



New South Wales

National Parks and Wildlife Amendment Regulation 2005

under the

National Parks and Wildlife Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *National Parks and Wildlife Act 1974*.

BOB DEBUS, M.P.,
Minister for the Environment

Explanatory note

The object of this Regulation is to make a number of miscellaneous amendments to the *National Parks and Wildlife Regulation 2002*.

This Regulation includes amendments that:

- (a) create an offence of parking a vehicle in a National Park in a way so as to obstruct the use of a road, trail or track by any other vehicle, or endanger the safety of other park users or damage or destroy any vegetation, and
- (b) make provision for the regulation of the collection of deadfalls of timber for firewood in parks, and
- (c) create an offence of carrying, possessing or using a spiked collar, a breast plate or radio tracking equipment for use on any dog, or having control of any dog on which a spiked collar, a breast plate or radio tracking equipment is carried, not only in a park but on any public or other road traversing a park, and
- (d) create an offence of leaving a fire unattended, whether temporarily or otherwise, before the fire is thoroughly extinguished, and
- (e) create an offence of carrying or possessing ammunition in a park.

Currently, the *National Parks and Wildlife Regulation 2002* contains a number of exclusions that provide that certain actions or omissions necessary for carrying out development in accordance with a development consent or approval under the *Environmental Planning and Assessment Act 1979* are not offences. This Regulation also makes amendments that limit those exclusions so that they apply only to such actions or omissions if they occur within ski resort areas in Kosciuszko National Park.

2005 No 425

National Parks and Wildlife Amendment Regulation 2005

Explanatory note

This Regulation also makes consequential amendments to the schedule of penalty notice offences to the *National Parks and Wildlife Regulation 2002* and makes amendments by way of statute law revision.

This Regulation is made under the *National Parks and Wildlife Act 1974*, including Part 13 of that Act (the general regulation-making powers) and section 181 (5).

National Parks and Wildlife Amendment Regulation 2005

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1 Name of Regulation

This Regulation is the *National Parks and Wildlife Amendment Regulation 2005*.

2 Amendment of National Parks and Wildlife Regulation 2002

The *National Parks and Wildlife Regulation 2002* is amended as set out in Schedule 1.

2005 No 425

National Parks and Wildlife Amendment Regulation 2005

Schedule 1 Amendments

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(Clause 2)

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

ski resort area has the same meaning as in Part 8A of Schedule 6 to the *Environmental Planning and Assessment Act 1979*.

[2] Clause 4 Regulation by public or other notice

Insert after clause 4 (1) (h):

(i) prohibit the collection of deadfalls of timber in the park.

[3] Clause 4 (2) (g)

Insert at the end of clause 4 (2) (g):

, or

(h) collect deadfalls of timber in the park in contravention of the terms of a notice under this clause.

[4] Clause 5 Regulation by direction

Insert after clause 5 (1) (f):

(g) the regulation or prohibition of the collection of deadfalls of timber in the park.

[5] Clause 7 Use of vehicles, camels, horses, vessels and machines in parks

Insert after clause 7 (1) (o):

(p) park a vehicle in a way so as to obstruct the use of a road, track or trail by any other vehicle, or endanger the safety of other park users, or damage or destroy any vegetation.

[6] Clause 11 Littering and damage

Insert “occurred in or in relation to a ski resort area in Kosciuszko National Park and” after “omission” in clause 11 (2) (b).

[7] Clause 11 (2) (b1)

Insert after clause 11 (2) (b):

(b1) if the act or omission occurred in or in relation to a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to

have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*, or

[8] Clause 11 (3) and (3A)

Omit clause 11 (3). Insert instead:

- (3) A person does not commit an offence under subclause (1) (j) if the substance or object referred to in that paragraph:
 - (a) was obtained by the person from a person authorised to sell such substances or objects or from an area outside a park, or
 - (b) is firewood:
 - (i) that has been provided at established visitor use areas in the park where the burning of fires is permitted, or
 - (ii) that comes from deadfalls of timber, if timber is not provided at established visitor use areas in the park.

- (3A) However, for the avoidance of doubt, subclause (3) (b) (ii) does not permit a person to collect deadfalls of timber for firewood in contravention of a notice (as referred to in clause 4) or an oral direction (as referred to in clause 5).

[9] Clause 12 Protection of animals

Omit clause 12 (1) (e) and (f).

[10] Clause 12 (1A)

Insert after clause 12 (1):

- (1A) A person must not in a park or on any public or other road traversing a park:
 - (a) carry, possess or use a spiked collar, a breast plate or radio tracking equipment for use on any dog, or
 - (b) have under the person's control any dog on which a spiked collar, a breast plate or radio tracking equipment is carried.

Maximum penalty: 30 penalty units.

[11] Clause 14 Lighting of fires

Omit clause 14 (1) (b). Insert instead:

- (b) leave unattended, whether temporarily or otherwise, any fire that the person has lit, maintained or used before the fire is thoroughly extinguished, or

2005 No 425

National Parks and Wildlife Amendment Regulation 2005

Schedule 1 Amendments

[12] Clause 15 Cultural heritage

Insert “occurred in a ski resort area in Kosciuszko National Park and” after “removal” in clause 15 (5).

[13] Clause 15 (6)

Insert after clause 15 (5):

- (6) A person does not commit an offence under subclause (3) (d) if the interference or removal occurred in a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*.

[14] Clause 16 Erection of structures

Insert “occurred in or in relation to a ski resort area in Kosciuszko National Park and” after “omission” in clause 16 (2) (b).

[15] Clause 16 (2) (c)

Insert at the end of clause 16 (2) (b) (ii):

- , or
- (c) if the act or omission occurred in or in relation to a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*.

[16] Clause 17 Protection of vegetation

Insert “occurred in or in relation to a ski resort area in Kosciuszko National Park and” after “omission” in clause 17 (2) (b).

[17] Clause 17 (2) (b1)

Insert after clause 17 (2) (b):

- (b1) if the act or omission occurred in or in relation to a place in Kosciuszko National Park (other than a ski resort area) and was necessary for the carrying out of development in accordance with a development consent that is taken to have been granted to Snowy Hydro Limited under section 41 (4) of the *Snowy Hydro Corporatisation Act 1997*, or

[18] Clause 17 (4A)

Insert after clause 17 (4):

- (4A) However, for the avoidance of doubt, subclause (4) (b) does not permit a person to collect or use deadfalls of timber for firewood in contravention of a notice (as referred to in clause 4) or an oral direction (as referred to in clause 5).

[19] Clause 19 Weapons

Insert after clause 19 (1) (c):

- (c1) unless the person is a police officer—carry or use or have in the person's possession any ammunition, or

[20] Clause 21 Sporting, recreational and other activities

Omit “, but the paragraph will not apply if the activity is permitted in a plan of management for the park” from clause 21 (2).

[21] Clause 61 Proceedings for offences—prescribed officers who may issue evidentiary certificates

Omit clause 61 (1). Insert instead:

- (1) For the purposes of section 181 (5) of the Act, the following are prescribed officers:
- (a) Deputy Director-General, Parks and Wildlife Division,
 - (b) Director, Reserve and Wildlife Conservation,
 - (c) Manager, Conservation Operations,
 - (d) Coordinator, Wildlife Licensing,
 - (e) Deputy Director-General, Environment Protection and Regulation,
 - (f) Director, North West Branch,
 - (g) Manager, Kangaroo Management Program,
 - (h) Chief Investigator,
 - (i) Manager, Litigation,
 - (j) Principal Legal Officer.

2005 No 425

National Parks and Wildlife Amendment Regulation 2005

Schedule 1 Amendments

[22] Schedule 2 Penalty notice offences

Omit the matter relating to clause 7 (1) (c) and (i) of the *National Parks and Wildlife Regulation 2002*.

Insert instead, respectively:

Clause 7 (1) (c)	68
Clause 7 (1) (i)	152

[23] Schedule 2

Insert the following in appropriate order in the matter relating to the *National Parks and Wildlife Regulation 2002*:

Clause 4 (2) (h)	300
Clause 7 (1) (p)	152
Clause 12 (1A)	500
Clause 19 (1) (c1)	500

[24] Schedule 2

Omit the matter relating to clause 12 (1) (e) and (f) of the *National Parks and Wildlife Regulation 2002*.

BY AUTHORITY
