands under any such interest.

By-laws.

7. (1) Any by-laws in force immediately before the date of assent to this Act, being by-laws—

- (a) made under the Crown Lands Consolidation Act, 1913, in respect of lands within a state recreation area within the meaning of that Act, as in force immediately before that date; or
- (b) made under the Principal Act, in respect of lands within a game reserve within the meaning of the Principal Act, as so in force.

shall, to the extent that they are not inconsistent with the Principal Act, as amended by this Act, be deemed to be by-laws made under the Principal Act, as so amended, in respect of the same lands.

(2) A reference in any other Act or statutory instrument or other document, whether of the same or a different kind, enacted, made or executed before the date of assent to this Act, to by-laws made as referred to in subclause (1) (a) or (b) shall be read and construed as a reference to by-laws made under the Principal Act, as amended by this Act.

References to certain lands.

8. (1) A reference in any other Act or statutory instrument or other document, whether of the same or a different kind, enacted, made or executed before the date of assent to this Act, to—

- (a) a state recreation area, within the meaning of the Principal Act, as in force immediately before that date, shall be read and construed as a reference to a state recreation area; or
- (b) a game reserve, within the meaning of the Principal Act, as so in force, shall be read and construed as a reference to a wildlife management area.

within the meaning of the Principal Act, as amended by this Act.

National Parks and Wildlife (Amendment).

SCHEDULE 7—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where a reference referred to in subclause (1) is to a particular state recreation area or game reserve, the reference shall be read and construed as a reference to the particular state recreation area or wildlife management area it is deemed, under clause 3, to be.

References to provisions of Act No. 7, 1913.

9. A reference in any other Act or statutory instrument or other document, whether of the same or a different kind, enacted, made or executed before the date of assent to this Act, to a provision of the Crown Lands Consolidation Act, 1913, shall, in so far as it appears that the reference was made by reason of the application (at the time of enactment, making or execution of the Act, statutory instrument or other document in which the reference is made) of that provision to state recreation areas, be read and construed as a reference to the corresponding provision of the Principal Act, as amended by this Act.

Power to dispose of land, etc.

10. The provisions of section 149 of the Principal Act, as amended by this Act, apply to and in respect of lands or other property acquired or deemed to have been acquired by the Minister under the Principal Act whether acquired before, on or after the day appointed and notified under section 2 (2) of that Act.

Liability for offences.

11. Any proceedings for an offence against the Principal Act, or the regulations or the by-laws made thereunder, committed before the date of assent to this Act shall be taken, heard and dealt with as if the Principal Act had not been amended by this Act.

Regulations.

12. (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act or the Crown Lands (State Recreation Areas) Amendment Act, 1983.

National Parks and Wildlife (Amendment).

SCHEDULE 7—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) A provision of a regulation made under subclause (1) may take effect as on and from the date of assent to this Act or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect on and from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein: or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause expressly so provide, have effect notwithstanding any of the foregoing clauses of this Schedule.
