

PROOF

NATIONAL PARKS AND WILDLIFE BILL, 1967

EXPLANATORY NOTE

THE object of this Bill is to reserve certain national parks, state parks and historic sites, to make provision for the maintenance and preservation of the same, and to combine the administration of the legislation relating to them with the administration of that relating to fauna, wild flowers and native plants.

The first national parks, state parks and historic sites to be reserved will be defined by the Bill but provision will be made for altering the boundaries of the same and for reserving new national parks, state parks and historic sites in the future.

It is proposed to appoint a Director of National Parks and Wildlife and to establish a central organisation under the Minister for Lands to be known as the National Parks and Wildlife Service. The Director of National Parks and Wildlife is in the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under the Bill to be subject to the control of the Minister. Provision is to be made for vesting the care, control and management of national parks, state parks and historic sites in the Director. Such provision is to be subject to a veto by either House. A National Parks and Wildlife Advisory Council is to be established to advise the Minister generally, and a local committee is to be set up for each national park, state park and historic site. It is also proposed to set up a National Parks Advisory Committee of Architects.

The use of the words "National Park" and "State Park" will be restricted to parks reserved as such under the Bill.

The alteration or the revocation of reserves for national parks, state parks or historic sites will be restricted so that the same may be done only by Act of Parliament.

The Fauna Protection Panel will be abolished and its functions transferred to the National Parks and Wildlife Advisory Council and the Director.

The office of Chief Guardian of Fauna will be abolished and his duties transferred to the Director.

NATIONAL PARKS AND WILDLIFE BILL

EXPLANATORY NOTE

The purpose of this Bill is to provide for the establishment of National Parks and Wildlife Reserves, and to provide for the management of such Parks and Reserves.

The Bill provides for the establishment of National Parks and Wildlife Reserves, and for the management of such Parks and Reserves.

The Bill provides for the establishment of National Parks and Wildlife Reserves, and for the management of such Parks and Reserves.

The Bill provides for the establishment of National Parks and Wildlife Reserves, and for the management of such Parks and Reserves.

The Bill provides for the establishment of National Parks and Wildlife Reserves, and for the management of such Parks and Reserves.

The Bill provides for the establishment of National Parks and Wildlife Reserves, and for the management of such Parks and Reserves.

The Bill provides for the establishment of National Parks and Wildlife Reserves, and for the management of such Parks and Reserves.

No. , 1967.

A BILL

To reserve certain national parks, state parks and historic sites, and to provide for the reservation of further national parks, state parks and historic sites; to make provision for and with respect to the development, use and preservation of, and the care, control and management of national parks, state parks and historic sites; to provide for the appointment of a Director of National Parks and Wildlife and of a National Parks and Wildlife Service and of a National Parks and Wildlife Advisory Council and of a National Parks Advisory Committee of Architects; and to define the powers, authorities, duties and functions to be exercised by them respectively; to abolish the Fauna Protection Panel and the office of Chief

National Parks and Wildlife.

Guardian of Fauna, and to transfer their respective functions to the National Parks and Wildlife Service and the Director of National Parks and Wildlife; for these and other purposes to amend the Fauna Protection Act, 1948, the Wild Flowers and Native Plants Protection Act, 1927, and certain other Acts in certain respects; to repeal the Kosciusko State Park Act, 1944, the Kosciusko State Park (Amendment) Act, 1947, the Kosciusko State Park (Amendment) Act, 1952, the Kosciusko State Park (Amendment) Act, 1963, and the Ku-ring-gai Chase Act, 1961; and for purposes connected therewith.

[MR LEWIS—15 August, 1967.]

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "National Parks and Wildlife Act, 1967". Short title
and com-
mencement.
- 10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.
2. This Act is divided into Parts as follows :— Division
into Parts.
 - PART I.—PRELIMINARY—ss. 1–3.
 - 15 PART II.—NATIONAL PARKS AND WILDLIFE SERVICE
—ss. 4–8.

PART

National Parks and Wildlife.

PART III.—NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES—
ss. 9–12.

5 PART IV.—NATIONAL PARKS, STATE PARKS AND HISTORIC SITES—ss. 13–33.

PART V.—FINANCE—ss. 34–39.

PART VI.—GENERAL—ss. 40–49.

10 PART VII.—AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT, 1927, AND CERTAIN OTHER ACTS—ss. 50–56.

SCHEDULES.

3. (1) In this Act, unless the context or subject matter Definitions.
otherwise indicates or requires—

15 “Community service” includes the supply or provision of access roads, parking areas, water, sewerage and garbage disposal service.

“Council” means the National Parks and Wildlife Advisory Council constituted under this Act.

20 “Crown lands” means Crown lands within the meaning of the Crown Lands Consolidation Act, 1913.

“Director” means the Director of National Parks and Wildlife appointed under this Act.

25 “Historic site” means lands reserved under this Act or by a subsequent Act as an historic site for the purposes of this Act.

“Lands of the Crown” means lands vested in a Minister of the Crown or in a statutory body.

30 “National park” means lands reserved under this Act or by a subsequent Act as a national park for the purposes of this Act.

“Nature

National Parks and Wildlife.

"Nature reserve" means lands dedicated as a nature reserve under the Fauna Protection Act, 1948.

"Regulations" means regulations made under this Act.

5 "State park" means lands reserved under this Act or by a subsequent Act as a state park for the purposes of this Act.

10 "Wildlife" means fauna within the meaning of the Fauna Protection Act, 1948, and native plants and wild flowers within the meaning of the Wild Flowers and Native Plants Protection Act, 1927.

(2) In this Act (Part VII excepted) a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and any Act passed in substitution for the Act referred to or incorporating any of its provisions.

15

PART II.

NATIONAL PARKS AND WILDLIFE SERVICE.

Director.

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

20 (2) The Director shall subject to this Act, hold office for such period as may be specified in the instrument of appointment, and shall if otherwise qualified be eligible for reappointment from time to time for such further period or periods as the Governor may appoint.

25 (3) The salary of the Director shall be fixed by the Governor.

(4) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not in such be subject to the provisions of that Act during his term of office.

30 (5) A person who is of or above the age of sixty-five years shall not be appointed as Director.

(6)

National Parks and Wildlife.

(6) The Director shall cease to hold office on the day upon which he attains the age of sixty-five years.

(7) The Director shall be deemed to have vacated his office if he—

- 5 (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the
- 10 Mental Health Act, 1958;
- (d) is removed from office by the Governor.

(8) Any person appointed as Director who at the date of such appointment is an officer of the Public Service, shall, if he ceases to be Director be entitled to be appointed upon

15 the recommendation of the Public Service Board to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as Director.

(9) Nothing in this Act shall affect the rights accrued

20 or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation

25 Act, 1916.

(10) An officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916, appointed as Director shall continue to contribute to any fund or account and be entitled to receive any deferred

30 or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, and for such purpose his service as Director shall be deemed to be service for the purpose of

35 such Acts.

(11)

National Parks and Wildlife.

(11) The Director shall have the powers, authorities, duties and functions conferred upon him by this Act, and by the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

5 (12) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions, be subject to the control and direction of the Minister.

5. (1) The Governor may under and subject to the provisions of the Public Service Act, 1902, appoint and employ
10 such officers and employees as may be necessary for the administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

National
Parks and
Wildlife
Service.

15 Without prejudice to the generality of the foregoing provisions of this subsection the persons so employed may include persons formerly employed by trustees of national parks, state parks and historic sites where by this Act such persons are directed to be employed in the Public Service.

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

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

(4) The Director and the officers, employees and servants engaged in the administration of this Act are in this Act referred to as the "National Parks and Wildlife Service".

National Parks and Wildlife.

6. (1) The National Parks and Wildlife Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks, state parks and historic sites and for the conservation of nature reserves and wildlife. Powers and functions of National Parks and Wildlife Service.
- (2) The Director shall in the case of any national park, state park or historic site the care, control and management of which have been vested in the Director and may in any other case—
- 10 (a) promote such educational activities as he considers necessary in respect of such national park, state park or historic site; and
- (b) arrange for the carrying out of works for or in connection with the management and maintenance of such national park, state park or historic site.
- 15 (3) The Director shall investigate proposals for the addition of areas to any national park, state park or historic site or for the reservation of any new national park, state park or historic site.
- 20 (4) For the purpose of any such proposals as are referred to in subsection three of this section the Director shall have regard to the following principles—
- (a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural features;
- 25 (b) the areas to be reserved as state parks are large areas containing unique or outstanding scenery or natural features but substantially less spacious than areas reserved as national parks;
- 30 (c) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance.
7. (1) The Minister may, by writing under his hand, delegate to the Director or to any such officer or employee as is hereinafter mentioned and the Director with the approval of the Minister, may by writing under his hand delegate to any Power to delegate.

National Parks and Wildlife.

any officer or employee of the National Parks and Wildlife Service or of any Government Department in respect of which an arrangement has been made under subsection two of section five of this Act for the use of the services of such
5 officer or employee, any power, authority, duty or function (other than the power of delegation) vested in him under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

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

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

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

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

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

(7)

National Parks and Wildlife.

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

(8) A statutory declaration by the delegate stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered or at any time after, shall be taken to be conclusive proof of such non-revocation at the time when such act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of such revocation.

8. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purpose of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, and to agree to the condition of any such gift, devise or bequest.

Power of Minister to accept gifts, etc.

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Minister has agreed.

(3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

(4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

PART III.

NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES.

9. (1) There shall be a National Parks and Wildlife Advisory Council which shall consist of the Director and twelve other members appointed by the Minister.

National Parks and Wildlife Advisory Council.

In

National Parks and Wildlife.

In making appointments under this section the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or
5 interests, to undertake wildlife conservation.

(2) The Director shall be the chairman of the Council.

(3) Of the members appointed by the Minister—

- 10 (a) three shall be persons each of whom is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a national park;
- (b) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a state park;
- 15 (c) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of the local committee for an historic site;
- 20 (d) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;
- (e) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;
- 25 (f) one shall be a person who is a member of the National Parks Association of New South Wales;
- (g) one shall be a person nominated in the manner prescribed by one or more of the Universities functioning within New South Wales;
- 30 (h) one shall be an officer of the Australian Museum nominated by the Minister for Education;
- (i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949 of the Commonwealth of
35 Australia;

(j)

National Parks and Wildlife.

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

(4) (a) The members appointed under this section shall, subject to this section, hold office for a period of five years or such lesser period as may be specified in the respective instruments of appointment.

(b) A person of or above the age of seventy years shall not be eligible for appointment as a member of the Council under this section.

10 (c) A member of the Council appointed under this section shall cease to hold office on the day upon which he attains the age of seventy years.

(5) (a) The Governor may for any cause which to him seems sufficient remove from office any of the members appointed under this section.

(b) A member of the Council shall be deemed to have vacated his office if he—

- (i) dies;
- 20 (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor;
- 25 (v) ceases to hold the qualification in respect of which he was appointed, other than a member appointed pursuant to paragraph (a) or paragraph (b) or paragraph (c) of subsection three of this section who ceases to hold such qualification by reason of
- 30 the care, control and management of the national park, state park or historic site having become vested in the Director.

(c) The Minister may appoint a member to fill any vacancy. (6)

National Parks and Wildlife.

(6) The chairman shall preside at all meetings of the Council at which he is present. In the absence of the chairman the members may elect one of their number to preside as chairman.

5 The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

(7) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which
10 a quorum is present shall be competent to transact any business of the Council.

(8) At any meeting of the Council at which a quorum is present the decision of a majority of votes shall be the decision of the Council.

15 (9) Each member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(10) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings,
20 shall, subject to any regulations made in relation thereto, be as determined by the Council.

10. (1) The Council shall advise the Minister on matters relating to the care, control and management of national parks, state parks, historic sites and nature reserves, and to the
25 preservation and protection of wildlife and on such other matters as the Minister may refer to the Council.

(2) Subject to subsection twelve of section four of this Act, the Director shall furnish to the Council full information in relation to any matters arising out of the
30 administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927, which the Council may require.

National Parks and Wildlife.

11. (1) A local committee may be constituted for each national park, state park and historic site under the care, control and management of the Director. Establishment of local committees.

(2) The local committee first constituted for each national park, state park or historic site after the date upon which the care, control and management of the same have been vested in the Director shall be the persons who, immediately before such date, were the trustees or the members of the body corporate which was trustee of the same, or where there were no trustees or trustee, such persons as the Minister may appoint.

(3) (a) The Governor may for any cause which to him seems sufficient remove from office any member of a local committee.

15 (b) A member of a local committee shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- 20 (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor.

(4) After the first constitution of a local committee the members of such local committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy.

(5) The members of a local committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such lesser period as may be specified in the respective instruments of appointment.

(6) No person of or above the age of seventy years shall be eligible for appointment under this section as a member.

(7)

National Parks and Wildlife.

(7) A member of a local committee shall cease to hold office on the day upon which he attains the age of seventy years.

(8) The procedure for the calling of meetings of a local committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the local committee.

(9) A majority of the members of a local committee shall form a quorum and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the local committee.

12. A local committee may make recommendations to the Council or the Director or to the superintendent of the national park, state park or historic site for which the local committee was constituted in respect of measures to improve the care, control and management of such national park, state park or historic site.

Functions
of
committee.

PART IV.

NATIONAL PARKS, STATE PARKS AND HISTORIC SITES.

20 13. (1) After the commencement of this Act the word "national" or "state" shall not be used either alone or in conjunction with other words as the name of a park unless the park is a national park or state park under this Act.

Limitation
on use of
name
national
park or
state park.

(2) Where immediately before the commencement of this Act the word "national" or "state" was included in the name of any park which has not been reserved as a national park or state park under this Act, the name of such park shall be deemed to have been altered by excluding such word.

30 14. The Acts mentioned in the First Schedule to this Act are hereby repealed.

Repeals.

National Parks and Wildlife.

15. (1) The areas of land described in the First Part of the Second Schedule and in the First Part of the Third Schedule to this Act are hereby permanently reserved as national parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts. Lands in Second and Third Schedules to be national parks, state parks and historic sites.

(2) The areas of land described in the Second Part of the Second Schedule and in the Second Part of the Third Schedule to this Act are hereby permanently reserved as state parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(3) The areas of land described in the Third Part of the Second Schedule and in the Third Part of the Third Schedule to this Act are hereby permanently reserved as historic sites under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(4) All dedications or reservations affecting the lands described in the Second and Third Schedules to this Act immediately before the commencement of this Act are hereby revoked.

(5) Any Crown grant issued and any vesting made in respect of or including any part of the lands described in the Second and Third Schedules to this Act are hereby revoked insofar as they relate to such lands and the deeds of grant shall be surrendered for cancellation.

(6) All by-laws and rules and regulations which were made in relation to any land the whole or part of which is by this Act reserved as a national park, state park or historic site and which were in force immediately before the commencement of this Act, shall continue in force and shall be deemed to be regulations made under this Act in relation to such national park, state park or historic site and may be amended, repealed or added to by regulations.

National Parks and Wildlife.

16. Any land which, immediately before the commencement of this Act—

Certain lands to become Crown lands.

- 5 (a) was included within the boundaries of the Kosciusko State Park as established under the Kosciusko State Park Act, 1944, and is not included within the boundaries of the Kosciusko National Park as described in the First Part of the Third Schedule to this Act; or
- 10 (b) was included within the boundaries of Ku-ring-gai Chase as established under the Ku-ring-gai Chase Act, 1961, and is not included within the boundaries of the Ku-ring-gai Chase National Park as described in the First Part of the Third Schedule to this Act; or
- 15 (c) was included within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as dedicated or reserved under the Crown Lands Consolidation Act, 1913, and is not included
- 20 within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as respectively described in the First Part of the Third Schedule to this Act,

25 shall, as from such commencement, become Crown lands freed and discharged from any dedication reservation or trust to which they may have been subject immediately before such commencement.

17. Upon the commencement of this Act the care, control and management of the national park, state park and historic sites described in the Second Schedule to this Act shall be vested in the Director.

Care, control and management of areas in the Second Schedule.

18. (1) The persons who, immediately before the commencement of this Act, held office as trustees or as members of the body corporate which is trustee of lands comprising the whole or part of any of the areas of land described in the

Care, control and management of areas in the Third Schedule.

National Parks and Wildlife.

the Third Schedule to this Act shall from and after such commencement hold office as trustees of the national park, state park or historic site named in respect of such area until replaced pursuant to this Act.

- 5 (2) The trustees for the time being of any such national park, state park or historic site, whether holding office pursuant to subsection one of this section or an appointment under this Act, shall be a body corporate and, subject to this Act, shall have the care, control and management of
10 such national park, state park or historic site.

(3) From and after the commencement of this Act the powers, authorities, duties and functions of the trustees of any such national park, state park or historic site shall be those conferred or imposed by or under this Act.

- 15 (4) The trustees shall cause to be forwarded to the Minister during the month next following the close of the 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 may require.

- 20 (5) The Minister may from time to time by notification in the Gazette fill any vacancies which may occur in the office of any of such trustees and may by a like notification appoint additional trustees.

- (6) The Governor may for any cause which to him
25 seems sufficient remove from office any trustee.

(7) A trustee shall be deemed to have vacated his office if he—

- (a) dies;
30 (b) resigns his office by writing under his hand addressed to the Minister;
(c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
(d) is removed from office by the Governor.

- 35 (8) No person of or above the age of seventy years shall be eligible for appointment under this section as trustee.

National Parks and Wildlife.

(9) A trustee shall cease to hold office on the day upon which he attains the age of seventy years.

(10) The procedure for the calling of meetings of the trustees and the conduct of business at such meetings shall, 5 subject to any regulations made in relation thereto, be as determined by the trustees.

(11) A majority of the trustees shall form a quorum and any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business 10 of the trustees.

19. (1) Where it is proposed to vest the care, control and management of any national park, state park or historic site described in the Third Schedule to this Act in the Director the Minister shall lay before both Houses of Parliament 15 notice of such proposal. Vesting of care, control and management in Director.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House that it does not assent to the vesting in the Director of the 20 care, control and management of the national park, state park or historic site the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection two of this section or if, where notice has been so given, the resolution is not passed the 25 Minister may, by notification in the Gazette, declare that as from the date stated in the notification, the care, control and management of the national park, state park or historic site specified in the notification shall be vested in the Director.

(4) Where any such notification has been published 30 in the Gazette the persons who, immediately before the date stated in such notification, held office as trustees or as members of the body corporate which was trustee of the national park, state park or historic site so specified shall cease to hold office and the care, control and management of 35 the national park, state park or historic site shall thereafter be vested in the Director.

National Parks and Wildlife.

20. (1) After the commencement of this Act the reservation of any new national park, state park or historic site shall be made by Act of Parliament and not otherwise, but nothing in this subsection shall affect the operation of subsections two and three of this section.

Reservation of further national parks, state parks and historic sites.

(2) (a) Notwithstanding anything in any other Act, where Crown lands or lands of the Crown not held under lease or license or vested in or under the care, control and management of trustees either adjoin or are adjacent to a national park, state park or historic site the Minister may, by notification in the Gazette, add such lands to such park or site and such lands shall thereupon be permanently reserved as part of the park or site to which they have been so added.

(b) Lands of the Crown shall not be added to a national park, state park or historic site under this subsection unless the Minister of the Crown in whom the control is vested or the statutory body in which the lands are vested has consented to the addition.

(c) Before the Minister publishes a notification in the Gazette under this subsection, notice of the proposed addition shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such proposal has been laid before such House disallowing the proposal then the Minister shall not proceed with the addition.

(3) Upon the addition of lands to a national park, state park or historic site under subsection two of this section—

(a) subject to this Act any estate or interest in the lands so added which immediately before such addition was vested in or held by any person or body of persons other than the Crown shall be thereby divested;

(b) any dedications and reservations affecting the lands so added immediately before such addition shall be thereby revoked;

(c)

National Parks and Wildlife.

- (c) any Crown grant issued in respect of or including any part of the lands so added and subsisting immediately before such addition shall be thereby revoked insofar as it relates to such lands and the deed of grant shall be surrendered for cancellation; and
- (d) the lands so added shall to the extent they were not already Crown lands become Crown lands.

21. (1) Notwithstanding anything in any other Act the reservation of lands as a national park, state park or historic site shall not be revoked or altered and lands within a national park, state park or historic site shall not be appropriated or resumed except by an Act of Parliament: Provided that the provisions of this section shall not prevent the withdrawal of land from or the termination of any lease, license or occupancy in accordance with the terms and conditions thereof.

National parks, state parks or historic sites not to be revoked except by Act of Parliament.

(2) The following provisions shall apply to and in respect of Morton National Park : —

- (a) The Metropolitan Water Sewerage and Drainage Board constituted under the Metropolitan Water, Sewerage, and Drainage Act, 1924 (in this subsection hereinafter referred to as the "Board"), may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Morton National Park.
- (b) The site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board.
- (c) Where such site has been so determined the Governor may notwithstanding anything in subsection one of this section by notification in the Gazette revoke the reservation of Morton National Park as to so much of the lands reserved as are within such site and declare such lands to be vested in the Board and thereupon the same shall vest in the Board.

(d)

National Parks and Wildlife.

- 5 (d) The Minister may from time to time grant to the Board such easements and licenses over lands within Morton National Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

22. (1) Except as provided in this Act the reservation of lands as a national park, state park or historic site shall not affect the terms and conditions of any authority or permit in
10 respect of or any lease, license or occupancy of such lands from the Crown or the trustees current and in force at the time of such reservation or the use permitted of such lands under the authority, permit, lease, license or occupancy.

(2) Subject to this section and to section twenty-four
15 of this Act, no such authority, permit, lease, license or occupancy shall be renewed nor shall the term of any such authority, permit, lease, license or occupancy be extended except with the approval of the Minister and subject to such conditions as the Minister may determine.

20 (3) The provisions of subsection two of this section requiring approval of the Minister shall not apply to any authority, lease or license under the Mining Act, 1906, or the Petroleum Act, 1955.

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

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

Any

National Parks and Wildlife.

Any such permit shall be granted subject to such special conditions as the Minister may determine.

24. (1) The land within a national park, state park or historic site is hereby exempted from occupation under any miner's right or business license issued under the provisions of the Mining Act, 1906. Restrictions on mining.

(2) (a) Where application is made for the grant of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site notice of the application shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House disallowing the grant, then, notwithstanding anything in any other Act, the authority or lease shall not be granted.

(b) No extension or renewal of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site shall be granted except with the concurrence of the Minister.

(3) Except as provided in this section nothing in this Act shall affect the right, title or interest of any person or body of persons (other than the persons who are or were trustees or members of the body corporate which is or was trustee of the lands comprised or included in a national park, state park or historic site), in respect of minerals in lands within a national park, state park or historic site.

25. The Forestry Act, 1916, shall not apply to or in respect of land within a national park, state park or historic site: Restrictions as to timber. cf. Act No. 14, 1944, s. 7.

Provided that all licenses and permits under the Forestry Act, 1916, affecting land within a national park, state park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and the provisions of that Act shall continue in force for all purposes of or relating to such licenses and permits until the same respectively expire or are cancelled.

26.

National Parks and Wildlife.

26. (1) Where the Minister has published a notification under section nineteen of this Act vesting the care, control and management of any national park, state park or historic site in the Director the following provisions shall have effect :—

Transfer of
rights,
liabilities
and property.

- 5 (a) All property and all right and interest therein (in
this section referred to as the trust property) and
all management and control of any thing which
immediately before such notification was vested in
or belonged to the trustees and was held or used by
10 them for or in connection with the national park,
state park or historic site shall vest in and belong
to the Director.
- 15 (b) All moneys, liquidated and unliquidated claims
which immediately before such notification were
payable to or recoverable by the trustees or their
predecessors in relation to the national park, state
park or historic site or in the trust property or any
20 part thereof shall be moneys, liquidated or
unliquidated claims payable to or recoverable by
the Director.
- 25 (c) All suits, actions and proceedings pending im-
mediately before such notification, at the suit of or
against the trustees in relation to the national park,
state park or historic site or the trust property or
any part thereof shall respectively be suits, actions
and proceedings pending at the suit of or against
the Director.
- 30 (d) All contracts, agreements and undertakings entered
into with and all securities lawfully given to or by
the trustees or their predecessors in relation to the
national park, state park or historic site or the trust
property or any part thereof and in force im-
35 mediately before such notification shall be deemed to
be contracts, agreements and undertakings entered
into with and securities given to or by the Director.
- (e) The Director may pursue the same remedies for the
recovery of any such moneys and claims and for

the

National Parks and Wildlife.

the prosecution of such suits, actions and proceedings as the trustees or their predecessors might have done had they continued to be trustees of the national park, state park or historic site after such notification.

(f) The Director may enforce and realise any security or charge existing immediately before such notification in favour of the trustees in respect of any such moneys and claims as if such security or charge were existing in favour of the Director.

(g) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees or their predecessors solely relating to the national park, state park or historic site or the trust property or any part thereof shall be debts due and moneys payable by and claims recoverable against the Director.

(2) (a) Where part only of the lands vested in trustees is comprised within a national park, state park or historic site the care, control and management of which have been vested in the Director, the Director and the trustees shall, as soon as practicable after publication of the notification arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the national park, state park or historic site, and to the lands retained by the trustees may be determined.

(b) If any difference arises between the Director and the trustees such difference shall be determined as the Minister may direct.

30 27. (1) Every person who immediately before the care, control and management of a national park, state park or historic site were vested in the Director, was an employee, other than a casual employee, of the trustees of the lands within such park or site and was employed by them solely in
35 connection with those lands, shall upon such vesting in the Director become and be an employee under the Public Service Act, 1902.

Transfer of employees.

National Parks and Wildlife.

(2) The following provisions shall apply to a person referred to in subsection one of this section—

- 5 (a) such person shall unless the Public Service Board approves of employment on some other basis be employed under section forty-four of the Public Service Act, 1902;
- 10 (b) notwithstanding anything in the said Act the Public Service Board's approval to employ such person otherwise than under section forty-four of the said Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided such conditions are not inconsistent with this section;
- 15 (c) the period of service with the trustees or their predecessors of such person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or long service leave : Provided that unless the Public Service Board otherwise approves the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if the person concerned had continued to be an employee of such trustees or their predecessors;
- 20 (d) a person who becomes an employee of the Public Service under this section shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, referred to in paragraph (a) or (b) of subsection two of section 61AA of the Industrial Arbitration Act, 1940, and as last adjusted in accordance with the provisions of section 61AB of that Act until
- 25 30 35

such

National Parks and Wildlife.

such salary or wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

- 5 (e) where any condition of employment of such person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, such condition shall continue to be so regulated until a determination in relation to such condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating such condition is made by a competent tribunal or such condition is regulated by an industrial agreement;
- 10
- 15 (f) if such person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for such person upon the same terms and subject to the same conditions as it was paid by such trustees;
- 20
- (g) if such person while employed in the Public Service becomes a contributor to the State Superannuation Fund constituted as aforesaid any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for such person shall cease but such person may elect to continue the policy on his own account or to cancel the policy and receive any moneys refunded by the insurer.
- 25
- 30

28. Any reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read and construed as a reference to the Kosciusko National Park reserved under this Act and any reference to the Kosciusko

Snowy
Mountains
Hydro-
electric
Agreements
Act, 1958.

State

National Parks and Wildlife.

State Park Trust shall be read and construed as a reference to the Kosciusko National Park Trust or, where the care, control and management of the Kosciusko National Park have been vested in the Director, to the Director.

5 29. (1) The Director shall—

Plan of
management.

- 10 (a) with respect to each of the national parks, state parks and historic sites reserved by this Act and described in the Second and Third Schedules thereto, prepare a plan of management as soon as practicable after the commencement of this Act;
- 15 (b) with respect to any national park, state park or historic site reserved after the commencement of this Act, prepare a plan of management as soon as practicable after such national park, state park or historic site has been so reserved.

20 (2) The plan of management in respect of each national park, state park and historic site shall contain a detailed written scheme of the operations which it is proposed to undertake in or in relation to the park or site to carry out the purpose and objects of this Act.

 (3) In the preparation of any plan of management regard shall be had to the following objectives—

- 25 (a) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park, state park and historic site by the public;
- 30 (b) the preservation of each national park or state park in its natural condition, the protection of the special features of the park and the conservation of wildlife therein;
- (c) the preservation of each historic site and any historic structure or object on such site;
- (d) the preservation of each national park, state park or historic site as a catchment area;

(e)

National Parks and Wildlife.

- (e) the protection of each national park, state park or historic site against fire and erosion; and
 - (f) the setting apart of the whole or part of a national park or state park as a wilderness area.
- 5 (4) Where any lands reserved as a national park, state park or historic site are wholly or partly within a catchment area of the Metropolitan Water Sewerage and Drainage Board, or where the waters from any lands so reserved drain into a catchment area or structure of such Board—
- 10 (a) the Director shall, before submitting the plan of management for that national park, state park or historic site to the Minister, refer the same to the said Board for its information;
- 15 (b) the Minister shall before adopting such plan of management consider any representations made by the said Board.
- (5) (a) Where the Director has prepared a plan of management in respect of a national park, state park or historic site he shall give notice as prescribed that the plan of management has been prepared and shall, in such notice—
- 20 (i) specify the address of the place at which copies of the plan of management may be inspected;
- (ii) specify the address to which representations in connection with the plan of management may be forwarded.
- 25 (b) Any person interested may within one month or such longer period as may be specified in the notice, make representations to the Director in connection with the plan of management.
- 30 (c) The Director shall, upon the expiration of the period referred to in paragraph (b) of this subsection, refer the plan of management, and any representations forwarded to him to the Council for its consideration and advice.

(d)

National Parks and Wildlife.

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

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

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

(g) The Minister may amend or alter a plan of management from time to time or may cancel a plan of management and substitute a new plan of management.

(h) Where the Minister proposes to amend or
15 alter a plan of management or to cancel a plan of management and substitute a new plan of management he shall instruct the Director to prepare the amendment or alteration or the new plan of management, and the Director shall proceed to do so as soon as practicable after being so instructed.
20 The provisions of subsections two to four both inclusive of this section, and of paragraphs (a) to (f) both inclusive of this subsection shall, mutatis mutandis, apply to and in respect of such amendment or alteration or such new plan of management.

25 (6) Where the Minister has adopted a plan of management—

(a) it shall be carried out and given effect to by the trustees or the body corporate which is the trustee having the care, control and management of the
30 national park, state park or historic site concerned or by the Director where such care, control and management have been vested in the Director;

(b) no operations shall be undertaken on or in relation to a national park, state park or historic site unless
35 such operations are in accordance with the plan of management for the park or site.

(7)

National Parks and Wildlife.

(7) Where any area is set apart as a wilderness area in the plan of management of a national park or state park—

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

5 (b) no buildings of any description or ski tows or other apparatus shall be erected or constructed thereon except simple survival huts where essential.

30. (1) The Minister may—

10 (a) grant leases of land within a national park, state park or historic site for the purpose of—

Granting
of leases
and
licenses.

(i) the erection thereon of accommodation hotels or accommodation houses;

(ii) the provision thereon of facilities and amenities for tourists and visitors;

15 (b) grant leases of land within a national park, state park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;

20 (c) grant licenses to occupy or use lands within a national park, state park or historic site.

(2) Any lease or license granted under this section shall be subject to such terms and conditions as the Minister may determine.

25 31. (1) The Minister may upon such terms as he thinks fit grant for joint or several use easements or rights of way through upon or in a national park, state park, historic site or nature reserve for the purpose of providing access to any area included in any lease or license within the park, site or
30 reserve, or for the erection of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

Easements.

(2) The Minister may from time to time revoke or
35 vary any grant under this section.

(3)

National Parks and Wildlife.

(3) Any easement or right of way over land in a national park, state park or historic site whether reserved by this Act or by a subsequent Act, which was in force immediately before the national park, state park or historic site was so reserved, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over land in a nature reserve whether dedicated before or after the commencement of this Act which was in force immediately before such commencement, in the case of a nature reserve dedicated before the commencement of this Act, or immediately before such dedication, in the case of a nature reserve dedicated after such commencement, shall continue in force and shall be deemed to have been granted under this section.

15 32. (1) Subject to any regulations the Minister may prohibit the carrying on of any trade, business or occupation within a national park, state park or historic site otherwise than by some person licensed by the Director.

Trade within a national park, state park or historic site.

20 (2) (a) The Minister may grant a franchise to any person on such terms and conditions as the Minister may determine for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park, state park or historic site.

25 (b) Any franchise granted before the commencement of this Act by the trustees of lands comprising the whole or part of any of the areas of land reserved by this Act as a national park, state park or historic site and in force immediately before such commencement, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

33. The Soil Conservation Act, 1938, shall apply to and in respect of land within a national park, state park or historic site but any experimental or research work conducted pursuant

Soil Conservation Act, 1938.

to

National Parks and Wildlife.

to section six of that Act upon land within the park or site shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

PART V.

FINANCE.

34. There shall be established and kept at the Treasury an account in Special Deposits Account to be called the National Parks and Wildlife Fund.

35. (1) There shall be paid into the National Parks and Wildlife Fund—

- (a) all moneys provided by Parliament for the purposes of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927;
- (b) all moneys received in respect of—
 - (i) leases, licenses or occupancies within a national park, state park, historic site or nature reserve;
 - (ii) royalties, fees and charges in pursuance of any authority granted under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts;
 - (iii) franchises granted or deemed to have been granted under section thirty-two of this Act;
 - (iv) community service contributions;
 - (v) penalties recovered in pursuance of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts; and
 - (vi) sums paid pursuant to an order under subsection four of section forty-four of this Act;

(c)

National Parks and Wildlife.

- (c) Any moneys acquired by the Minister pursuant to section eight of this Act;
- (d) any other moneys received in connection with any national park, state park, historic site or nature reserve or any proposed national park, state park, historic site or nature reserve;
- (e) all moneys held in the Kosciuszko State Park Fund; and
- (f) all moneys held immediately before the commencement of this Act by the trustees of any land the whole of which is, by this Act, reserved as a national park, state park or historic site and so much of the moneys held immediately before such commencement by the trustees of any land part of which is, by this Act, so reserved as is appropriate to such part: Provided that the Minister may, where he considers the circumstances so warrant, approve of the retention of the whole or part of such moneys by the trustees.
- (2) Where any moneys acquired by the Minister pursuant to section eight of this Act are subject to any condition to which the Minister has agreed such moneys shall be carried to a separate account in the National Parks and Wildlife Fund and shall be applied in accordance with the conditions. Any such moneys may, pending such application, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

36. (1) No money shall be paid out of the National Payments
30 Parks and Wildlife Fund except under the authority of this out of the
Act. Fund.

(2) There may be paid out of the National Parks and Wildlife Fund—

- (a) all costs and expenses incurred by the Minister or the Director in exercising and discharging his powers, authorities, duties and functions under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

34—C

(b)

National Parks and Wildlife.

- (b) all moneys allocated by the Minister for expenditure by trustees on any national park, state park or historic site;
- 5 (c) the fees, travelling and other expenses payable to members of the Council or any committee under this Act;
- (d) the cost of acquiring land for national parks, state parks, historic sites or nature reserves;
- 10 (e) the cost of improvement of any land adjoining or in the vicinity of a national park, state park, historic site or nature reserve, where in the opinion of the Minister this is desirable to provide or improve access to the park, site or reserve, or to provide or improve facilities or amenities for persons visiting the park, site or reserve; and
- 15 (f) all moneys which the Minister directs shall be set aside to provide a reserve for insurance.

(3) (a) The cost of acquiring land pursuant to paragraph (d) of subsection two of this section may be paid
20 before such land has been reserved as or added to a national park, state park or historic site or dedicated as a nature reserve.

(b) Any moneys set aside under paragraph (f) of the same subsection may be invested by the Minister
25 with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

37. The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or license to occupy or use land within a national park, state
30 park or historic site for the cost of providing or maintaining any community service in the park or site.

Community
service con-
tribution.

The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the con-
35 tribution on the holder of the lease or license. If the contribu- tion is not paid by the due date the amount due shall be

increased

National Parks and Wildlife.

increased by a sum calculated at the rate of seven per centum per annum simple interest until it has been paid.

The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution.

38. Where the Director—

- (a) supplies any service, product or commodity;
- (b) grants any license to carry on a trade, business or occupation;
- 10 (c) gives any permission; or
- (d) furnishes any information,

Charges and fees.

cf. Act No. 59, 1963, s. 42.

under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or in connection with any national park, state park or historic site
15 he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him subject to the maximum (if any) prescribed.

39. Land within a national park, state park or historic site shall be exempt from rates under the Local Government Act, 1919, and such exemption shall not be affected by any lease or license of the land.

Exemption from rates.

PART VI.**GENERAL.**

25 **40.** (1) There shall be a National Parks Advisory Committee of Architects (in this Part hereinafter referred to as the "Advisory Committee") which shall consist of seven members.

Advisory Committee of Architects.

(2) One of such members shall be the person who
30 for the time being holds the office of Government Architect. The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting

of

National Parks and Wildlife.

of the Advisory Committee at which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(3) (a) The other six members shall be appointed
5 by the Minister and shall be registered architects.

(b) Of such members—

(i) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

10 (ii) one other shall be qualified as a landscape architect.

(4) Each of the members appointed pursuant to subsection three of this section shall, subject to this section, hold office for such period as may be specified in the instrument of his appointment.

15 (5) (a) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection three of this section.

(b) A member of the Advisory Committee so appointed shall be deemed to have vacated his office if he—

20 (i) dies;

(ii) resigns his office by writing under his hand addressed to the Minister;

(iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the
25 Mental Health Act, 1958;

(iv) is removed from office by the Minister;

(v) ceases to hold the qualification by virtue of which he was appointed.

(6) The procedure for the calling of meetings of the
30 Advisory Committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the Advisory Committee.

(7)

National Parks and Wildlife.

(7) Each member of the Advisory Committee shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(8) The Advisory Committee shall consider and
5 furnish reports to and advise the Minister or the Director upon any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, state parks, historic sites and nature reserves which may be referred to the Advisory Committee by the Minister or the
10 Director.

41. (1) If any driver of a motor vehicle in a national park, state park, historic site or nature reserve refuses to produce his driver's license and state his name and place of abode when required to do so by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf, or, when so required, states a false name or place of abode, he shall be guilty of an offence against this Act.

Driver to give his name and address when required.
cf. Act No. 5, 1909, s. 5.

(2) Where the driver of a motor vehicle is alleged
20 to be guilty of an offence against this Act or any regulation—

(a) the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, shall, when required to do so by a park ranger or other officer of the National
25 Parks and Wildlife Service duly authorised by the Director in that behalf, forthwith give information (which shall, if so required, be given in the form of a statement in writing, signed by such owner or person) as to the name and place of abode of
30 such driver, and if any such owner or person fails to do so he shall be guilty of an offence against this Act, unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained such name
35 and place of abode; and

(b)

National Parks and Wildlife.

- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of such driver and, if he fails to do so, shall be guilty of an offence against this Act.

5

(3) Where a statement in writing purporting to be furnished under paragraph (a) of subsection two of this section and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act or any regulation is produced in any court in proceedings against the person named therein as the driver for such offence, the statement shall, if such person does not appear before the court, be evidence without proof of signature that he was the driver of such vehicle at such time.

10
15

42. (1) Any park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away or cause to be removed or towed away, any motor vehicle which is a danger or unreasonable obstruction to traffic, or has been abandoned in a national park, state park, historic site or nature reserve. Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose :
Provided that before seizure as aforesaid such park ranger or other officer shall—

20
25Seizure of
motor
vehicles.

- (a) if no person is in charge of the vehicle, make reasonable inquiry for the purpose of locating the owner or driver of the vehicle;
- (b) if upon such inquiry the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request;
- (c) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

30
35

The

National Parks and Wildlife.

The inquiry referred to in paragraph (a) of this subsection shall be made in the vicinity of the place where the vehicle is found.

(2) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to such owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded;

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to such owner if he can, after reasonable inquiry, be located a notice setting out the particulars aforesaid;

(ii) if such owner cannot, after reasonable inquiry, be located, cause a notice setting out the like particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(3) Except in the case of a motor vehicle which is dealt with under the provisions of subsection four of this section, the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section—

(a) the application for the release shall be made by the owner of the motor vehicle or by a person acting for or on behalf of such owner to an officer-in-charge of the place at which the vehicle is kept or impounded (hereinafter referred to as the "officer-in-charge");

(b)

National Parks and Wildlife.

- (b) the applicant shall furnish evidence as to the ownership of the motor vehicle to the satisfaction of the officer-in-charge;
- 5 (c) the motor vehicle shall not be released from custody unless—
- (i) the officer-in-charge is satisfied that the applicant is the owner of the motor vehicle or that he possesses authority to act for and on behalf of such owner;
- 10 (ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of such motor vehicle has been paid to the
- 15 officer-in-charge;
- (iii) the applicant has signed a receipt for the delivery of the motor vehicle on a form supplied to him by the officer-in-charge.
- (4) If within a period of three months after the date
- 20 upon which the motor vehicle has been seized the owner has failed to claim the motor vehicle and to pay the amount referred to in subparagraph (ii) of paragraph (c) of subsection three of this section, the motor vehicle may, after the expiration of such period, be disposed of or destroyed in
- 25 accordance with the directions of the Director.

43. For the purpose of impounding any stock trespassing *Impounding.* on a national park, state park, historic site or nature reserve the Director shall be deemed to have all the rights as are by law conferred upon occupiers. An impounding by the Director

30 may be effected by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf or by any person authorised to impound stock trespassing on Crown lands.

44. (1) Any penalty imposed by this Act or the regula- *Penalties.*

35 tions may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

(2)

National Parks and Wildlife.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

5 (3) Any person who is guilty of an offence against this Act shall where no other penalty is expressly provided be liable to a penalty not exceeding one hundred dollars for every such offence.

10 (4) Where any person is convicted of an offence against this Act which results in or causes loss or damage to any national park, state park, historic site or nature reserve or to any structure or improvements thereon, the magistrate or justices before whom he was convicted may order payment of such sum as he or they shall think fit by way of compensation for such loss or damage. cf. Act No. 7, 1913, s. 254

Any such order shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

45. (1) Any charge, fee or money due to the Director Recovery of charges, etc. under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction.

(2) Proceedings for the recovery of any charge, fee or money so due to the Director shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912;
- (c) section twenty-five of the Small Debts Recovery Act, 1912.

46. (1) Any legal proceedings to recover a penalty or Proceedings. any charge, fee or money due under the provisions of this Act or the regulations may be taken by any person duly authorised by the Director in that behalf, either generally or in any particular case.

(2)

National Parks and Wildlife.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of such authority without proof of the Director's signature.

5 (3) Any person or any officer of the National Parks and Wildlife Service duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised such person or officer
10 has ceased to hold office as Director: Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

47. In any proceedings for an offence against this Act or the regulations the averment that any lands in question form
15 part of a national park, state park, historic site or nature reserve shall be sufficient without proof of that fact unless the defendant proves to the contrary. Evidence of offence.

48. Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially pro-
20 vided, be given in any one of the following ways— Service of notices.

- (a) personally to the person to whom the notice is addressed; or
- (b) by letter sent through the post by certified mail and directed to the last known place of abode or business in New South Wales of the person to whom the
25 notice is addressed.

49. (1) The Governor may make regulations not incon-
sistent with this Act prescribing all matters which, by this Act, are required or permitted to be prescribed or which are
30 necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2)

National Parks and Wildlife.

(2) Without prejudice to the generality of the power conferred by subsection one of this section, the Governor may make regulations for or with respect to—

- 5 (a) any of the powers conferred on or duties imposed upon the Director, the Council, local committees, or the Advisory Committee;
- (b) the regulation of the use and enjoyment of national parks, state parks and historic sites;
- 10 (c) the securing of decency and order in national parks, state parks and historic sites;
- (d) the removal of trespassers and other persons causing annoyance or inconvenience in national parks, state parks and historic sites;
- 15 (e) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, national parks, state parks and historic sites;
- (f) the regulation and the control of the taking of animals into national parks, state parks and historic sites or the permitting or suffering of animals to be
20 in such parks and sites;
- (g) the regulation, control or prohibition of parking, camping or residing in a national park, state park or historic site, the making of charges for such camping, parking or residing and the collecting and
25 receiving of such charges by the Minister or by other persons;
- (h) the preservation or protection of, or prevention of damage to trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative
30 cover in national parks, state parks and historic sites;
- (i) the conditions under which trees or timber may be cut or removed from national parks, state parks and historic sites and the amount of royalties, fees and
35 charges payable in respect thereof;

(j)

National Parks and Wildlife.

- 5 (j) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a national park, state park or historic site, or the removal of such substance from such a park or site and the amount of royalties, fees and charges payable in respect thereof;
- 10 (k) the preservation or protection of any animals, birds, and any other fauna of any nature whatsoever and whether natural or introduced in national parks, state parks and historic sites;
- 15 (l) the making of charges or entrance fees for persons, clubs, or associations or for vehicles using or entering a national park, state park or historic site, or any specified part of such a park or site, or any public or other road traversing or bounding such a park or site or part, and the collecting and receiving of such charges and fees by the Director or by other persons;
- 20 (m) the reservation of any portion of a national park, state park or historic site for such separate or exclusive use as the regulations may prescribe;
- (n) the closing of a national park, state park or historic site or parts of such a park or site and the conditions to be observed with regard thereto;
- 25 (o) the regulation, control or prohibition of private trading in a national park, state park or historic site;
- 30 (p) the use of roads, tracks, trails and other ways within a national park, state park or historic site and the circumstances under which such roads, tracks, trails and other ways shall be open or may be closed to public traffic or use;
- 35 (q) the powers and duties of superintendents, rangers and other officers appointed for a national park, state park or historic site;
- (r) the forms or other documents required for the purposes of this Act;

(s)

National Parks and Wildlife.

- (s) the procedure for the calling of meetings of the Council, local committees or the Advisory Committee and the conduct of business at such meetings;
 - 5 (t) the regulation of the use of motor vehicles, over-snow vehicles, aircraft, boats or any other vehicle and the conditions under which they may be used in a national park, state park or historic site;
 - 10 (u) the regulation of the speed of motor vehicles, over-snow vehicles, boats or any other vehicle in a national park, state park or historic site;
 - (v) the regulation, control or prohibition of the erection of buildings, signs or other structures in a national park, state park or historic site;
 - 15 (w) the protection of buildings, structures, signs and other improvements in national parks, state parks and historic sites;
 - (x) the regulation, control or prohibition of exotic plants in national parks, state parks and historic sites;
 - 20 (y) the collection of scientific specimens (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and pursuit of research in national parks, state parks and historic sites;
 - 25 (z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in national parks, state parks and historic sites.
- (3) A regulation may—
- 30 (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed one hundred dollars; and
 - (b) impose also a daily penalty for any continuing breach thereof not exceeding ten dollars per day.

(4)

National Parks and Wildlife.

(4) Regulations may be made to apply generally to all national parks, state parks and historic sites or may be limited to any national park, state park or historic site specified in the regulations and unless so limited shall be taken
5 to apply generally to all national parks, state parks and historic sites. Where any provision of a regulation made to apply to any specified national park, state park or historic site is inconsistent with a provision of any regulation relating to national parks, state parks and historic sites generally such
10 firstmentioned provision shall prevail.

(5) In this section the word "animal" does not include fish, within the meaning of the Fisheries and Oyster Farms Act, 1935.

(6) Regulations shall—

- 15 (a) be published in the Gazette ;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- 20 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days
25 after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART

National Parks and Wildlife.

PART VII.

AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE
WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT,
1927, AND CERTAIN OTHER ACTS.

5 50. (1) The Fauna Protection Act, 1948–1965, is amended— Amendment
of Act No.
47, 1948.

(a) by omitting from the matter relating to Part III in Sec. 2.
(Division
into Parts.)
section two the words “FAUNAL RESERVES” and
by inserting in lieu thereof the words “NATURE
10 RESERVES”;

(b) (i) by omitting from section four the definition of Sec. 4.
(Defini-
tions.)
“Chief Guardian”;

(ii) by inserting in the same section next after the
definition of “Court” the following new
15 definition : —

“Director” means the Director of National
Parks and Wildlife appointed under
the National Parks and Wildlife Act,
1967.

20 (iii) by omitting from the same section the
definition of “Panel”;

(c) by omitting section five;

Sec. 5.
(Fauna
Protection
Panel.)

(d) by omitting section six and by inserting in lieu
thereof the following section : — Subst.
sec. 6.

25 6. (1) The Director shall be the authority for Powers and
functions
of the
Director.
the protection and care of fauna.

(2) The Director shall—

(a) engage in such educational activities as he
considers necessary to awaken and maintain
30 an appreciation of the value of bird and
animal life;

(b) have the care, control and management of
nature reserves;

(c)

National Parks and Wildlife.

- 5 (c) co-operate with the trustees of any land reserved by the Minister for Lands for the preservation of fauna or the promotion of the study of fauna and generally co-operate with any other persons or bodies in the care and development of reserves for fauna;
- 10 (d) form or approve the formation of local faunal societies;
- (e) conduct scientific or biological research in connection with the protection and care of fauna either separately or in conjunction with other scientific organisations; and
- 15 (f) exercise and discharge the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.
- (3) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.
- 20 (e) by omitting section seven; Sec. 7.
(Chief
Guardian
of Fauna.)
- (f) by inserting at the end of section eight the words Sec. 8.
(Officers
and em-
ployees.)
"Any persons so appointed and employed at the commencement of the National Parks and Wildlife Act, 1967, or so appointed and employed after such commencement shall be officers and employees of the National Parks and Wildlife Service under such Act.";
- 25 (g) by omitting from the heading to Part III the words Part III.
(Heading.)
"FAUNAL RESERVES" and by inserting in lieu thereof the words "NATURE RESERVES";
- 30 (h) (i) by omitting from section nine the word "panel" Sec. 9.
(Dedica-
tion of
areas for
protection,
care, etc.,
of fauna.)
wherever occurring and by inserting in lieu thereof the word "Director";
- (ii)

National Parks and Wildlife.

- (ii) by omitting from subsection one of the same section the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- 5 (iii) by omitting from the same section the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- 10 (iv) by inserting at the end of the same section the following new subsection :—
- 15 (7) Any Crown lands which were dedicated as a faunal reserve before the commencement of the National Parks and Wildlife Act, 1967, the dedication of which is in force at such commencement, shall, from and after such commencement, be deemed to be lands dedicated under this section as a nature reserve.
- 20 (i) (i) by omitting from section ten the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- 25 (ii) by omitting from subsection two of the same section the word "panel" and by inserting in lieu thereof the word "Director";
- (iii) by omitting from the same subsection the word "it" and by inserting in lieu thereof the word "he";
- 30 (j) by omitting from subsection one of section eleven the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- (k) (i) by omitting from subsection one of section twelve the word "panel" and by inserting in lieu thereof the word "Director";
- 34—D (ii)

Sec. 10.
(Restriction on
operation of
Mining Act,
1906-1946.)

Sec. 11.
(Restrictions as to
timber.)

Sec. 12.
(Prohibition
on taking or
killing fauna
within faunal
reserves.)

National Parks and Wildlife.

- (ii) by omitting from the same subsection the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- 5 (1) (i) by omitting from section thirteen the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve"; Sec. 13. (Restrictions on disposal or dealing with land within faunal reserves.)
- 10 (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- (m) (i) by omitting from section fourteen the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve"; Sec. 14. (Soil Conservation Act, 1938.)
- 15 (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- (n) by omitting from section 23A the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 23A. (Wildlife refuges and game reserves.)
- 20 (o) (i) by omitting from subsection one of section twenty-four the words "conditional purchase inspectors" and by inserting in lieu thereof the words "field officers of the Department of Lands, and officers of the National Parks and Wildlife Service"; Sec. 24. (Rangers.)
- 25 (ii) by omitting from subsection two of the same section the words "the Minister may, by notice in the Gazette" and by inserting in lieu thereof the words "the Director may";
- 30 (p) by omitting from subsection one of section 26A the word "panel" and by inserting in lieu thereof the word "Director"; Sec. 26A. (Game licenses.)

(q)

National Parks and Wildlife.

- (q) by omitting from section twenty-seven the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 27.
(Persons taking or killing fauna for sale.)
- 5 (r) by omitting from section thirty the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 30.
(Recovery of royalties.)
- 10 (s) by omitting from section thirty-one the words "the Chief Guardian or any officer of the panel authorised by the panel" and by inserting in lieu thereof the words "the Director or any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 31.
(Chief Guardian and officers may take fauna.)
- 15 (t) by omitting from subsection one of section thirty-four the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 34.
(Powers of entry and seizure by Chief Guardian, rangers, officers, etc.)
- 20 (u) (i) by omitting from section thirty-five the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 35.
(Further powers of Chief Guardian, rangers, etc.)
- 25 (ii) by omitting from subsection two of the same section the words "Chief Guardian" and by inserting in lieu thereof the word "Director";
- 30 (v) by omitting from section thirty-six the words "Chief Guardian, any officer or employee of the panel" and by inserting in lieu thereof the words "Director, any officer or employee of the National Parks and Wildlife Service"; Sec. 36.
(Assaulting or resisting officers, etc.)

(w)

National Parks and Wildlife.

- (w) (i) by omitting from paragraph (b) of subsection two of section forty-three the word "panel" and by inserting in lieu thereof the words "National Parks and Wildlife Service";
- 5 (ii) by omitting paragraph (c) of the same subsection;
- (iii) by omitting from paragraph (d) of the same subsection the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- 10 (iv) by omitting from paragraph (k) of the same subsection the words "Chief Guardian and officers of the panel" and by inserting in lieu thereof the words "Director and officers and employees of the National Parks and Wildlife Service, and";
- 15 (v) by omitting from subsection four of the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director".
- 20
- (2) Upon and from the commencement of the National Parks and Wildlife Act, 1967, the following provisions shall have effect :—
- (a) The persons holding office as members of the Fauna Protection Panel immediately before such commencement shall cease to hold such office and the Panel shall be dissolved.
- 25
- (b) The person holding office as Chief Guardian of Fauna immediately before such commencement—
- 30 (i) shall cease to be Chief Guardian of Fauna ;
- (ii) shall be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service at a salary not lower than that which he then received as Chief Guardian of Fauna :
- 35
- (iii)

Sec. 43.
(Regulations.)

Transitional
provisions.

National Parks and Wildlife.

(iii) shall retain any rights which, at such commencement, have accrued or are accruing to him under the Superannuation Act, 1916, or any amendment thereof, and shall continue to contribute to any fund or account and shall be entitled to receive any payment or pension as an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof;

(iv) shall be entitled to receive any annual, sick, deferred and extended leave which have accrued or are accruing to him.

(c) Any license or registration certificate issued by the Fauna Protection Panel and in force immediately before such commencement shall, as from such commencement, have effect as if issued by the Director.

(3) Any act, matter or thing done under the Fauna Protection Act, 1948–1965, before the commencement of this Act, and in force or having effect at such commencement, shall, from and after such commencement have the same force and effect as if done under that Act as amended by this Act.

(4) The Fauna Protection Act, 1948, as amended Citation. by subsequent Acts and by this Act, may be cited as the Fauna Protection Act, 1948–1967.

51. (1) The Wild Flowers and Native Plants Protection Act, 1927–1965, is amended—

Amendment
of Act No.
2, 1927.

(a) by inserting in section two before the definition of “Native plant” the following new definition : —

Sec. 2.
(Defini-
tions.)

“Director” means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(b)

National Parks and Wildlife.

- (b) by inserting next after the same section the following new section :—
- 2A. (1) The Director shall be the authority for the protection of wild flowers and native plants.
- (2) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.
- (c) by omitting from section 5A the word "Minister" and by inserting in lieu thereof the word "Director";
- (d) (i) by omitting from subsection one of section 5B the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director";
- (ii) by omitting from subsection two of the same section the word "Minister" wherever occurring and by inserting in lieu thereof the word "Director";
- (e) by omitting from section 5C the word "Minister" and by inserting in lieu thereof the word "Director";
- (f) by omitting from paragraph (a) of section 5D the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director";
- (g) by inserting in subsection four of section nine after the word "Minister" the words "or the Director".
- (2) (a) Any license issued by the Minister under the Wild Flowers and Native Plants Protection Act, 1927-1965, and in force immediately before the commencement of this Act shall, as from such commencement, have effect as if issued by the Director.

New sec.
2A.Powers and
functions
of the
Director.Sec. 5A.
(Licenses to
pick for
scientific
purposes.)Sec. 5B.
(Suspected
person to
give name
and place
of abode.)Sec. 5c.
(Honorary
rangers.)Sec. 5D.
(Destruc-
tion, defac-
ing or
removal of
notices.)Sec. 9.
(Regula-
tions.)

(b)

National Parks and Wildlife.

(b) Any appointment of an honorary ranger made by the Minister under the Wild Flowers and Native Plants Protection Act, 1927–1965, and in force immediately before the commencement of this Act continue in force as if made by the Director.

(3) The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927–1967.

10 52. The Liquor Act, 1912, as amended by subsequent Acts, is amended—

Amendment
of Act No.
42, 1912.

- 15 (a) by omitting from paragraph (a) of subsection two of section one hundred and sixty-eight the words “Kosciusko State Park” and by inserting in lieu thereof the words “Kosciusko National Park”; (Sec. 168 (2).
(Licenses for accommodation hotels and accommodation houses within parks and reserves.)
- (b) by inserting in paragraph (c) of the same subsection after the word “nature” the words “and includes a national park, state park or historic site under the National Parks and Wildlife Act, 1967”.

20 53. (1) The Main Roads Act, 1924–1965, is amended by omitting subsection two of section three and by inserting in lieu thereof the following subsection :—

Amendment
of Act No.
24, 1924.
Sec. 3.

(2) Where—

(Interpretation.)

- 25 (a) any road which passes through a public reserve and connects with a main road has, although the same is not a public road, been, or is proposed to be, proclaimed to be a main road; or
- 30 (b) any road which is not a public road but is within a public reserve has been, or is proposed to be, proclaimed as a tourist road,

then

National Parks and Wildlife.

then in the application of any provision of this Act to or in respect of any such road, unless the context or subject matter otherwise indicates or requires—

(i) a reference to the council shall—

5 (a) in the case of a public reserve other than a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the
10 trustees of such public reserve;

(b) in the case of a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to
15 the Director of National Parks and Wildlife appointed under that Act; and

(ii) a reference to the area of the council shall be construed as a reference to such public reserve.

(2) The Main Roads Act, 1924, as amended by
20 subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924–1967.

54. (1) The National Trust of Australia (New South Wales) Act, 1960, is amended by omitting paragraph (b) of subsection four of section nine and by inserting in lieu thereof
25 the following paragraph :—

(b) one shall be appointed by the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

Amendment
of Act
No. 10,
1960.
Sec. 9.
(Constitu-
tion of the
Council,
other than
the first
Council.)

(2) The councillor of the Council of The National
30 Trust of Australia (New South Wales) who was appointed by the Fauna Protection Panel and who held office as councillor immediately before the commencement of the National Parks and Wildlife Act, 1967 shall, notwithstanding the dissolution of the Fauna Protection Panel, and the amend-

ment

National Parks and Wildlife.

ment by subsection one of this section of The National Trust (New South Wales) Act, 1960, continue to hold such office for the period defined by or under that Act.

(3) The National Trust of Australia (New South Wales) Act, 1960, as amended by subsequent Acts and by this Act, may be cited as The National Trust of Australia (New South Wales) Act, 1960-1967.

55. (1) The Mining Act, 1906-1965, is amended—

Amendment
of Act No.
49, 1906.

10 (a) by inserting at the end of section twenty-eight the following new subsection :—

Sec. 28.

(Applicant
may mine
upon land.)

15 (2) The consent of the Minister under paragraph (a) of subsection one of this section shall not be granted in respect of land within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, unless and until notice of the application for a lease has been laid before both Houses of Parliament as required by subsection two of section twenty-four of that Act, and unless either—

20 (a) no notice of a resolution disallowing the application has been given within the time specified in such subsection; or

(b) where notice has been so given no such resolution has been passed.

25 (b) by inserting at the end of subsection two of section 83D the words "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained."

Sec. 83D.

(Restriction
on rights of
holders of
licenses
over cer-
tain lands.)

30 (2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1967.

National Parks and Wildlife.

56. (1) The Petroleum Act, 1955-1965, is amended by inserting at the end of subsection two of section forty-six the words "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained."
- (2) The Petroleum Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Petroleum Act, 1955-1967.

Amendment
of Act No.
28, 1955.
Sec. 46.
(Restriction
on rights
of holders
of licences
and leases
over cer-
tain lands.)

10

FIRST SCHEDULE.

Sec. 14.

- Kosciusko State Park Act, 1944, No. 14.
Kosciusko State Park (Amendment) Act, 1947, No. 26.
Kosciusko State Park (Amendment) Act, 1952, No. 57.
Ku-ring-gai Chase Act, 1961, No. 43.
15 Kosciusko State Park (Amendment) Act, 1963, No. 45.

SECOND SCHEDULE.

(Trustees not appointed.)

Secs. 15
and 17.

FIRST PART.

NATIONAL PARKS.

20

Dharug National Park.

All that piece or parcel of land containing about 29,000 acres situate in the County of Northumberland, Parishes of Mangrove and Spencer and being the area shown by red edge (in two parts) on plan catalogued Ms. 7758 Md., in the Department of Lands.

25

Kinchega National Park.

All that piece or parcel of land containing about 87,100 acres situate in the Counties of Menindee and Tandora and being the area shown by red edge (in four parts) on plan catalogue M. 116-1814 in the Department of Lands.

30

SECOND PART.

STATE PARK.

Mount Warning State Park.

- All that piece or parcel of land containing about 5,230 acres situate in the County of Rous, Parishes of Burrell and Wollumbin and being the area shown by red edge on plan catalogued Ms. 4339 Gfn., in the Department of Lands.

THIRD

National Parks and Wildlife.

THIRD PART.

HISTORIC SITES.

Bare Island.

5 All that piece or parcel of land containing 3 acres 1 rood 28 perches situate in the County of Cumberland, Parish of Botany and being portion 5111 shown by red edge on plan catalogued Ms. 20220 Sy., in the Department of Lands.

Hill End.

10 All that piece or parcel of land as to the surface thereof and to a depth of 50 feet below the surface containing about 68 acres situate in the County of Wellington, Parish of Tambaroora, Village and Suburban Lands of Hill End and shown by red edge, exclusive of the parts hatched black, on plan catalogued Ms. 4136 Oe., in the Department of Lands.

Mootwingee.

15 All that piece or parcel of land containing about 1,200 acres situate in the County of Mootwingee, Parish of Nootumbulla and shown by red edge on plan catalogued M. 88-2177 in the Department of Lands.

20

THIRD SCHEDULE.

(Trustees appointed.)

Secs. 15
and 18.

FIRST PART.

NATIONAL PARKS.

Blue Mountains National Park.

25 All that piece or parcel of land containing about 243,000 acres situate in the County of Cook and being the area shown by red edge (in two parts) on plan catalogued Ms. 20293 Sy., in the Department of Lands, exclusive of Main Road No. 184 and public roads within the external boundaries of the said 243,000 acres.

30

Brisbane Water National Park.

35 All that piece or parcel of land containing about 16,500 acres situate in the County of Northumberland, Parishes of Patonga and Narara and being the area shown by red edge on plan catalogued Ms. 7611 Md., in the Department of Lands, inclusive of the strip of land lying between low-water mark and high-water mark of Hawkesbury River extending from portion 97, Parish of Patonga, to Reserve No. 66087 from Sale for Public Recreation and Preservation of

Native

National Parks and Wildlife.

Native Flora notified 26th June, 1936, exclusive of Main Road No. 349, public road to Pearl Beach from Main Road No. 349 and railway lands and Railway Reserve No. 40413 within the external boundaries of the said 16,500 acres.

5 *Gibraltar Range National Park.*

- All that piece or parcel of land containing about 38,000 acres situate in the Counties of Drake and Clive, Parishes of Dandahra, Puhoi, Cooraldooral, Richmond, Albert, Binny and Moogem and being the area shown by red edge (in two parts) on plan catalogued
- 10** Ms. 4210 Gfn., in the Department of Lands, exclusive of Gwydir State Highway No. 12 and reserves under pastures protection board control within the external boundaries of the said 38,000 acres.

Kosciusko National Park.

- All that piece or parcel of land containing about 1,322,000 acres
- 15** situate in the Counties of Buccleuch, Cowley, Selwyn, Wallace and Wellesley and being the area shown by red edge on plan catalogued Ms. 5020 Gbn., in the Department of Lands, exclusive of any freehold land or land held under lease or license from the Crown (other than a snow lease, permissive occupancy or lease granted
- 20** under subsection three of section eleven of the Kosciusko State Park Act, 1944-1965), any reserve under the control of a pastures protection board, any reserve for commonage, cemetery, cemetery purposes or general cemetery, The Snowy Mountains Highway and any land within the boundaries of the Villages of Kiandra, Ravine or
- 25** Yarrangobilly within the external boundaries of the said 1,322,000 acres.

Ku-ring-gai Chase National Park.

- All that piece or parcel of land containing about 35,300 acres situate in the County of Cumberland, Parishes of Broken Bay, Cowan,
- 30** Narrabeen and South Colah and being the area shown by red edge on plan catalogued Ms. 20305 Sy., in the Department of Lands, inclusive of the beds of Cowan Water and its tributaries and of The Basin, Pittwater, exclusive of proposed Sydney-Newcastle Expressway, public roads, main roads and the Pacific Highway within the external
- 35** boundaries of the said 35,300 acres.

Morton National Park.

- All that piece or parcel of land containing about 45,000 acres situate in the Counties of Camden and St Vincent, Parishes of Caoura, Meryla, Burrawang, Yarrunga, Moollattoo, Tallowal and Yalwal and
- 40** being the area shown by red edge (in two parts) on plan catalogued Ms. 5023 Gbn., in the Department of Lands, exclusive of Main Road No. 261 and public road within the external boundaries of the said 45,000 acres.

Mount

National Parks and Wildlife.

Mount Kaputar National Park.

All that piece or parcel of land containing about 35,200 acres situate in the Counties of Courallie, Jamison, Murchison and Nandewar, Parishes of Bombell, Terrerree, Cowinmangarah, Paleroo, 5 Rusden, Coryah and Ningadhun and being the area shown by red edge (in three parts) on plan catalogued Ms. 1865 Me., in the Department of Lands, exclusive of the public road within the external boundaries of the said 35,200 acres.

New England National Park.

10 All that piece or parcel of land containing about 56,400 acres situate in the Counties of Raleigh, Dudley, Clarke and Fitzroy, Parishes of Dingle, Waverley, Raleigh, Cliffs, Comara, Wolseley, Lookout and Ernani and being the area shown by red edge on plan catalogued Ms. 2664 Ae., in the Department of Lands.

15 *Royal National Park.*

All that piece or parcel of land containing about 36,700 acres situate in the County of Cumberland, Parishes of Sutherland, Heathcote, Wattamolla and Bulgo and being the area shown by red edge on plan catalogued Ms. 20301 Sy., in the Department of Lands, 20 inclusive of the beds of streams, exclusive of Royal National Park Railway Line, Princes Highway, Main Road No. 393, and public roads within the external boundaries of the said 36,700 acres.

Warrumbungle National Park.

All that piece or parcel of land containing about 15,400 acres 25 situate in the Counties of Gowen and Leichhardt, Parishes of Caraghnan, Naman and Elongery and being the area shown by red edge on plan catalogued Ms. 2240 Do., in the Department of Lands, exclusive of Developmental Road No. 1269 and public roads within the external boundaries of the said 15,400 acres.

30 **SECOND PART.**

STATE PARKS.*Barangary State Park.*

All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrawa and 35 being the area shown by red edge on plan catalogued Ms. 5017 Gbn., in the Department of Lands, exclusive of Main Road No. 263 within the external boundaries of the said 1,970 acres.

Bouddi

National Parks and Wildlife.

Bouddi State Park.

All that piece or parcel of land containing about 1,310 acres situate in the County of Northumberland, Parish of Kincumber and being the area shown by red edge (in two parts) on plan catalogued
5 Ms. 7607 Md., in the Department of Lands.

Bundanoon State Park.

All that piece or parcel of land containing about 3,330 acres situate in the County of Camden, Parishes of Bundanoon and Meryla and being the area shown by red edge (in two parts) on plan catalogued
10 Ms. 5018 Gbn., in the Department of Lands.

Dorrigo State Park.

All that piece or parcel of land containing about 3,870 acres situate in the County of Raleigh, Parishes of Vautin and Never Never and being the area shown by red edge on plan catalogued Ms. 4338 Gfn.,
15 in the Department of Lands, exclusive of Trunk Road No. 76 within the external boundaries of the said 3,870 acres.

Gloucester Tops State Park.

All that piece or parcel of land containing 3,832 acres situate in the County of Gloucester, Parishes of Wawgan, Evans and Beean
20 Beean and being the area shown by red edge on plan catalogued Ms. 7794 Md., in the Department of Lands.

Heathcote State Park.

All that piece or parcel of land containing about 3,900 acres situate in the County of Cumberland, Parish of Heathcote and being the
25 area shown by red edge on plan catalogued Ms. 20237 Sy., in the Department of Lands, exclusive of public road and Main Road No. 512 within the external boundaries of the said 3,900 acres.

THIRD PART.

HISTORIC SITES.

30

Captain Cook's Landing Place.

All that piece or parcel of land containing about 700 acres situate in the County of Cumberland, Parish of Sutherland and being the area shown by red edge on plan catalogued Ms. 20239 Sy., in the Department of Lands.

La

National Parks and Wildlife.

La Perouse Monuments.

All that piece or parcel of land containing about 19 acres situate in the County of Cumberland, Parish of Botany and shown by red edge (in two parts) on plan catalogued Ms. 20240 Sy., in the
5 Department of Lands.

Vaocluse House.

All that piece or parcel of land containing 19 acres 0 roods 38½ perches situate in the County of Cumberland, Parish of Alexandria and being the area marked B in plan catalogued Ms. 3217 Sy., in
10 the Department of Lands.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

National Parks and Wildlife

1. Land Acquisition

All that piece of land containing about 12 acres situate in the County of Cumberland Parish of New South Wales and shown by red edge (in two parts) on plan catalogued No. 10240/87, in the Department of Lands.

2. Land Acquisition

All that piece of parcel of land containing 12 acres 0 rods 121 perches situate in the County of Cumberland Parish of New South Wales and being the area marked B in plan catalogued No. 1017/87, in the Department of Lands.

BY AUTHORITY
J. C. M. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967

No. , 1967.

A BILL

To reserve certain national parks, state parks and historic sites, and to provide for the reservation of further national parks, state parks and historic sites; to make provision for and with respect to the development, use and preservation of, and the care, control and management of national parks, state parks and historic sites; to provide for the appointment of a Director of National Parks and Wildlife and of a National Parks and Wildlife Service and of a National Parks and Wildlife Advisory Council and of a National Parks Advisory Committee of Architects; and to define the powers, authorities, duties and functions to be exercised by them respectively; to abolish the Fauna Protection Panel and the office of Chief

National Parks and Wildlife.

Guardian of Fauna, and to transfer their respective functions to the National Parks and Wildlife Service and the Director of National Parks and Wildlife; for these and other purposes to amend the Fauna Protection Act, 1948, the Wild Flowers and Native Plants Protection Act, 1927, and certain other Acts in certain respects; to repeal the Kosciusko State Park Act, 1944, the Kosciusko State Park (Amendment) Act, 1947, the Kosciusko State Park (Amendment) Act, 1952, the Kosciusko State Park (Amendment) Act, 1963, and the Ku-ring-gai Chase Act, 1961; and for purposes connected therewith.

[MR LEWIS—15 August, 1967.]

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "National Parks and Wildlife Act, 1967".

Short title
and com-
mencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided into Parts as follows :—

Division
into Parts.

PART I.—PRELIMINARY—ss. 1–3.

15 PART II.—NATIONAL PARKS AND WILDLIFE SERVICE
—ss. 4–8.

PART

National Parks and Wildlife.

PART III.—NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES—
ss. 9–12.

5 PART IV.—NATIONAL PARKS, STATE PARKS AND HISTORIC SITES—ss. 13–33.

PART V.—FINANCE—ss. 34–39.

PART VI.—GENERAL—ss. 40–49.

10 PART VII.—AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT, 1927, AND CERTAIN OTHER ACTS—ss. 50–56.

SCHEDULES.

3. (1) In this Act, unless the context or subject matter **Definitions.** otherwise indicates or requires—

15 “Community service” includes the supply or provision of access roads, parking areas, water, sewerage and garbage disposal service.

“Council” means the National Parks and Wildlife Advisory Council constituted under this Act.

20 “Crown lands” means Crown lands within the meaning of the Crown Lands Consolidation Act, 1913.

“Director” means the Director of National Parks and Wildlife appointed under this Act.

25 “Historic site” means lands reserved under this Act or by a subsequent Act as an historic site for the purposes of this Act.

“Lands of the Crown” means lands vested in a Minister of the Crown or in a statutory body.

30 “National park” means lands reserved under this Act or by a subsequent Act as a national park for the purposes of this Act.

“Nature

National Parks and Wildlife.

"Nature reserve" means lands dedicated as a nature reserve under the Fauna Protection Act, 1948.

"Regulations" means regulations made under this Act.

5 "State park" means lands reserved under this Act or by a subsequent Act as a state park for the purposes of this Act.

10 "Wildlife" means fauna within the meaning of the Fauna Protection Act, 1948, and native plants and wild flowers within the meaning of the Wild Flowers and Native Plants Protection Act, 1927.

(2) In this Act (Part VII excepted) a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and any Act passed in substitution for the Act referred to or incorporating any of its provisions.

15

PART II.

NATIONAL PARKS AND WILDLIFE SERVICE.

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

20 (2) The Director shall subject to this Act, hold office for such period as may be specified in the instrument of appointment, and shall if otherwise qualified be eligible for reappointment from time to time for such further period or periods as the Governor may appoint.

25 (3) The salary of the Director shall be fixed by the Governor.

(4) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to the provisions of that Act during his term of office.

30 (5) A person who is of or above the age of sixty-five years shall not be appointed as Director.

(6)

National Parks and Wildlife.

(6) The Director shall cease to hold office on the day upon which he attains the age of sixty-five years.

(7) The Director shall be deemed to have vacated his office if he—

5 (a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

(c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the
10 Mental Health Act, 1958;

(d) is removed from office by the Governor.

(8) Any person appointed as Director who at the date of such appointment is an officer of the Public Service, shall, if he ceases to be Director be entitled to be appointed upon
15 the recommendation of the Public Service Board to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as Director.

(9) Nothing in this Act shall affect the rights accrued
20 or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation
25 Act, 1916.

(10) Any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916, appointed as Director shall continue to contribute to any fund or account and be entitled to receive any deferred
30 or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, and for such purpose his service as Director shall be deemed to be service for the purpose of
35 such Acts.

National Parks and Wildlife.

(11) The Director shall have the powers, authorities, duties and functions conferred upon him by this Act, and by the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

5 (12) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions, be subject to the control and direction of the Minister.

5. (1) The Governor may under and subject to the provisions of the Public Service Act, 1902, appoint and employ
10 such officers and employees as may be necessary for the administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

National
Parks and
Wildlife
Service.

15 Without prejudice to the generality of the foregoing provisions of this subsection the persons so employed may include persons formerly employed by trustees of national parks, state parks and historic sites where by this Act such persons are directed to be employed in the Public Service.

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

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

(4) The Director and the officers, employees and servants engaged in the administration of this Act are in this Act referred to as the "National Parks and Wildlife Service".

National Parks and Wildlife.

6. (1) The National Parks and Wildlife Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks, state parks and historic sites and for the conservation of nature reserves and wildlife.

Powers and functions of National Parks and Wildlife Service.

(2) The Director shall in the case of any national park, state park or historic site the care, control and management of which have been vested in the Director and may in any other case—

- 10 (a) promote such educational activities as he considers necessary in respect of such national park, state park or historic site; and
- (b) arrange for the carrying out of works for or in connection with the management and maintenance of
- 15 such national park, state park or historic site.

(3) The Director shall investigate proposals for the addition of areas to any national park, state park or historic site or for the reservation of any new national park, state park or historic site.

20 (4) For the purpose of any such proposals as are referred to in subsection three of this section the Director shall have regard to the following principles—

- (a) the areas to be reserved as national parks are spacious areas containing unique or outstanding
- 25 scenery or natural features;
- (b) the areas to be reserved as state parks are large areas containing unique or outstanding scenery or natural features but substantially less spacious than areas reserved as national parks;
- 30 (c) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance.

7. (1) The Minister may, by writing under his hand, delegate to the Director or to any such officer or employee as is hereinafter mentioned and the Director with the approval of the Minister, may by writing under his hand delegate to any

Power to delegate.

National Parks and Wildlife.

any officer or employee of the National Parks and Wildlife Service or of any Government Department in respect of which an arrangement has been made under subsection two of section five of this Act for the use of the services of such officer or employee, any power, authority, duty or function (other than the power of delegation) vested in him under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

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

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

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

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

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

(7)

National Parks and Wildlife.

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

(8) A statutory declaration by the delegate stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered or at any time after, shall be taken to be conclusive proof of such non-revocation at the time when such act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of such revocation.

8. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purpose of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, and to agree to the condition of any such gift, devise or bequest.

Power of Minister to accept gifts, etc.

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Minister has agreed.

(3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

(4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

PART III.

NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES.

9. (1) There shall be a National Parks and Wildlife Advisory Council which shall consist of the Director and twelve other members appointed by the Minister.

National Parks and Wildlife Advisory Council.

In

National Parks and Wildlife.

In making appointments under this section the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or
5 interests, to undertake wildlife conservation.

(2) The Director shall be the chairman of the Council.

(3) Of the members appointed by the Minister—

- 10 (a) three shall be persons each of whom is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a national park;
- (b) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a state park;
- 15 (c) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of the local committee for an historic site;
- 20 (d) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;
- (e) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;
- 25 (f) one shall be a person who is a member of the National Parks Association of New South Wales;
- (g) one shall be a person nominated in the manner prescribed by one or more of the Universities functioning within New South Wales;
- 30 (h) one shall be an officer of the Australian Museum nominated by the Minister for Education;
- (i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949 of the Commonwealth of
35 Australia;

(j)

National Parks and Wildlife.

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

5 (4) (a) The members appointed under this section shall, subject to this section, hold office for a period of five years or such lesser period as may be specified in the respective instruments of appointment.

(b) A person of or above the age of seventy years shall not be eligible for appointment as a member of the Council under this section.

10 (c) A member of the Council appointed under this section shall cease to hold office on the day upon which he attains the age of seventy years.

(5) (a) The Governor may for any cause which to him seems sufficient remove from office any of the members
15 appointed under this section.

(b) A member of the Council shall be deemed to have vacated his office if he—

- (i) dies;
- 20 (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor;
- 25 (v) ceases to hold the qualification in respect of which he was appointed, other than a member appointed pursuant to paragraph (a) or paragraph (b) or paragraph (c) of subsection three of this section who ceases to hold such qualification by reason of
- 30 the care, control and management of the national park, state park or historic site having become vested in the Director.

(c) The Minister may appoint a member to fill any vacancy. (6)

National Parks and Wildlife.

(6) The chairman shall preside at all meetings of the Council at which he is present. In the absence of the chairman the members may elect one of their number to preside as chairman.

5 The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

(7) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which
10 a quorum is present shall be competent to transact any business of the Council.

(8) At any meeting of the Council at which a quorum is present the decision of a majority of votes shall be the decision of the Council.

15 (9) Each member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(10) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings,
20 shall, subject to any regulations made in relation thereto, be as determined by the Council.

10. (1) The Council shall advise the Minister on matters Functions
relating to the care, control and management of national parks, of Council.
state parks, historic sites and nature reserves, and to the
25 preservation and protection of wildlife and on such other
matters as the Minister may refer to the Council.

(2) Subject to subsection twelve of section four of this Act, the Director shall furnish to the Council full information in relation to any matters arising out of the
30 administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927, which the Council may require.

National Parks and Wildlife.

11. (1) A local committee may be constituted for each national park, state park and historic site under the care, control and management of the Director. Establishment of local committees.

(2) The local committee first constituted for each national park, state park or historic site after the date upon which the care, control and management of the same have been vested in the Director shall be the persons who, immediately before such date, were the trustees or the members of the body corporate which was trustee of the same, or where there were no trustees or trustee, such persons as the Minister may appoint.

(3) (a) The Governor may for any cause which to him seems sufficient remove from office any member of a local committee.

15 (b) A member of a local committee shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- 20 (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor.

(4) After the first constitution of a local committee the members of such local committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy.

(5) The members of a local committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such lesser period as may be specified in the respective instruments of appointment.

(6) No person of or above the age of seventy years shall be eligible for appointment under this section as a member.

(7)

National Parks and Wildlife.

- (7) A member of a local committee shall cease to hold office on the day upon which he attains the age of seventy years.
- (8) The procedure for the calling of meetings of a local committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the local committee.
- (9) A majority of the members of a local committee shall form a quorum and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the local committee.
12. A local committee may make recommendations to the Council or the Director or to the superintendent of the national park, state park or historic site for which the local committee was constituted in respect of measures to improve the care, control and management of such national park, state park or historic site.

Functions
of
committee.

PART IV.**NATIONAL PARKS, STATE PARKS AND HISTORIC SITES.**

- 20 13. (1) After the commencement of this Act the word "national" or "state" shall not be used either alone or in conjunction with other words as the name of a park unless the park is a national park or state park under this Act.
- (2) Where immediately before the commencement of this Act the word "national" or "state" was included in the name of any park which has not been reserved as a national park or state park under this Act, the name of such park shall be deemed to have been altered by excluding such word.
- 30 14. The Acts mentioned in the First Schedule to this Act are hereby repealed.

Limitation
on use of
name
national
park or
state park.

National Parks and Wildlife.

15. (1) The areas of land described in the First Part of the Second Schedule and in the First Part of the Third Schedule to this Act are hereby permanently reserved as national parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

Lands in Second and Third Schedules to be national parks, state parks and historic sites.

(2) The areas of land described in the Second Part of the Second Schedule and in the Second Part of the Third Schedule to this Act are hereby permanently reserved as state parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(3) The areas of land described in the Third Part of the Second Schedule and in the Third Part of the Third Schedule to this Act are hereby permanently reserved as historic sites under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(4) All dedications or reservations affecting the lands described in the Second and Third Schedules to this Act immediately before the commencement of this Act are hereby revoked.

(5) Any Crown grant issued and any vesting made in respect of or including any part of the lands described in the Second and Third Schedules to this Act are hereby revoked insofar as they relate to such lands and the deeds of grant shall be surrendered for cancellation.

(6) All by-laws and rules and regulations which were made in relation to any land the whole or part of which is by this Act reserved as a national park, state park or historic site and which were in force immediately before the commencement of this Act, shall continue in force and shall be deemed to be regulations made under this Act in relation to such national park, state park or historic site and may be amended, repealed or added to by regulations.

National Parks and Wildlife.

16. Any land which, immediately before the commencement of this Act—

Certain lands to become Crown lands.

- 5 (a) was included within the boundaries of the Kosciusko State Park as established under the Kosciusko State Park Act, 1944, and is not included within the boundaries of the Kosciusko National Park as described in the First Part of the Third Schedule to this Act; or
- 10 (b) was included within the boundaries of Ku-ring-gai Chase as established under the Ku-ring-gai Chase Act, 1961, and is not included within the boundaries of the Ku-ring-gai Chase National Park as described in the First Part of the Third Schedule to this Act; or
- 15 (c) was included within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as dedicated or reserved under the Crown Lands Consolidation Act, 1913, and is not included
- 20 within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as respectively described in the First Part of the Third Schedule to this Act,
- 25 shall, as from such commencement, become Crown lands freed and discharged from any dedication reservation or trust to which they may have been subject immediately before such commencement.

17. Upon the commencement of this Act the care, control and management of the national park, state park and historic sites described in the Second Schedule to this Act shall be vested in the Director.

Care, control and management of areas in the Second Schedule.

18. (1) The persons who, immediately before the commencement of this Act, held office as trustees or as members of the body corporate which is trustee of lands comprising the whole or part of any of the areas of land described in the

Care, control and management of areas in the Third Schedule.

National Parks and Wildlife.

the Third Schedule to this Act shall from and after such commencement hold office as trustees of the national park, state park or historic site named in respect of such area until replaced pursuant to this Act.

- 5 (2) The trustees for the time being of any such national park, state park or historic site, whether holding office pursuant to subsection one of this section or an appointment under this Act, shall be a body corporate and, subject to this Act, shall have the care, control and management of
10 such national park, state park or historic site.

(3) From and after the commencement of this Act the powers, authorities, duties and functions of the trustees of any such national park, state park or historic site shall be those conferred or imposed by or under this Act.

- 15 (4) The trustees shall cause to be forwarded to the Minister during the month next following the close of the 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 may require.

- 20 (5) The Minister may from time to time by notification in the Gazette fill any vacancies which may occur in the office of any of such trustees and may by a like notification appoint additional trustees.

- (6) The Governor may for any cause which to him
25 seems sufficient remove from office any trustee.

(7) A trustee shall be deemed to have vacated his office if he—

- (a) dies; /
30 (b) resigns his office by writing under his hand addressed to the Minister;
(c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
(d) is removed from office by the Governor.

- 35 (8) No person of or above the age of seventy years shall be eligible for appointment under this section as trustee.

National Parks and Wildlife.

(9) A trustee shall cease to hold office on the day upon which he attains the age of seventy years.

(10) The procedure for the calling of meetings of the trustees and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the trustees.

(11) A majority of the trustees shall form a quorum and any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

19. (1) Where it is proposed to vest the care, control and management of any national park, state park or historic site described in the Third Schedule to this Act in the Director the Minister shall lay before both Houses of Parliament notice of such proposal.

Vesting of
care,
control and
management
in Director.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House that it does not assent to the vesting in the Director of the care, control and management of the national park, state park or historic site the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection two of this section or if, where notice has been so given, the resolution is not passed the Minister may, by notification in the Gazette, declare that as from the date stated in the notification, the care, control and management of the national park, state park or historic site specified in the notification shall be vested in the Director.

(4) Where any such notification has been published in the Gazette the persons who, immediately before the date stated in such notification, held office as trustees or as members of the body corporate which was trustee of the national park, state park or historic site so specified shall cease to hold office and the care, control and management of the national park, state park or historic site shall thereafter be vested in the Director.

National Parks and Wildlife.

20. (1) After the commencement of this Act the reservation of any new national park, state park or historic site shall be made by Act of Parliament and not otherwise, but nothing in this subsection shall affect the operation of subsections 5 two and three of this section.

Reservation of further national parks, state parks and historic sites.

(2) (a) Notwithstanding anything in any other Act, where Crown lands or lands of the Crown not held under lease or license or vested in or under the care, control and management of trustees either adjoin or are adjacent to a 10 national park, state park or historic site the Minister may, by notification in the Gazette, add such lands to such park or site and such lands shall thereupon be permanently reserved as part of the park or site to which they have been so added.

(b) Lands of the Crown shall not be added to 15 a national park, state park or historic site under this subsection unless the Minister of the Crown in whom the control is vested or the statutory body in which the lands are vested has consented to the addition.

(c) Before the Minister publishes a notification 20 in the Gazette under this subsection, notice of the proposed addition shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such proposal has been laid before such House disallowing the 25 proposal then the Minister shall not proceed with the addition.

(3) Upon the addition of lands to a national park, state park or historic site under subsection two of this section—

(a) subject to this Act any estate or interest in the lands 30 so added which immediately before such addition was vested in or held by any person or body of persons other than the Crown shall be thereby divested;

(b) any dedications and reservations affecting the lands 35 so added immediately before such addition shall be thereby revoked;

(c)

National Parks and Wildlife.

- (c) any Crown grant issued in respect of or including any part of the lands so added and subsisting immediately before such addition shall be thereby revoked insofar as it relates to such lands and the deed of grant shall be surrendered for cancellation; and
- (d) the lands so added shall to the extent they were not already Crown lands become Crown lands.

21. (1) Notwithstanding anything in any other Act the reservation of lands as a national park, state park or historic site shall not be revoked or altered and lands within a national park, state park or historic site shall not be appropriated or resumed except by an Act of Parliament: Provided that the provisions of this section shall not prevent the withdrawal of land from or the termination of any lease, license or occupancy in accordance with the terms and conditions thereof.

National parks, state parks or historic sites not to be revoked except by Act of Parliament.

(2) The following provisions shall apply to and in respect of Morton National Park : —

- (a) The Metropolitan Water Sewerage and Drainage Board constituted under the Metropolitan Water, Sewerage, and Drainage Act, 1924 (in this subsection hereinafter referred to as the "Board"), may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Morton National Park.
- (b) The site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board.
- (c) Where such site has been so determined the Governor may notwithstanding anything in subsection one of this section by notification in the Gazette revoke the reservation of Morton National Park as to so much of the lands reserved as are within such site and declare such lands to be vested in the Board and thereupon the same shall vest in the Board.

(d)

National Parks and Wildlife.

- 5 (d) The Minister may from time to time grant to the Board such easements and licenses over lands within Morton National Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

22. (1) Except as provided in this Act the reservation of lands as a national park, state park or historic site shall not affect the terms and conditions of any authority or permit in respect of or any lease, license or occupancy of such lands from the Crown or the trustees current and in force at the time of such reservation or the use permitted of such lands under the authority, permit, lease, license or occupancy.

15 (2) Subject to this section and to section twenty-four of this Act, no such authority, permit, lease, license or occupancy shall be renewed nor shall the term of any such authority, permit, lease, license or occupancy be extended except with the approval of the Minister and subject to such conditions as the Minister may determine.

20 (3) The provisions of subsection two of this section requiring approval of the Minister shall not apply to any authority, lease or license under the Mining Act, 1906, or the Petroleum Act, 1955.

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

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

Any

National Parks and Wildlife.

Any such permit shall be granted subject to such special conditions as the Minister may determine.

24. (1) The land within a national park, state park or historic site is hereby exempted from occupation under any miner's right or business license issued under the provisions of the Mining Act, 1906. Restrictions on mining.

(2) (a) Where application is made for the grant of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site notice of the application shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House disallowing the grant, then, notwithstanding anything in any other Act, the authority or lease shall not be granted.

(b) No extension or renewal of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site shall be granted except with the concurrence of the Minister.

(3) Except as provided in this section nothing in this Act shall affect the right, title or interest of any person or body of persons (other than the persons who are or were trustees or members of the body corporate which is or was trustee of the lands comprised or included in a national park, state park or historic site), in respect of minerals in lands within a national park, state park or historic site.

25. The Forestry Act, 1916, shall not apply to or in respect of land within a national park, state park or historic site: Restrictions as to timber. cf. Act No. 14, 1944, s. 7.

Provided that all licenses and permits under the Forestry Act, 1916, affecting land within a national park, state park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and the provisions of that Act shall continue in force for all purposes of or relating to such licenses and permits until the same respectively expire or are cancelled.

National Parks and Wildlife.

26. (1) Where the Minister has published a notification under section nineteen of this Act vesting the care, control and management of any national park, state park or historic site in the Director the following provisions shall have effect :—

Transfer of
rights,
liabilities
and property.

- 5 (a) All property and all right and interest therein (in
this section referred to as the trust property) and
all management and control of any thing which
immediately before such notification was vested in
or belonged to the trustees and was held or used by
10 them for or in connection with the national park,
state park or historic site shall vest in and belong
to the Director.
- 15 (b) All moneys, liquidated and unliquidated claims
which immediately before such notification were
payable to or recoverable by the trustees or their
predecessors in relation to the national park, state
park or historic site or in the trust property or any
part thereof shall be moneys, liquidated or
20 unliquidated claims payable to or recoverable by
the Director.
- 25 (c) All suits, actions and proceedings pending im-
mediately before such notification, at the suit of or
against the trustees in relation to the national park,
state park or historic site or the trust property or
any part thereof shall respectively be suits, actions
and proceedings pending at the suit of or against
the Director.
- 30 (d) All contracts, agreements and undertakings entered
into with and all securities lawfully given to or by
the trustees or their predecessors in relation to the
national park, state park or historic site or the trust
property or any part thereof and in force im-
mediately before such notification shall be deemed to
be contracts, agreements and undertakings entered
35 into with and securities given to or by the Director.
- (e) The Director may pursue the same remedies for the
recovery of any such moneys and claims and for

the

National Parks and Wildlife.

5 the prosecution of such suits, actions and proceedings as the trustees or their predecessors might have done had they continued to be trustees of the national park, state park or historic site after such notification.

10 (f) The Director may enforce and realise any security or charge existing immediately before such notification in favour of the trustees in respect of any such moneys and claims as if such security or charge were existing in favour of the Director.

15 (g) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees or their predecessors solely relating to the national park, state park or historic site or the trust property or any part thereof shall be debts due and moneys payable by and claims recoverable against the Director.

20 (2) (a) Where part only of the lands vested in trustees is comprised within a national park, state park or historic site the care, control and management of which have been vested in the Director, the Director and the trustees shall, as soon as practicable after publication of the notification arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the national park, state park or historic site, and to the lands retained by the trustees may be determined.

(b) If any difference arises between the Director and the trustees such difference shall be determined as the Minister may direct.

30 27. (1) Every person who immediately before the Transfer of care, control and management of a national park, state park employees. or historic site were vested in the Director, was an employee, other than a casual employee, of the trustees of the lands within such park or site and was employed by them solely in connection with those lands, shall upon such vesting in the Director become and be an employee under the Public Service Act, 1902.

(2)

National Parks and Wildlife.

(2) The following provisions shall apply to a person referred to in subsection one of this section—

- 5 (a) such person shall unless the Public Service Board approves of employment on some other basis be employed under section forty-four of the Public Service Act, 1902;
- 10 (b) notwithstanding anything in the said Act the Public Service Board's approval to employ such person otherwise than under section forty-four of the said Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided such conditions are not inconsistent with this section;
- 15 (c) the period of service with the trustees or their predecessors of such person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or long service leave : Provided that unless the Public Service Board otherwise approves the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if the person concerned had continued to be an employee of such trustees or their predecessors;
- 20 (d) a person who becomes an employee of the Public Service under this section shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, referred to in paragraph (a) or (b) of subsection two of section 61AA of the Industrial Arbitration Act, 1940, and as last adjusted in accordance with the provisions of section 61AB of that Act until
- 25 30 35

such

National Parks and Wildlife.

such salary or wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

- 5 (e) where any condition of employment of such person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, such condition shall continue to be so regulated until a determination in relation to such condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating such condition is made by a competent tribunal or such condition is regulated by an industrial agreement;
- 10
- 15 (f) if such person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for such person upon the same terms and subject to the same conditions as it was paid by such trustees;
- 20
- (g) if such person while employed in the Public Service becomes a contributor to the State Superannuation Fund constituted as aforesaid any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for such person shall cease but such person may elect to continue the policy on his own account or to cancel the policy and receive any moneys refunded by the insurer.
- 25
- 30

28. Any reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read and construed as a reference to the Kosciusko National Park reserved under this Act and any reference to the Kosciusko

Snowy
Mountains
Hydro-
electric
Agreements
Act, 1958.

State

National Parks and Wildlife.

State Park Trust shall be read and construed as a reference to the Kosciusko National Park Trust or, where the care, control and management of the Kosciusko National Park have been vested in the Director, to the Director.

5 29. (1) The Director shall—

Plan of
management.

- 10 (a) with respect to each of the national parks, state parks and historic sites reserved by this Act and described in the Second and Third Schedules thereto, prepare a plan of management as soon as practicable after the commencement of this Act;
- 15 (b) with respect to any national park, state park or historic site reserved after the commencement of this Act, prepare a plan of management as soon as practicable after such national park, state park or historic site has been so reserved.

(2) The plan of management in respect of each national park, state park and historic site shall contain a detailed written scheme of the operations which it is proposed to undertake in or in relation to the park or site to carry out
20 the purpose and objects of this Act.

(3) In the preparation of any plan of management regard shall be had to the following objectives—

- 25 (a) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park, state park and historic site by the public;
- 30 (b) the preservation of each national park or state park in its natural condition, the protection of the special features of the park and the conservation of wildlife therein;
- (c) the preservation of each historic site and any historic structure or object on such site;
- (d) the preservation of each national park, state park or historic site as a catchment area;

(e)

National Parks and Wildlife.

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

(f) the setting apart of the whole or part of a national park or state park as a wilderness area.

5 (4) Where any lands reserved as a national park, state park or historic site are wholly or partly within a catchment area of the Metropolitan Water Sewerage and Drainage Board, or where the waters from any lands so reserved drain into a catchment area or structure of such Board—

10 (a) the Director shall, before submitting the plan of management for that national park, state park or historic site to the Minister, refer the same to the said Board for its information;

15 (b) the Minister shall before adopting such plan of management consider any representations made by the said Board.

(5) (a) Where the Director has prepared a plan of management in respect of a national park, state park or historic site he shall give notice as prescribed that the plan
20 of management has been prepared and shall, in such notice—

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

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

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

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

(d)

National Parks and Wildlife.

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

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

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

(g) The Minister may amend or alter a plan of management from time to time or may cancel a plan of management and substitute a new plan of management.

(h) Where the Minister proposes to amend or
15 alter a plan of management or to cancel a plan of management and substitute a new plan of management he shall instruct the Director to prepare the amendment or alteration or the new plan of management, and the Director shall proceed to do so as soon as practicable after being so instructed.
20 The provisions of subsections two to four both inclusive of this section, and of paragraphs (a) to (f) both inclusive of this subsection shall, mutatis mutandis, apply to and in respect of such amendment or alteration or such new plan of management.

25 (6) Where the Minister has adopted a plan of management—

(a) it shall be carried out and given effect to by the trustees or the body corporate which is the trustee having the care, control and management of the
30 national park, state park or historic site concerned or by the Director where such care, control and management have been vested in the Director;

(b) no operations shall be undertaken on or in relation to a national park, state park or historic site unless
35 such operations are in accordance with the plan of management for the park or site.

(7)

National Parks and Wildlife.

(7) Where any area is set apart as a wilderness area in the plan of management of a national park or state park—

- (a) such area shall be kept and maintained in a wilderness condition;
- 5 (b) no buildings of any description or ski tows or other apparatus shall be erected or constructed thereon except simple survival huts where essential.

30. (1) The Minister may—

- 10 (a) grant leases of land within a national park, state park or historic site for the purpose of—
 - (i) the erection thereon of accommodation hotels or accommodation houses;
 - (ii) the provision thereon of facilities and amenities for tourists and visitors;
- 15 (b) grant leases of land within a national park, state park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;
- 20 (c) grant licenses to occupy or use lands within a national park, state park or historic site.

Granting
of leases
and
licenses.

(2) Any lease or license granted under this section shall be subject to such terms and conditions as the Minister may determine.

- 25 31. (1) The Minister may upon such terms as he thinks fit grant for joint or several use easements or rights of way through upon or in a national park, state park, historic site or nature reserve for the purpose of providing access to any area included in any lease or license within the park, site or
30 reserve, or for the erection of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

Easements.

- 35 (2) The Minister may from time to time revoke or vary any grant under this section.

(3)

National Parks and Wildlife.

(3) Any easement or right of way over land in a national park, state park or historic site whether reserved by this Act or by a subsequent Act, which was in force immediately before the national park, state park or historic site was so reserved, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over land in a nature reserve whether dedicated before or after the commencement of this Act which was in force immediately before such commencement, in the case of a nature reserve dedicated before the commencement of this Act, or immediately before such dedication, in the case of a nature reserve dedicated after such commencement, shall continue in force and shall be deemed to have been granted under this section.

15 32. (1) Subject to any regulations the Minister may prohibit the carrying on of any trade, business or occupation within a national park, state park or historic site otherwise than by some person licensed by the Director.

Trade within a national park, state park or historic site.

20 (2) (a) The Minister may grant a franchise to any person on such terms and conditions as the Minister may determine for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park, state park or historic site.

25 (b) Any franchise granted before the commencement of this Act by the trustees of lands comprising the whole or part of any of the areas of land reserved by this Act as a national park, state park or historic site and in force immediately before such commencement, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

30 33. The Soil Conservation Act, 1938, shall apply to and in respect of land within a national park, state park or historic site but any experimental or research work conducted pursuant

Soil Conservation Act, 1938.

to

National Parks and Wildlife.

to section six of that Act upon land within the park or site shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

PART V.**FINANCE.**

5 **34.** There shall be established and kept at the Treasury National
an account in Special Deposits Account to be called the Parks and
National Parks and Wildlife Fund. Wildlife Fund.

10 **35.** (1) There shall be paid into the National Parks and Payments
Wildlife Fund— into the Fund.

(a) all moneys provided by Parliament for the purposes
of this Act, the Fauna Protection Act, 1948, or the
Wild Flowers and Native Plants Protection Act,
1927;

15 (b) all moneys received in respect of—

(i) leases, licenses or occupancies within a
national park, state park, historic site or
nature reserve;

20 (ii) royalties, fees and charges in pursuance of
any authority granted under this Act, the
Fauna Protection Act, 1948, or the Wild
Flowers and Native Plants Protection Act,
1927, or the regulations under those Acts;

25 (iii) franchises granted or deemed to have been
granted under section thirty-two of this Act;

(iv) community service contributions;

30 (v) penalties recovered in pursuance of this Act,
the Fauna Protection Act, 1948, or the
Wild Flowers and Native Plants Protection
Act, 1927, or the regulations under those
Acts; and

(vi) sums paid pursuant to an order under
subsection four of section forty-four of this
Act;

(c)

National Parks and Wildlife.

- (c) Any moneys acquired by the Minister pursuant to section eight of this Act;
- (d) any other moneys received in connection with any national park, state park, historic site or nature reserve or any proposed national park, state park, historic site or nature reserve;
- (e) all moneys held in the Kosciusko State Park Fund; and
- (f) all moneys held immediately before the commencement of this Act by the trustees of any land the whole of which is, by this Act, reserved as a national park, state park or historic site and so much of the moneys held immediately before such commencement by the trustees of any land part of which is, by this Act, so reserved as is appropriate to such part: Provided that the Minister may, where he considers the circumstances so warrant, approve of the retention of the whole or part of such moneys by the trustees.
- (2) Where any moneys acquired by the Minister pursuant to section eight of this Act are subject to any condition to which the Minister has agreed such moneys shall be carried to a separate account in the National Parks and Wildlife Fund and shall be applied in accordance with the conditions. Any such moneys may, pending such application, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.
- 36.** (1) No money shall be paid out of the National Parks and Wildlife Fund except under the authority of this Act. Payments out of the Fund.
- (2) There may be paid out of the National Parks and Wildlife Fund—
- (a) all costs and expenses incurred by the Minister or the Director in exercising and discharging his powers, authorities, duties and functions under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.
- (b)

National Parks and Wildlife.

- (b) all moneys allocated by the Minister for expenditure by trustees on any national park, state park or historic site;
- 5 (c) the fees, travelling and other expenses payable to members of the Council or any committee under this Act;
- (d) the cost of acquiring land for national parks, state parks, historic sites or nature reserves;
- 10 (e) the cost of improvement of any land adjoining or in the vicinity of a national park, state park, historic site or nature reserve, where in the opinion of the Minister this is desirable to provide or improve access to the park, site or reserve, or to provide or improve facilities or amenities for persons visiting the park, site or reserve; and
- 15 (f) all moneys which the Minister directs shall be set aside to provide a reserve for insurance.

(3) (a) The cost of acquiring land pursuant to paragraph (d) of subsection two of this section may be paid
20 before such land has been reserved as or added to a national park, state park or historic site or dedicated as a nature reserve.

(b) Any moneys set aside under paragraph (f) of the same subsection may be invested by the Minister
25 with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

37. The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or license to occupy or use land within a national park, state
30 park or historic site for the cost of providing or maintaining any community service in the park or site.

Community
service con-
tribution.

The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the con-
35 tribution on the holder of the lease or license. If the contribu- tion is not paid by the due date the amount due shall be

increased

National Parks and Wildlife.

increased by a sum calculated at the rate of seven per centum per annum simple interest until it has been paid.

The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution.

38. Where the Director—

- (a) supplies any service, product or commodity;
- (b) grants any license to carry on a trade, business or occupation;
- 10 (c) gives any permission; or
- (d) furnishes any information,

Charges and fees.

cf. Act No. 59, 1963, s. 42.

under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or in connection with any national park, state park or historic site
15 he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him subject to the maximum (if any) prescribed.

39. Land within a national park, state park or historic site shall be exempt from rates under the Local Government Act, 1919, and such exemption shall not be affected by any lease or license of the land.

Exemption from rates.

PART VI.**GENERAL.**

25 **40. (1)** There shall be a National Parks Advisory Committee of Architects (in this Part hereinafter referred to as the "Advisory Committee") which shall consist of seven members.

Advisory Committee of Architects.

(2) One of such members shall be the person who
30 for the time being holds the office of Government Architect. The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting of

National Parks and Wildlife.

of the Advisory Committee at which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(3) (a) The other six members shall be appointed
5 by the Minister and shall be registered architects.

(b) Of such members—

(i) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

10 (ii) one other shall be qualified as a landscape architect.

(4) Each of the members appointed pursuant to subsection three of this section shall, subject to this section, hold office for such period as may be specified in the instrument of his appointment.

15 (5) (a) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection three of this section.

(b) A member of the Advisory Committee so appointed shall be deemed to have vacated his office if he—

20 (i) dies;

(ii) resigns his office by writing under his hand addressed to the Minister;

25 (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(iv) is removed from office by the Minister;

(v) ceases to hold the qualification by virtue of which he was appointed.

(6) The procedure for the calling of meetings of the
30 Advisory Committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the Advisory Committee.

(7)

National Parks and Wildlife.

(7) Each member of the Advisory Committee shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(8) The Advisory Committee shall consider and
5 furnish reports to and advise the Minister or the Director upon any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, state parks, historic sites and nature reserves which may be referred to the Advisory Committee by the Minister or the
10 Director.

41. (1) If any driver of a motor vehicle in a national park, state park, historic site or nature reserve refuses to produce his driver's license and state his name and place of abode when required to do so by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf, or, when so required, states a false name or place of abode, he shall be guilty of an offence against this Act.

Driver to give his name and address when required.
cf. Act No. 5, 1909, s. 5.

(2) Where the driver of a motor vehicle is alleged
20 to be guilty of an offence against this Act or any regulation—

(a) the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, shall, when required to do so by a park ranger or other officer of the National
25 Parks and Wildlife Service duly authorised by the Director in that behalf, forthwith give information (which shall, if so required, be given in the form of a statement in writing, signed by such owner or person) as to the name and place of abode of
30 such driver, and if any such owner or person fails to do so he shall be guilty of an offence against this Act, unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained such name
35 and place of abode; and

(b)

National Parks and Wildlife.

(b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of such driver and, if he fails to do so, shall be guilty of an offence against this Act.

(3) Where a statement in writing purporting to be furnished under paragraph (a) of subsection two of this section and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act or any regulation is produced in any court in proceedings against the person named therein as the driver for such offence, the statement shall, if such person does not appear before the court, be evidence without proof of signature that he was the driver of such vehicle at such time.

42. (1) Any park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away or cause to be removed or towed away, any motor vehicle which is a danger or unreasonable obstruction to traffic, or has been abandoned in a national park, state park, historic site or nature reserve. Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose :
Provided that before seizure as aforesaid such park ranger or other officer shall—

- (a) if no person is in charge of the vehicle, make reasonable inquiry for the purpose of locating the owner or driver of the vehicle;
- (b) if upon such inquiry the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request;
- (c) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

The

National Parks and Wildlife.

The inquiry referred to in paragraph (a) of this subsection shall be made in the vicinity of the place where the vehicle is found.

(2) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to such owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded;

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to such owner if he can, after reasonable inquiry, be located a notice setting out the particulars aforesaid;

(ii) if such owner cannot, after reasonable inquiry, be located, cause a notice setting out the like particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(3) Except in the case of a motor vehicle which is dealt with under the provisions of subsection four of this section, the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section—

(a) the application for the release shall be made by the owner of the motor vehicle or by a person acting for or on behalf of such owner to an officer-in-charge of the place at which the vehicle is kept or impounded (hereinafter referred to as the “officer-in-charge”);

(b)

National Parks and Wildlife.

- (b) the applicant shall furnish evidence as to the ownership of the motor vehicle to the satisfaction of the officer-in-charge;
- 5 (c) the motor vehicle shall not be released from custody unless—
- (i) the officer-in-charge is satisfied that the applicant is the owner of the motor vehicle or that he possesses authority to act for and on behalf of such owner;
- 10 (ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of such motor vehicle has been paid to the
- 15 officer-in-charge;
- (iii) the applicant has signed a receipt for the delivery of the motor vehicle on a form supplied to him by the officer-in-charge.
- (4) If within a period of three months after the date
- 20 upon which the motor vehicle has been seized the owner has failed to claim the motor vehicle and to pay the amount referred to in subparagraph (ii) of paragraph (c) of subsection three of this section, the motor vehicle may, after the expiration of such period, be disposed of or destroyed in
- 25 accordance with the directions of the Director.

43. For the purpose of impounding any stock trespassing on a national park, state park, historic site or nature reserve the Director shall be deemed to have all the rights as are by law conferred upon occupiers. An impounding by the Director

30 may be effected by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf or by any person authorised to impound stock trespassing on Crown lands.

44. (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

(2)

National Parks and Wildlife.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

5 (3) Any person who is guilty of an offence against this Act shall where no other penalty is expressly provided be liable to a penalty not exceeding one hundred dollars for every such offence.

10 (4) Where any person is convicted of an offence against this Act which results in or causes loss or damage to any national park, state park, historic site or nature reserve or to any structure or improvements thereon, the magistrate or justices before whom he was convicted may order payment of such sum as he or they shall think fit by way of compensation for such loss or damage. cf. Act No. 7, 1913, s. 254

Any such order shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

45. (1) Any charge, fee or money due to the Director under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction. Recovery of charges, etc.

(2) Proceedings for the recovery of any charge, fee or money so due to the Director shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912;
- (c) section twenty-five of the Small Debts Recovery Act, 1912.

46. (1) Any legal proceedings to recover a penalty or any charge, fee or money due under the provisions of this Act or the regulations may be taken by any person duly authorised by the Director in that behalf, either generally or in any particular case. Proceedings.

(2)

National Parks and Wildlife.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of such authority without proof of the Director's signature.

5 (3) Any person or any officer of the National Parks and Wildlife Service duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised such person or officer
10 has ceased to hold office as Director : Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

47. In any proceedings for an offence against this Act or the regulations the averment that any lands in question form
15 part of a national park, state park, historic site or nature reserve shall be sufficient without proof of that fact unless the defendant proves to the contrary. **Evidence of offence.**

48. Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially pro-
20 vided, be given in any one of the following ways— **Service of notices.**

- (a) personally to the person to whom the notice is addressed; or
- (b) by letter sent through the post by certified mail and directed to the last known place of abode or business in New South Wales of the person to whom the
25 notice is addressed.

49. (1) The Governor may make regulations not incon-
sistent with this Act prescribing all matters which, by this Act, are required or permitted to be prescribed or which are
30 necessary or convenient to be prescribed for carrying out or giving effect to this Act. **Regulations.**

(2)

National Parks and Wildlife.

(2) Without prejudice to the generality of the power conferred by subsection one of this section, the Governor may make regulations for or with respect to—

- 5 (a) any of the powers conferred on or duties imposed upon the Director, the Council, local committees, or the Advisory Committee;
- (b) the regulation of the use and enjoyment of national parks, state parks and historic sites;
- 10 (c) the securing of decency and order in national parks, state parks and historic sites;
- (d) the removal of trespassers and other persons causing annoyance or inconvenience in national parks, state parks and historic sites;
- 15 (e) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, national parks, state parks and historic sites;
- (f) the regulation and the control of the taking of animals into national parks, state parks and historic sites or the permitting or suffering of animals to be in such parks and sites;
- 20 (g) the regulation, control or prohibition of parking, camping or residing in a national park, state park or historic site, the making of charges for such camping, parking or residing and the collecting and receiving of such charges by the Minister or by other persons;
- 25 (h) the preservation or protection of, or prevention of damage to trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in national parks, state parks and historic sites;
- 30 (i) the conditions under which trees or timber may be cut or removed from national parks, state parks and historic sites and the amount of royalties, fees and charges payable in respect thereof;
- 35

(j)

National Parks and Wildlife.

- 5 (j) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a national park, state park or historic site, or the removal of such substance from such a park or site and the amount of royalties, fees and charges payable in respect thereof;
- 10 (k) the preservation or protection of any animals, birds, and any other fauna of any nature whatsoever and whether natural or introduced in national parks, state parks and historic sites;
- 15 (l) the making of charges or entrance fees for persons, clubs, or associations or for vehicles using or entering a national park, state park or historic site, or any specified part of such a park or site, or any public or other road traversing or bounding such a park or site or part, and the collecting and receiving of such charges and fees by the Director or by other persons;
- 20 (m) the reservation of any portion of a national park, state park or historic site for such separate or exclusive use as the regulations may prescribe;
- (n) the closing of a national park, state park or historic site or parts of such a park or site and the conditions to be observed with regard thereto;
- 25 (o) the regulation, control or prohibition of private trading in a national park, state park or historic site;
- 30 (p) the use of roads, tracks, trails and other ways within a national park, state park or historic site and the circumstances under which such roads, tracks, trails and other ways shall be open or may be closed to public traffic or use;
- 35 (q) the powers and duties of superintendents, rangers and other officers appointed for a national park, state park or historic site;
- (r) the forms or other documents required for the purposes of this Act;

(s)

National Parks and Wildlife.

- (s) the procedure for the calling of meetings of the Council, local committees or the Advisory Committee and the conduct of business at such meetings;
- 5 (t) the regulation of the use of motor vehicles, over-snow vehicles, aircraft, boats or any other vehicle and the conditions under which they may be used in a national park, state park or historic site;
- 10 (u) the regulation of the speed of motor vehicles, over-snow vehicles, boats or any other vehicle in a national park, state park or historic site;
- (v) the regulation, control or prohibition of the erection of buildings, signs or other structures in a national park, state park or historic site;
- 15 (w) the protection of buildings, structures, signs and other improvements in national parks, state parks and historic sites;
- (x) the regulation, control or prohibition of exotic plants in national parks, state parks and historic sites;
- 20 (y) the collection of scientific specimens (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and pursuit of research in national parks, state parks and historic sites;
- 25 (z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in national parks, state parks and historic sites.

(3) A regulation may—

- 30 (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed one hundred dollars; and
- (b) impose also a daily penalty for any continuing breach thereof not exceeding ten dollars per day.

(4)

National Parks and Wildlife.

(4) Regulations may be made to apply generally to all national parks, state parks and historic sites or may be limited to any national park, state park or historic site specified in the regulations and unless so limited shall be taken
5 to apply generally to all national parks, state parks and historic sites. Where any provision of a regulation made to apply to any specified national park, state park or historic site is inconsistent with a provision of any regulation relating to national parks, state parks and historic sites generally such
10 firstmentioned provision shall prevail.

(5) In this section the word "animal" does not include fish, within the meaning of the Fisheries and Oyster Farms Act, 1935.

(6) Regulations shall—

- 15 (a) be published in the Gazette;
(b) take effect from the date of publication or from a later date to be specified in the regulations; and
(c) be laid before both Houses of Parliament within
20 fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days
25 after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART

National Parks and Wildlife.

PART VII.

AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE
WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT,
1927, AND CERTAIN OTHER ACTS.

5 50. (1) The Fauna Protection Act, 1948-1965, is amended— Amendment
of Act No.
47, 1948.

(a) by omitting from the matter relating to Part III in Sec. 2.
section two the words "FAUNAL RESERVES" and (Division
into Parts.)
by inserting in lieu thereof the words "NATURE
10 RESERVES";

(b) (i) by omitting from section four the definition of Sec. 4.
"Chief Guardian"; (Defini-
tions.)

(ii) by inserting in the same section next after the
definition of "Court" the following new
15 definition :—

"Director" means the Director of National
Parks and Wildlife appointed under
the National Parks and Wildlife Act,
1967.

20 (iii) by omitting from the same section the
definition of "Panel";

(c) by omitting section five; Sec. 5.
(Fauna
Protection
Panel.)

(d) by omitting section six and by inserting in lieu Subst.
sec. 6.
thereof the following section :—

25 6. (1) The Director shall be the authority for Powers and
functions
of the
Director.
the protection and care of fauna.

(2) The Director shall—

(a) engage in such educational activities as he
considers necessary to awaken and maintain
30 an appreciation of the value of bird and
animal life;

(b) have the care, control and management of
nature reserves;

(c)

National Parks and Wildlife.

5 (c) co-operate with the trustees of any land reserved by the Minister for Lands for the preservation of fauna or the promotion of the study of fauna and generally co-operate with any other persons or bodies in the care and development of reserves for fauna;

(d) form or approve the formation of local faunal societies;

10 (e) conduct scientific or biological research in connection with the protection and care of fauna either separately or in conjunction with other scientific organisations; and

15 (f) exercise and discharge the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.

20 (3) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.

(e) by omitting section seven;

Sec. 7.
(Chief
Guardian
of Fauna.)

25 (f) by inserting at the end of section eight the words "Any persons so appointed and employed at the commencement of the National Parks and Wildlife Act, 1967, or so appointed and employed after such commencement shall be officers and employees of the National Parks and Wildlife Service under such Act.";

Sec. 8.
(Officers
and em-
ployees.)

30 (g) by omitting from the heading to Part III the words "FAUNAL RESERVES" and by inserting in lieu thereof the words "NATURE RESERVES";

Part III.
(Heading.)

(h) (i) by omitting from section nine the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";

Sec. 9.
(Dedica-
tion of
areas for
protection,
care, etc.,
of fauna.)

(ii)

National Parks and Wildlife.

- (ii) by omitting from subsection one of the same section the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- 5 (iii) by omitting from the same section the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- 10 (iv) by inserting at the end of the same section the following new subsection :—
- 15 (7) Any Crown lands which were dedicated as a faunal reserve before the commencement of the National Parks and Wildlife Act, 1967, the dedication of which is in force at such commencement, shall, from and after such commencement, be deemed to be lands dedicated under this section as a nature reserve.
- 20 (i) (i) by omitting from section ten the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- 25 (ii) by omitting from subsection two of the same section the word "panel" and by inserting in lieu thereof the word "Director";
- (iii) by omitting from the same subsection the word "it" and by inserting in lieu thereof the word "he";
- 30 (j) by omitting from subsection one of section eleven the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- (k) (i) by omitting from subsection one of section twelve the word "panel" and by inserting in lieu thereof the word "Director";
- 34—D (ii)

Sec. 10.
(Restriction on
operation of
Mining Act,
1906-1946.)

Sec. 11.
(Restrictions as to
timber.)

Sec. 12.
(Prohibition
on taking or
killing fauna
within faunal
reserves.)

National Parks and Wildlife.

- (ii) by omitting from the same subsection the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- 5 (l) (i) by omitting from section thirteen the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- 10 (m) (i) by omitting from section fourteen the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- 15 (n) by omitting from section 23A the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- 20 (o) (i) by omitting from subsection one of section twenty-four the words "conditional purchase inspectors" and by inserting in lieu thereof the words "field officers of the Department of Lands, and officers of the National Parks and Wildlife Service";
- 25 (ii) by omitting from subsection two of the same section the words "the Minister may, by notice in the Gazette" and by inserting in lieu thereof the words "the Director may";
- 30 (p) by omitting from subsection one of section 26A the word "panel" and by inserting in lieu thereof the word "Director";

(q)

National Parks and Wildlife.

- (q) by omitting from section twenty-seven the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 27.
(Persons taking or killing fauna for sale.)
- 5 (r) by omitting from section thirty the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 30.
(Recovery of royalties.)
- 10 (s) by omitting from section thirty-one the words "the Chief Guardian or any officer of the panel authorised by the panel" and by inserting in lieu thereof the words "the Director or any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 31.
(Chief Guardian and officers may take fauna.)
- 15 (t) by omitting from subsection one of section thirty-four the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 34.
(Powers of entry and seizure by Chief Guardian, rangers, officers, etc.)
- 20 (u) (i) by omitting from section thirty-five the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 35.
(Further powers of Chief Guardian, rangers, etc.)
- 25 (ii) by omitting from subsection two of the same section the words "Chief Guardian" and by inserting in lieu thereof the word "Director";
- 30 (v) by omitting from section thirty-six the words "Chief Guardian, any officer or employee of the panel" and by inserting in lieu thereof the words "Director, any officer or employee of the National Parks and Wildlife Service"; Sec. 36.
(Assaulting or resisting officers, etc.)

(w)

National Parks and Wildlife.

- (w) (i) by omitting from paragraph (b) of subsection two of section forty-three the word "panel" and by inserting in lieu thereof the words "National Parks and Wildlife Service";
- 5 (ii) by omitting paragraph (c) of the same subsection;
- (iii) by omitting from paragraph (d) of the same subsection the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- 10 (iv) by omitting from paragraph (k) of the same subsection the words "Chief Guardian and officers of the panel" and by inserting in lieu thereof the words "Director and officers and employees of the National Parks and Wildlife Service, and";
- 15 (v) by omitting from subsection four of the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director".
- 20
- (2) Upon and from the commencement of the National Parks and Wildlife Act, 1967, the following provisions shall have effect :—
- 25 (a) The persons holding office as members of the Fauna Protection Panel immediately before such commencement shall cease to hold such office and the Panel shall be dissolved.
- (b) The person holding office as Chief Guardian of Fauna immediately before such commencement—
- 30 (i) shall cease to be Chief Guardian of Fauna;
- (ii) shall be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service at a salary not lower than that which he then received as Chief Guardian of Fauna:
- 35 (iii)

Sec. 43.
(Regulations.)

Transitional
provisions.

National Parks and Wildlife.

5 (iii) shall retain any rights which, at such commencement, have accrued or are accruing to him under the Superannuation Act, 1916, or any amendment thereof, and shall continue to contribute to any fund or account and shall be entitled to receive any payment or pension as an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof;

10 (iv) shall be entitled to receive any annual, sick, deferred and extended leave which have accrued or are accruing to him.

15 (c) Any license or registration certificate issued by the Fauna Protection Panel and in force immediately before such commencement shall, as from such commencement, have effect as if issued by the Director.

20 (3) Any act, matter or thing done under the Fauna Protection Act, 1948–1965, before the commencement of this Act, and in force or having effect at such commencement, shall, from and after such commencement have the same force and effect as if done under that Act as amended by this Act.

25 (4) The Fauna Protection Act, 1948, as amended Citation. by subsequent Acts and by this Act, may be cited as the Fauna Protection Act, 1948–1967.

51. (1) The Wild Flowers and Native Plants Protection Act, 1927–1965, is amended— Amendment of Act No. 2, 1927.

30 (a) by inserting in section two before the definition of “Native plant” the following new definition :— Sec. 2. (Definitions.)

“Director” means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(b)

National Parks and Wildlife.

- (b) by inserting next after the same section the following new section : — New sec. 2A.
- 2A. (1) The Director shall be the authority for the protection of wild flowers and native plants. Powers and functions of the Director.
- 5 (2) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.
- 10 (c) by omitting from section 5A the word "Minister" and by inserting in lieu thereof the word "Director"; Sec. 5A. (Licenses to pick for scientific purposes.)
- 15 (d) (i) by omitting from subsection one of section 5B the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director"; Sec. 5B. (Suspected person to give name and place of abode.)
- (ii) by omitting from subsection two of the same section the word "Minister" wherever occurring and by inserting in lieu thereof the word "Director";
- 20 (e) by omitting from section 5c the word "Minister" and by inserting in lieu thereof the word "Director"; Sec. 5c. (Honorary rangers.)
- (f) by omitting from paragraph (a) of section 5D the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director"; Sec. 5D. (Destruction, defacing or removal of notices.)
- 25 (g) by inserting in subsection four of section nine after the word "Minister" the words "or the Director". Sec. 9. (Regulations.)
- (2) (a) Any license issued by the Minister under the Wild Flowers and Native Plants Protection Act, 1927-1965, and in force immediately before the commencement of this Act shall, as from such commencement, have effect as if issued by the Director.
- 30

(b)

National Parks and Wildlife.

(b) Any appointment of an honorary ranger made by the Minister under the Wild Flowers and Native Plants Protection Act, 1927–1965, and in force immediately before the commencement of this Act shall continue in force 5 as if made by the Director.

(3) The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927–1967.

10 **52.** The Liquor Act, 1912, as amended by subsequent Acts, is amended—

Amendment
of Act No.
42, 1912.

- 15 (a) by omitting from paragraph (a) of subsection two of section one hundred and sixty-eight the words “Kosciusko State Park” and by inserting in lieu thereof the words “Kosciusko National Park”; (b) by inserting in paragraph (c) of the same subsection after the word “nature” the words “and includes a national park, state park or historic site under the National Parks and Wildlife Act, 1967”.

Sec. 168
(2).

(Licenses
for accom-
modation
hotels and
accommoda-
tion houses
within
parks and
reserves.)

20 **53.** (1) The Main Roads Act, 1924–1965, is amended by omitting subsection two of section three and by inserting in lieu thereof the following subsection : —

Amendment
of Act No.
24, 1924.

Sec. 3.

(2) Where—

(Interpre-
tation.)

25 (a) any road which passes through a public reserve and connects with a main road has, although the same is not a public road, been, or is proposed to be, proclaimed to be a main road; or

30 (b) any road which is not a public road but is within a public reserve has been, or is proposed to be, proclaimed as a tourist road,

then

National Parks and Wildlife.

then in the application of any provision of this Act to or in respect of any such road, unless the context or subject matter otherwise indicates or requires—

(i) a reference to the council shall—

5 (a) in the case of a public reserve other than a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the trustees of such public reserve;

10

(b) in the case of a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the Director of National Parks and Wildlife appointed under that Act; and

15

(ii) a reference to the area of the council shall be construed as a reference to such public reserve.

(2) The Main Roads Act, 1924, as amended by 20 subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924–1967.

54. (1) The National Trust of Australia (New South Wales) Act, 1960, is amended by omitting paragraph (b) of subsection four of section nine and by inserting in lieu thereof the following paragraph :—

Amendment
of Act
No. 10,
1960.

Sec. 9.

(Constitu-
tion of the
Council,
other than
the first
Council.)

(b) one shall be appointed by the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(2) The councillor of the Council of The National Trust of Australia (New South Wales) who was appointed by the Fauna Protection Panel and who held office as councillor immediately before the commencement of the National Parks and Wildlife Act, 1967 shall, notwithstanding the

dissolution

National Parks and Wildlife.

dissolution of the Fauna Protection Panel, and the amendment by subsection one of this section of The National Trust (New South Wales) Act, 1960, continue to hold such office for the period defined by or under that Act.

- 5 (3) The National Trust of Australia (New South Wales) Act, 1960, as amended by subsequent Acts and by this Act, may be cited as The National Trust of Australia (New South Wales) Act, 1960–1967.

55. (1) The Mining Act, 1906–1965, is amended—

- 10 (a) by inserting at the end of section twenty-eight the following new subsection :—

Amendment
of Act No.
49, 1906.
Sec. 28.
(Applicant
may mine
upon land.)

- 15 (2) The consent of the Minister under paragraph (a) of subsection one of this section shall not be granted in respect of land within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, unless and until notice of the application for a lease has been laid before both Houses of Parliament as required by subsection two of section twenty-four of that Act, and
20 unless either—

- (a) no notice of a resolution disallowing the application has been given within the time specified in such subsection; or
25 (b) where notice has been so given no such resolution has been passed.

- 30 (b) by inserting at the end of subsection two of section 83D the words “The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained.”

Sec. 83D.
(Restriction
on rights of
holders of
licenses
over cer-
tain lands.)

- (2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906–1967.

National Parks and Wildlife.

56. (1) The Petroleum Act, 1955–1965, is amended by inserting at the end of subsection two of section forty-six the words “The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained.”
- (2) The Petroleum Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Petroleum Act, 1955–1967.

Amendment
of Act No.
28, 1955.
Sec. 46.
(Restriction
on rights
of holders
of licences
and leases
over cer-
tain lands.)

10 **FIRST SCHEDULE.**

Sec. 14.

- Kosciusko State Park Act, 1944, No. 14.
Kosciusko State Park (Amendment) Act, 1947, No. 26.
Kosciusko State Park (Amendment) Act, 1952, No. 57.
Ku-ring-gai Chase Act, 1961, No. 43.
15 Kosciusko State Park (Amendment) Act, 1963, No. 45.

SECOND SCHEDULE.Secs. 15
and 17.

(Trustees not appointed.)

FIRST PART.**NATIONAL PARKS.**20 **Dharug National Park.**

All that piece or parcel of land containing about 29,000 acres situate in the County of Northumberland, Parishes of Mangrove and Spencer and being the area shown by red edge (in two parts) on plan catalogued Ms. 7758 Md., in the Department of Lands.

25 **Kinchega National Park.**

All that piece or parcel of land containing about 87,100 acres situate in the Counties of Menindee and Tandora and being the area shown by red edge (in four parts) on plan catalogued M. 116-1814 in the Department of Lands.

30 **SECOND PART.****STATE PARK.****Mount Warning State Park.**

- All that piece or parcel of land containing about 5,230 acres situate in the County of Rous, Parishes of Burrell and Wollumbin and being the area shown by red edge on plan catalogued Ms. 4339 Gfn., in the Department of Lands.

THIRD

National Parks and Wildlife.

THIRD PART.

HISTORIC SITES.

Bare Island.

5 All that piece or parcel of land containing 3 acres 1 rood 28 perches situate in the County of Cumberland, Parish of Botany and being portion 5111 shown by red edge on plan catalogued Ms. 20220 Sy., in the Department of Lands.

Hill End.

10 All that piece or parcel of land as to the surface thereof and to a depth of 50 feet below the surface containing about 68 acres situate in the County of Wellington, Parish of Tambaroora, Village and Suburban Lands of Hill End and shown by red edge, exclusive of the parts hatched black, on plan catalogued Ms. 4136 Oe., in the Department of Lands.

Mootwingee.

15 All that piece or parcel of land containing about 1,200 acres situate in the County of Mootwingee, Parish of Nootumbulla and shown by red edge on plan catalogued M. 88-2177 in the Department of Lands.

20

THIRD SCHEDULE.

Secs. 15
and 18.

(Trustees appointed.)

FIRST PART.

NATIONAL PARKS.

Blue Mountains National Park.

25 All that piece or parcel of land containing about 243,000 acres situate in the County of Cook and being the area shown by red edge (in two parts) on plan catalogued Ms. 20293 Sy., in the Department of Lands, exclusive of Main Road No. 184 and public roads within the external boundaries of the said 243,000 acres.

30

Brisbane Water National Park.

35 All that piece or parcel of land containing about 16,500 acres situate in the County of Northumberland, Parishes of Patonga and Narara and being the area shown by red edge on plan catalogued Ms. 7611 Md., in the Department of Lands, inclusive of the strip of land lying between low-water mark and high-water mark of Hawkesbury River extending from portion 97, Parish of Patonga, to Reserve No. 66087 from Sale for Public Recreation and Preservation of

Native

National Parks and Wildlife.

Native Flora notified 26th June, 1936, exclusive of Main Road No. 349, public road to Pearl Beach from Main Road No. 349 and railway lands and Railway Reserve No. 40413 within the external boundaries of the said 16,500 acres.

5 *Gibraltar Range National Park.*

- All that piece or parcel of land containing about 38,000 acres situate in the Counties of Drake and Clive, Parishes of Dandahra, Puhoi, Cooraldooral, Richmond, Albert, Binny and Moogem and being the area shown by red edge (in two parts) on plan catalogued Ms. 4210 Gfn., in the Department of Lands, exclusive of Gwydir State Highway No. 12 and reserves under pastures protection board control within the external boundaries of the said 38,000 acres.

Kosciusko National Park.

- All that piece or parcel of land containing about 1,322,000 acres situate in the Counties of Buccleuch, Cowley, Selwyn, Wallace and Wellesley and being the area shown by red edge on plan catalogued Ms. 5020 Gbn., in the Department of Lands, exclusive of any freehold land or land held under lease or license from the Crown (other than a snow lease, permissive occupancy or lease granted under subsection three of section eleven of the Kosciusko State Park Act, 1944-1965), any reserve under the control of a pastures protection board, any reserve for commonage, cemetery, cemetery purposes or general cemetery, The Snowy Mountains Highway and any land within the boundaries of the Villages of Kiandra, Ravine or Yarrangobilly within the external boundaries of the said 1,322,000 acres.

Ku-ring-gai Chase National Park.

- All that piece or parcel of land containing about 35,300 acres situate in the County of Cumberland, Parishes of Broken Bay, Cowan, Narrabeen and South Colah and being the area shown by red edge on plan catalogued Ms. 20305 Sy., in the Department of Lands, inclusive of the beds of Cowan Water and its tributaries and of The Basin, Pittwater, exclusive of proposed Sydney-Newcastle Expressway, public roads, main roads and the Pacific Highway within the external boundaries of the said 35,300 acres.

Morton National Park.

- All that piece or parcel of land containing about 45,000 acres situate in the Counties of Camden and St Vincent, Parishes of Caoura, Meryla, Burrawang, Yarrunga, Moollattoo, Tallowal and Yalwal and being the area shown by red edge (in two parts) on plan catalogued Ms. 5023 Gbn., in the Department of Lands, exclusive of Main Road No. 261 and public road within the external boundaries of the said 45,000 acres.

Mount

*National Parks and Wildlife.**Mount Kaputar National Park.*

- 5 All that piece or parcel of land containing about 35,200 acres situate in the Counties of Courallie, Jamison, Murchison and Nandewar, Parishes of Bombell, Terrerree, Cowinmangarah, Paleroo, Rusden, Coryah and Ningadhun and being the area shown by red edge (in three parts) on plan catalogued Ms. 1865 Me., in the Department of Lands, exclusive of the public road within the external boundaries of the said 35,200 acres.

New England National Park.

- 10 All that piece or parcel of land containing about 56,400 acres situate in the Counties of Raleigh, Dudley, Clarke and Fitzroy, Parishes of Dingle, Waverley, Raleigh, Cliffs, Comara, Wolseley, Lookout and Ernani and being the area shown by red edge on plan catalogued Ms. 2664 Ae., in the Department of Lands.

15 *Royal National Park.*

- All that piece or parcel of land containing about 36,700 acres situate in the County of Cumberland, Parishes of Sutherland, Heathcote, Wattamolla and Bulgo and being the area shown by red edge on plan catalogued Ms. 20301 Sy., in the Department of Lands,
20 inclusive of the beds of streams, exclusive of Royal National Park Railway Line, Princes Highway, Main Road No. 393, and public roads within the external boundaries of the said 36,700 acres.

Warrumbungle National Park.

- All that piece or parcel of land containing about 15,400 acres situate in the Counties of Gowen and Leichhardt, Parishes of Caraghnan, Naman and Elongery and being the area shown by red edge on plan catalogued Ms. 2240 Do., in the Department of Lands, exclusive of Developmental Road No. 1269 and public roads within the external boundaries of the said 15,400 acres.

30 **SECOND PART.****STATE PARKS.***Barangary State Park.*

- All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrawa and
35 being the area shown by red edge on plan catalogued Ms. 5017 Gbn., in the Department of Lands, exclusive of Main Road No. 263 within the external boundaries of the said 1,970 acres.

Bouddi

National Parks and Wildlife.

Bouddi State Park.

All that piece or parcel of land containing about 1,310 acres situate in the County of Northumberland, Parish of Kincumber and being the area shown by red edge (in two parts) on plan catalogued 5 Ms. 7607 Md., in the Department of Lands.

Bundanoon State Park.

All that piece or parcel of land containing about 3,330 acres situate in the County of Camden, Parishes of Bundanoon and Meryla and being the area shown by red edge (in two parts) on plan catalogued 10 Ms. 5018 Gbn., in the Department of Lands.

Dorrigo State Park.

All that piece or parcel of land containing about 3,870 acres situate in the County of Raleigh, Parishes of Vautin and Never Never and being the area shown by red edge on plan catalogued Ms. 4338 Gfn., 15 in the Department of Lands, exclusive of Trunk Road No. 76 within the external boundaries of the said 3,870 acres.

Gloucester Tops State Park.

All that piece or parcel of land containing 3,832 acres situate in the County of Gloucester, Parishes of Wawgan, Evans and Began 20 Began and being the area shown by red edge on plan catalogued Ms. 7794 Md., in the Department of Lands.

Heathcote State Park.

All that piece or parcel of land containing about 3,900 acres situate in the County of Cumberland, Parish of Heathcote and being the 25 area shown by red edge on plan catalogued Ms. 20237 Sy., in the Department of Lands, exclusive of public road and Main Road No. 512 within the external boundaries of the said 3,900 acres.

THIRD PART.

HISTORIC SITES.

30

Captain Cook's Landing Place.

All that piece or parcel of land containing about 700 acres situate in the County of Cumberland, Parish of Sutherland and being the area shown by red edge on plan catalogued Ms. 20239 Sy., in the Department of Lands.

La Perouse

National Parks and Wildlife.

La Perouse Monuments.

All that piece or parcel of land containing about 19 acres situate in the County of Cumberland, Parish of Botany and shown by red edge (in two parts) on plan catalogued Ms. 20240 Sy., in the
5 Department of Lands.

Vaocluse House.

All that piece or parcel of land containing 19 acres 0 roods 384
perches situate in the County of Cumberland, Parish of Alexandria
and being the area marked B in plan catalogued Ms. 3217 Sy., in
10 the Department of Lands.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967.

[55c]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 22 August, 1967.*

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1967.

An Act to reserve certain national parks, state parks and historic sites, and to provide for the reservation of further national parks, state parks and historic sites; to make provision for and with respect to the development, use and preservation of, and the care, control and management of national parks, state parks and historic sites; to provide for the appointment of a Director of National Parks and Wildlife and of a National Parks and Wildlife Service and of a National Parks and Wildlife Advisory Council and of a National Parks Advisory Committee of Architects; and to define the powers, authorities, duties and functions to be exercised by them respectively; to abolish the Fauna Protection Panel and the office of Chief

National Parks and Wildlife.

Guardian of Fauna, and to transfer their respective functions to the National Parks and Wildlife Service and the Director of National Parks and Wildlife; for these and other purposes to amend the Fauna Protection Act, 1948, the Wild Flowers and Native Plants Protection Act, 1927, and certain other Acts in certain respects; to repeal the Kosciusko State Park Act, 1944, the Kosciusko State Park (Amendment) Act, 1947, the Kosciusko State Park (Amendment) Act, 1952, the Kosciusko State Park (Amendment) Act, 1963, and the Ku-ring-gai Chase Act, 1961; and for purposes connected therewith.

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "National Parks and Wildlife Act, 1967". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided into Parts as follows :—

Division into Parts.

PART I.—PRELIMINARY—ss. 1–3.

15 **PART II.—NATIONAL PARKS AND WILDLIFE SERVICE—ss. 4–8.**

PART

National Parks and Wildlife.

PART III.—NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES—
ss. 9–12.

5 PART IV.—NATIONAL PARKS, STATE PARKS AND HISTORIC SITES—ss. 13–33.

PART V.—FINANCE—ss. 34–39.

PART VI.—GENERAL—ss. 40–49.

10 PART VII.—AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT, 1927, AND CERTAIN OTHER ACTS—ss. 50–56.

SCHEDULES.

3. (1) In this Act, unless the context or subject matter Definitions.
otherwise indicates or requires—

15 “Community service” includes the supply or provision of access roads, parking areas, water, sewerage and garbage disposal service.

“Council” means the National Parks and Wildlife Advisory Council constituted under this Act.

20 “Crown lands” means Crown lands within the meaning of the Crown Lands Consolidation Act, 1913.

“Director” means the Director of National Parks and Wildlife appointed under this Act.

25 “Historic site” means lands reserved under this Act or by a subsequent Act as an historic site for the purposes of this Act.

“Lands of the Crown” means lands vested in a Minister of the Crown or in a statutory body.

30 “National park” means lands reserved under this Act or by a subsequent Act as a national park for the purposes of this Act.

“Nature

National Parks and Wildlife.

"Nature reserve" means lands dedicated as a nature reserve under the Fauna Protection Act, 1948.

"Regulations" means regulations made under this Act.

5 "State park" means lands reserved under this Act or by a subsequent Act as a state park for the purposes of this Act.

10 "Wildlife" means fauna within the meaning of the Fauna Protection Act, 1948, and native plants and wild flowers within the meaning of the Wild Flowers and Native Plants Protection Act, 1927.

(2) In this Act (Part VII excepted) a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and any Act passed in substitution for the Act referred to or incorporating any of its provisions.

15

PART II.

NATIONAL PARKS AND WILDLIFE SERVICE.

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

20 (2) The Director shall subject to this Act, hold office for such period as may be specified in the instrument of appointment, and shall if otherwise qualified be eligible for reappointment from time to time for such further period or periods as the Governor may appoint.

25 (3) The salary of the Director shall be fixed by the Governor.

(4) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to the provisions of that Act during his term of office.

30 (5) A person who is of or above the age of sixty-five years shall not be appointed as Director.

(6)

National Parks and Wildlife.

(6) The Director shall cease to hold office on the day upon which he attains the age of sixty-five years.

(7) The Director shall be deemed to have vacated his office if he—

5 (a) dies;

(b) resigns his office by writing under his hand addressed to the Minister;

10 (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(d) is removed from office by the Governor.

(8) Any person appointed as Director who at the date of such appointment is an officer of the Public Service, shall, if he ceases to be Director be entitled to be appointed upon 15 the recommendation of the Public Service Board to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as Director.

(9) Nothing in this Act shall affect the rights accrued 20 or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation 25 Act, 1916.

(10) Any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916, appointed as Director shall continue to contribute to any fund or account and be entitled to receive any deferred 30 or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, and for such purpose his service as Director shall be deemed to be service for the purpose of 35 such Acts.

National Parks and Wildlife.

(11) The Director shall have the powers, authorities, duties and functions conferred upon him by this Act, and by the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

5 (12) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions, be subject to the control and direction of the Minister.

5. (1) The Governor may under and subject to the provisions of the Public Service Act, 1902, appoint and employ
10 such officers and employees as may be necessary for the administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

National
Parks and
Wildlife
Service.

15 Without prejudice to the generality of the foregoing provisions of this subsection the persons so employed may include persons formerly employed by trustees of national parks, state parks and historic sites where by this Act such persons are directed to be employed in the Public Service.

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

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

(4) The Director and the officers, employees and servants engaged in the administration of this Act are in this Act referred to as the "National Parks and Wildlife Service".

National Parks and Wildlife.

6. (1) The National Parks and Wildlife Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks, state parks and historic sites and for the conservation of nature reserves and wildlife.

Powers and functions of National Parks and Wildlife Service.

(2) The Director shall in the case of any national park, state park or historic site the care, control and management of which have been vested in the Director and may in any other case—

- 10 (a) promote such educational activities as he considers necessary in respect of such national park, state park or historic site; and
- (b) arrange for the carrying out of works for or in connection with the management and maintenance of such national park, state park or historic site.

(3) The Director shall investigate proposals for the addition of areas to any national park, state park or historic site or for the reservation of any new national park, state park or historic site.

20 (4) For the purpose of any such proposals as are referred to in subsection three of this section the Director shall have regard to the following principles—

- 25 (a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural features;
- (b) the areas to be reserved as state parks are large areas containing unique or outstanding scenery or natural features but substantially less spacious than areas reserved as national parks;
- 30 (c) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance.

7. (1) The Minister may, by writing under his hand, delegate to the Director or to any such officer or employee as is hereinafter mentioned and the Director with the approval of the Minister, may by writing under his hand delegate to any

Power to delegate.

National Parks and Wildlife.

any officer or employee of the National Parks and Wildlife Service or of any Government Department in respect of which an arrangement has been made under subsection two of section five of this Act for the use of the services of such
5 officer or employee, any power, authority, duty or function (other than the power of delegation) vested in him under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

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

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

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

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

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

(7)

National Parks and Wildlife.

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

(8) A statutory declaration by the delegate stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered or at any time after, shall be taken to be conclusive proof of such non-revocation at the time when such act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of such revocation.

8. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purpose of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, and to agree to the condition of any such gift, devise or bequest.

Power of Minister to accept gifts, etc.

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Minister has agreed.

(3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

(4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

PART III.

NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES.

9. (1) There shall be a National Parks and Wildlife Advisory Council which shall consist of the Director and twelve other members appointed by the Minister.

National Parks and Wildlife Advisory Council.

In

National Parks and Wildlife.

In making appointments under this section the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or
5 interests, to undertake wildlife conservation.

(2) The Director shall be the chairman of the Council.

(3) Of the members appointed by the Minister—

- 10 (a) three shall be persons each of whom is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a national park;
- (b) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a state park;
- 15 (c) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of the local committee for an historic site;
- 20 (d) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;
- (e) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;
- 25 (f) one shall be a person who is a member of the National Parks Association of New South Wales;
- (g) one shall be a person nominated in the manner prescribed by one or more of the Universities functioning within New South Wales;
- 30 (h) one shall be an officer of the Australian Museum nominated by the Minister for Education;
- 35 (i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949 of the Commonwealth of Australia;

(j)

National Parks and Wildlife.

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

(4) (a) The members appointed under this section shall, subject to this section, hold office for a period of five years or such lesser period as may be specified in the respective instruments of appointment.

(b) A person of or above the age of seventy years shall not be eligible for appointment as a member of the Council under this section.

(c) A member of the Council appointed under this section shall cease to hold office on the day upon which he attains the age of seventy years.

(5) (a) The Governor may for any cause which to him seems sufficient remove from office any of the members appointed under this section.

(b) A member of the Council shall be deemed to have vacated his office if he—

(i) dies;

(ii) resigns his office by writing under his hand addressed to the Minister;

(iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(iv) is removed from office by the Governor;

(v) ceases to hold the qualification in respect of which he was appointed, other than a member appointed pursuant to paragraph (a) or paragraph (b) or paragraph (c) of subsection three of this section who ceases to hold such qualification by reason of the care, control and management of the national park, state park or historic site having become vested in the Director.

(c) The Minister may appoint a member to fill any vacancy. (6)

National Parks and Wildlife.

(6) The chairman shall preside at all meetings of the Council at which he is present. In the absence of the chairman the members may elect one of their number to preside as chairman.

5 The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

(7) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which
10 a quorum is present shall be competent to transact any business of the Council.

(8) At any meeting of the Council at which a quorum is present the decision of a majority of votes shall be the decision of the Council.

15 (9) Each member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(10) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings,
20 shall, subject to any regulations made in relation thereto, be as determined by the Council.

10. (1) The Council shall advise the Minister on matters relating to the care, control and management of national parks, state parks, historic sites and nature reserves, and to the
25 preservation and protection of wildlife and on such other matters as the Minister may refer to the Council.

(2) Subject to subsection twelve of section four of this Act, the Director shall furnish to the Council full information in relation to any matters arising out of the
30 administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927, which the Council may require.

National Parks and Wildlife.

11. (1) A local committee may be constituted for each national park, state park and historic site under the care, control and management of the Director. Establishment of local committees.

(2) The local committee first constituted for each national park, state park or historic site after the date upon which the care, control and management of the same have been vested in the Director shall be the persons who, immediately before such date, were the trustees or the members of the body corporate which was trustee of the same, or where there were no trustees or trustee, such persons as the Minister may appoint.

(3) (a) The Governor may for any cause which to him seems sufficient remove from office any member of a local committee.

(b) A member of a local committee shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor.

(4) After the first constitution of a local committee the members of such local committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy.

(5) The members of a local committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such lesser period as may be specified in the respective instruments of appointment.

(6) No person of or above the age of seventy years shall be eligible for appointment under this section as a member.

(7)

National Parks and Wildlife.

(7) A member of a local committee shall cease to hold office on the day upon which he attains the age of seventy years.

(8) The procedure for the calling of meetings of a local committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the local committee.

(9) A majority of the members of a local committee shall form a quorum and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the local committee.

12. A local committee may make recommendations to the Council or the Director or to the superintendent of the national park, state park or historic site for which the local committee was constituted in respect of measures to improve the care, control and management of such national park, state park or historic site.

Functions of committee.

PART IV.

NATIONAL PARKS, STATE PARKS AND HISTORIC SITES.

20 13. (1) After the commencement of this Act the word "national" or "state" shall not be used either alone or in conjunction with other words as the name of a park unless the park is a national park or state park under this Act.

Limitation on use of name national park or state park.

(2) Where immediately before the commencement of this Act the word "national" or "state" was included in the name of any park which has not been reserved as a national park or state park under this Act, the name of such park shall be deemed to have been altered by excluding such word.

30 14. The Acts mentioned in the First Schedule to this Act are hereby repealed.

Repeals.

National Parks and Wildlife.

15. (1) The areas of land described in the First Part of the Second Schedule and in the First Part of the Third Schedule to this Act are hereby permanently reserved as national parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

Lands in Second and Third Schedules to be national parks, state parks and historic sites.

(2) The areas of land described in the Second Part of the Second Schedule and in the Second Part of the Third Schedule to this Act are hereby permanently reserved as state parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(3) The areas of land described in the Third Part of the Second Schedule and in the Third Part of the Third Schedule to this Act are hereby permanently reserved as historic sites under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(4) All dedications or reservations affecting the lands described in the Second and Third Schedules to this Act immediately before the commencement of this Act are hereby revoked.

(5) Any Crown grant issued and any vesting made in respect of or including any part of the lands described in the Second and Third Schedules to this Act are hereby revoked insofar as they relate to such lands and the deeds of grant shall be surrendered for cancellation.

(6) All by-laws and rules and regulations which were made in relation to any land the whole or part of which is by this Act reserved as a national park, state park or historic site and which were in force immediately before the commencement of this Act, shall continue in force and shall be deemed to be regulations made under this Act in relation to such national park, state park or historic site and may be amended, repealed or added to by regulations.

National Parks and Wildlife.

16. Any land which, immediately before the commencement of this Act—

Certain lands to become Crown lands.

- 5 (a) was included within the boundaries of the Kosciusko State Park as established under the Kosciusko State Park Act, 1944, and is not included within the boundaries of the Kosciusko National Park as described in the First Part of the Third Schedule to this Act; or
- 10 (b) was included within the boundaries of Ku-ring-gai Chase as established under the Ku-ring-gai Chase Act, 1961, and is not included within the boundaries of the Ku-ring-gai Chase National Park as described in the First Part of the Third Schedule to this Act; or
- 15 (c) was included within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as dedicated or reserved under the Crown Lands Consolidation Act, 1913, and is not included
- 20 within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as respectively described in the First Part of the Third Schedule to this Act,

25 shall, as from such commencement, become Crown lands freed and discharged from any dedication reservation or trust to which they may have been subject immediately before such commencement.

30 17. Upon the commencement of this Act the care, control and management of the national park, state park and historic sites described in the Second Schedule to this Act shall be vested in the Director.

Care, control and management of areas in the Second Schedule.

35 18. (1) The persons who, immediately before the commencement of this Act, held office as trustees or as members of the body corporate which is trustee of lands comprising the whole or part of any of the areas of land described in the

Care, control and management of areas in the Third Schedule.

National Parks and Wildlife.

the Third Schedule to this Act shall from and after such commencement hold office as trustees of the national park, state park or historic site named in respect of such area until replaced pursuant to this Act.

- 5 (2) The trustees for the time being of any such national park, state park or historic site, whether holding office pursuant to subsection one of this section or an appointment under this Act, shall be a body corporate and, subject to this Act, shall have the care, control and management of
10 such national park, state park or historic site.

(3) From and after the commencement of this Act the powers, authorities, duties and functions of the trustees of any such national park, state park or historic site shall be those conferred or imposed by or under this Act.

- 15 (4) The trustees shall cause to be forwarded to the Minister during the month next following the close of the 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 may require.

- 20 (5) The Minister may from time to time by notification in the Gazette fill any vacancies which may occur in the office of any of such trustees and may by a like notification appoint additional trustees.

- 25 (6) The Governor may for any cause which to him seems sufficient remove from office any trustee.

(7) A trustee shall be deemed to have vacated his office if he—

- 30 (a) dies;
 (b) resigns his office by writing under his hand addressed to the Minister;
 (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
 (d) is removed from office by the Governor.

- 35 (8) No person of or above the age of seventy years shall be eligible for appointment under this section as trustee.

National Parks and Wildlife.

(9) A trustee shall cease to hold office on the day upon which he attains the age of seventy years.

(10) The procedure for the calling of meetings of the trustees and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the trustees.

(11) A majority of the trustees shall form a quorum and any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

19. (1) Where it is proposed to vest the care, control and management of any national park, state park or historic site described in the Third Schedule to this Act in the Director the Minister shall lay before both Houses of Parliament notice of such proposal.

Vesting of
care,
control and
management
in Director.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House that it does not assent to the vesting in the Director of the care, control and management of the national park, state park or historic site the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection two of this section or if, where notice has been so given, the resolution is not passed the Minister may, by notification in the Gazette, declare that as from the date stated in the notification, the care, control and management of the national park, state park or historic site specified in the notification shall be vested in the Director.

(4) Where any such notification has been published in the Gazette the persons who, immediately before the date stated in such notification, held office as trustees or as members of the body corporate which was trustee of the national park, state park or historic site so specified shall cease to hold office and the care, control and management of the national park, state park or historic site shall thereafter be vested in the Director.

National Parks and Wildlife.

20. (1) After the commencement of this Act the reservation of any new national park, state park or historic site shall be made by Act of Parliament and not otherwise, but nothing in this subsection shall affect the operation of subsections two and three of this section.

Reservation of further national parks, state parks and historic sites.

(2) (a) Notwithstanding anything in any other Act, where Crown lands or lands of the Crown not held under lease or license or vested in or under the care, control and management of trustees either adjoin or are adjacent to a national park, state park or historic site the Minister may, by notification in the Gazette, add such lands to such park or site and such lands shall thereupon be permanently reserved as part of the park or site to which they have been so added.

(b) Lands of the Crown shall not be added to a national park, state park or historic site under this subsection unless the Minister of the Crown in whom the control is vested or the statutory body in which the lands are vested has consented to the addition.

(c) Before the Minister publishes a notification in the Gazette under this subsection, notice of the proposed addition shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such proposal has been laid before such House disallowing the proposal then the Minister shall not proceed with the addition.

(3) Upon the addition of lands to a national park, state park or historic site under subsection two of this section—

(a) subject to this Act any estate or interest in the lands so added which immediately before such addition was vested in or held by any person or body of persons other than the Crown shall be thereby divested;

(b) any dedications and reservations affecting the lands so added immediately before such addition shall be thereby revoked;

(c)

National Parks and Wildlife.

- (c) any Crown grant issued in respect of or including any part of the lands so added and subsisting immediately before such addition shall be thereby revoked insofar as it relates to such lands and the deed of grant shall be surrendered for cancellation; and
- (d) the lands so added shall to the extent they were not already Crown lands become Crown lands.

21. (1) Notwithstanding anything in any other Act the reservation of lands as a national park, state park or historic site shall not be revoked or altered and lands within a national park, state park or historic site shall not be appropriated or resumed except by an Act of Parliament: Provided that the provisions of this section shall not prevent the withdrawal of land from or the termination of any lease, license or occupancy in accordance with the terms and conditions thereof.

National parks, state parks or historic sites not to be revoked except by Act of Parliament.

(2) The following provisions shall apply to and in respect of Morton National Park :—

- (a) The Metropolitan Water Sewerage and Drainage Board constituted under the Metropolitan Water, Sewerage, and Drainage Act, 1924 (in this subsection hereinafter referred to as the "Board"), may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Morton National Park.
- (b) The site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board.
- (c) Where such site has been so determined the Governor may notwithstanding anything in subsection one of this section by notification in the Gazette revoke the reservation of Morton National Park as to so much of the lands reserved as are within such site and declare such lands to be vested in the Board and thereupon the same shall vest in the Board.

(d)

National Parks and Wildlife.

- (d) The Minister may from time to time grant to the Board such easements and licenses over lands within Morton National Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

22. (1) Except as provided in this Act the reservation of lands as a national park, state park or historic site shall not affect the terms and conditions of any authority or permit in respect of or any lease, license or occupancy of such lands from the Crown or the trustees current and in force at the time of such reservation or the use permitted of such lands under the authority, permit, lease, license or occupancy.

Existing
authority,
permit,
lease,
license or
occupancy.

(2) Subject to this section and to section twenty-four of this Act, no such authority, permit, lease, license or occupancy shall be renewed nor shall the term of any such authority, permit, lease, license or occupancy be extended except with the approval of the Minister and subject to such conditions as the Minister may determine.

(3) The provisions of subsection two of this section requiring approval of the Minister shall not apply to any authority, lease or license under the Mining Act, 1906, or the Petroleum Act, 1955.

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

Restriction
on disposal
or dealing
with lands.

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

Any

National Parks and Wildlife.

Any such permit shall be granted subject to such special conditions as the Minister may determine.

24. (1) The land within a national park, state park or historic site is hereby exempted from occupation under any miner's right or business license issued under the provisions of the Mining Act, 1906. Restrictions on mining.

(2) (a) Where application is made for the grant of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site notice of the application shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House disallowing the grant, then, notwithstanding anything in any other Act, the authority or lease shall not be granted.

(b) No extension or renewal of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site shall be granted except with the concurrence of the Minister.

(3) Except as provided in this section nothing in this Act shall affect the right, title or interest of any person or body of persons (other than the persons who are or were trustees or members of the body corporate which is or was trustee of the lands comprised or included in a national park, state park or historic site), in respect of minerals in lands within a national park, state park or historic site.

25. The Forestry Act, 1916, shall not apply to or in respect of land within a national park, state park or historic site: Restrictions as to timber. cf. Act No. 14, 1944, s. 7.

Provided that all licenses and permits under the Forestry Act, 1916, affecting land within a national park, state park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and the provisions of that Act shall continue in force for all purposes of or relating to such licenses and permits until the same respectively expire or are cancelled.

26.

National Parks and Wildlife.

26. (1) Where the Minister has published a notification under section nineteen of this Act vesting the care, control and management of any national park, state park or historic site in the Director the following provisions shall have effect :—

Transfer of
rights,
liabilities
and property.

- 5 (a) All property and all right and interest therein (in
this section referred to as the trust property) and
all management and control of any thing which
immediately before such notification was vested in
or belonged to the trustees and was held or used by
10 them for or in connection with the national park,
state park or historic site shall vest in and belong
to the Director.
- 15 (b) All moneys, liquidated and unliquidated claims
which immediately before such notification were
payable to or recoverable by the trustees or their
predecessors in relation to the national park, state
park or historic site or in the trust property or any
part thereof shall be moneys, liquidated or
20 unliquidated claims payable to or recoverable by
the Director.
- 25 (c) All suits, actions and proceedings pending im-
mediately before such notification, at the suit of or
against the trustees in relation to the national park,
state park or historic site or the trust property or
any part thereof shall respectively be suits, actions
and proceedings pending at the suit of or against
the Director.
- 30 (d) All contracts, agreements and undertakings entered
into with and all securities lawfully given to or by
the trustees or their predecessors in relation to the
national park, state park or historic site or the trust
property or any part thereof and in force im-
mediately before such notification shall be deemed to
be contracts, agreements and undertakings entered
35 into with and securities given to or by the Director.
- (e) The Director may pursue the same remedies for the
recovery of any such moneys and claims and for

the

National Parks and Wildlife.

5 the prosecution of such suits, actions and proceedings as the trustees or their predecessors might have done had they continued to be trustees of the national park, state park or historic site after such notification.

10 (f) The Director may enforce and realise any security or charge existing immediately before such notification in favour of the trustees in respect of any such moneys and claims as if such security or charge were existing in favour of the Director.

15 (g) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees or their predecessors solely relating to the national park, state park or historic site or the trust property or any part thereof shall be debts due and moneys payable by and claims recoverable against the Director.

20 (2) (a) Where part only of the lands vested in trustees is comprised within a national park, state park or historic site the care, control and management of which have been vested in the Director, the Director and the trustees shall, as soon as practicable after publication of the notification arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate
25 to the national park, state park or historic site, and to the lands retained by the trustees may be determined.

(b) If any difference arises between the Director and the trustees such difference shall be determined as the Minister may direct.

30 27. (1) Every person who immediately before the Transfer of
care, control and management of a national park, state park employees.
or historic site were vested in the Director, was an employee,
other than a casual employee, of the trustees of the lands
within such park or site and was employed by them solely in
35 connection with those lands, shall upon such vesting in the
Director become and be an employee under the Public Service
Act, 1902.

(2)

National Parks and Wildlife.

(2) The following provisions shall apply to a person referred to in subsection one of this section—

- 5 (a) such person shall unless the Public Service Board approves of employment on some other basis be employed under section forty-four of the Public Service Act, 1902;
- 10 (b) notwithstanding anything in the said Act the Public Service Board's approval to employ such person otherwise than under section forty-four of the said Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided such conditions are not inconsistent with this section;
- 15 (c) the period of service with the trustees or their predecessors of such person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or long service leave : Provided that unless the Public Service Board otherwise approves the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if the person concerned had continued to be an employee of such trustees or their predecessors;
- 20 (d) a person who becomes an employee of the Public Service under this section shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, referred to in paragraph (a) or (b) of subsection two of section 61AA of the Industrial Arbitration Act, 1940, and as last adjusted in accordance with the provisions of section 61AB of that Act until
- 25 30 35

such

National Parks and Wildlife.

such salary or wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

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

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

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

28. Any reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read and construed as a reference to the Kosciusko National Park reserved under this Act and any reference to the Kosciusko

Snowy
Mountains
Hydro-
electric
Agreements
Act, 1958.

State

National Parks and Wildlife.

State Park Trust shall be read and construed as a reference to the Kosciusko National Park Trust or, where the care, control and management of the Kosciusko National Park have been vested in the Director, to the Director.

5 29. (1) The Director shall—

Plan of
management.

- 10 (a) with respect to each of the national parks, state parks and historic sites reserved by this Act and described in the Second and Third Schedules thereto, prepare a plan of management as soon as practicable after the commencement of this Act;
- 15 (b) with respect to any national park, state park or historic site reserved after the commencement of this Act, prepare a plan of management as soon as practicable after such national park, state park or historic site has been so reserved.

(2) The plan of management in respect of each national park, state park and historic site shall contain a detailed written scheme of the operations which it is proposed to undertake in or in relation to the park or site to carry out
20 the purpose and objects of this Act.

(3) In the preparation of any plan of management regard shall be had to the following objectives—

- 25 (a) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park, state park and historic site by the public;
- 30 (b) the preservation of each national park or state park in its natural condition, the protection of the special features of the park and the conservation of wildlife therein;
- (c) the preservation of each historic site and any historic structure or object on such site;
- (d) the preservation of each national park, state park or historic site as a catchment area;

(e)

National Parks and Wildlife.

- (e) the protection of each national park, state park or historic site against fire and erosion; and
- (f) the setting apart of the whole or part of a national park or state park as a wilderness area.

5 (4) Where any lands reserved as a national park, state park or historic site are wholly or partly within a catchment area of the Metropolitan Water Sewerage and Drainage Board, or where the waters from any lands so reserved drain into a catchment area or structure of such Board—

- 10 (a) the Director shall, before submitting the plan of management for that national park, state park or historic site to the Minister, refer the same to the said Board for its information;
- 15 (b) the Minister shall before adopting such plan of management consider any representations made by the said Board.

(5) (a) Where the Director has prepared a plan of management in respect of a national park, state park or historic site he shall give notice as prescribed that the plan of management has been prepared and shall, in such notice—

- (i) specify the address of the place at which copies of the plan of management may be inspected;
- (ii) specify the address to which representations in connection with the plan of management may be forwarded.

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

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

(d)

National Parks and Wildlife.

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

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

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

(g) The Minister may amend or alter a plan of management from time to time or may cancel a plan of management and substitute a new plan of management.

(h) Where the Minister proposes to amend or
15 alter a plan of management or to cancel a plan of management and substitute a new plan of management he shall instruct the Director to prepare the amendment or alteration or the new plan of management, and the Director shall proceed to do so as soon as practicable after being so instructed.
20 The provisions of subsections two to four both inclusive of this section, and of paragraphs (a) to (f) both inclusive of this subsection shall, mutatis mutandis, apply to and in respect of such amendment or alteration or such new plan of management.

25 (6) Where the Minister has adopted a plan of management—

(a) it shall be carried out and given effect to by the trustees or the body corporate which is the trustee having the care, control and management of the
30 national park, state park or historic site concerned or by the Director where such care, control and management have been vested in the Director;

(b) no operations shall be undertaken on or in relation to a national park, state park or historic site unless
35 such operations are in accordance with the plan of management for the park or site.

(7)

National Parks and Wildlife.

(7) Where any area is set apart as a wilderness area in the plan of management of a national park or state park—

- (a) such area shall be kept and maintained in a wilderness condition;
- 5 (b) no buildings of any description or ski tows or other apparatus shall be erected or constructed thereon except simple survival huts where essential.

30. (1) The Minister may—

- 10 (a) grant leases of land within a national park, state park or historic site for the purpose of—
 - (i) the erection thereon of accommodation hotels or accommodation houses;
 - (ii) the provision thereon of facilities and amenities for tourists and visitors;
- 15 (b) grant leases of land within a national park, state park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;
- 20 (c) grant licenses to occupy or use lands within a national park, state park or historic site.

Granting
of leases
and
licenses.

(2) Any lease or license granted under this section shall be subject to such terms and conditions as the Minister may determine.

- 25 31. (1) The Minister may upon such terms as he thinks fit grant for joint or several use easements or rights of way through upon or in a national park, state park, historic site or nature reserve for the purpose of providing access to any area included in any lease or license within the park, site or
 - 30 reserve, or for the erection of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

Easements.

- 35 (2) The Minister may from time to time revoke or vary any grant under this section.

(3)

National Parks and Wildlife.

(3) Any easement or right of way over land in a national park, state park or historic site whether reserved by this Act or by a subsequent Act, which was in force immediately before the national park, state park or historic site was so reserved, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over land in a nature reserve whether dedicated before or after the commencement of this Act which was in force immediately before such commencement, in the case of a nature reserve dedicated before the commencement of this Act, or immediately before such dedication, in the case of a nature reserve dedicated after such commencement, shall continue in force and shall be deemed to have been granted under this section.

15 32. (1) Subject to any regulations the Minister may prohibit the carrying on of any trade, business or occupation within a national park, state park or historic site otherwise than by some person licensed by the Director.

Trade within a national park, state park or historic site.

20 (2) (a) The Minister may grant a franchise to any person on such terms and conditions as the Minister may determine for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park, state park or historic site.

25 (b) Any franchise granted before the commencement of this Act by the trustees of lands comprising the whole or part of any of the areas of land reserved by this Act as a national park, state park or historic site and in force immediately before such commencement, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

33. The Soil Conservation Act, 1938, shall apply to and in respect of land within a national park, state park or historic site but any experimental or research work conducted pursuant

Soil Conservation Act, 1938.

to

National Parks and Wildlife.

to section six of that Act upon land within the park or site shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

PART V.**5 FINANCE.**

34. There shall be established and kept at the Treasury National Parks and Wildlife Fund.
an account in Special Deposits Account to be called the National Parks and Wildlife Fund.

35. (1) There shall be paid into the National Parks and Wildlife Fund— Payments into the Fund.

(a) all moneys provided by Parliament for the purposes of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927;

15 (b) all moneys received in respect of—

(i) leases, licenses or occupancies within a national park, state park, historic site or nature reserve;

20 (ii) royalties, fees and charges in pursuance of any authority granted under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts;

25 (iii) franchises granted or deemed to have been granted under section thirty-two of this Act;

(iv) community service contributions;

30 (v) penalties recovered in pursuance of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts; and

(vi) sums paid pursuant to an order under subsection four of section forty-four of this Act;

(c).

National Parks and Wildlife.

- (c) Any moneys acquired by the Minister pursuant to section eight of this Act;
 - (d) any other moneys received in connection with any national park, state park, historic site or nature reserve or any proposed national park, state park, historic site or nature reserve;
 - (e) all moneys held in the Kosciusko State Park Fund; and
 - (f) all moneys held immediately before the commencement of this Act by the trustees of any land the whole of which is, by this Act, reserved as a national park, state park or historic site and so much of the moneys held immediately before such commencement by the trustees of any land part of which is, by this Act, so reserved as is appropriate to such part: Provided that the Minister may, where he considers the circumstances so warrant, approve of the retention of the whole or part of such moneys by the trustees.
- (2) Where any moneys acquired by the Minister pursuant to section eight of this Act are subject to any condition to which the Minister has agreed such moneys shall be carried to a separate account in the National Parks and Wildlife Fund and shall be applied in accordance with the conditions. Any such moneys may, pending such application, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

36. (1) No money shall be paid out of the National Parks and Wildlife Fund except under the authority of this Act. Payments out of the Fund.

(2) There may be paid out of the National Parks and Wildlife Fund—

- (a) all costs and expenses incurred by the Minister or the Director in exercising and discharging his powers, authorities, duties and functions under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

34—C (b)

National Parks and Wildlife.

- (b) all moneys allocated by the Minister for expenditure by trustees on any national park, state park or historic site;
- 5 (c) the fees, travelling and other expenses payable to members of the Council or any committee under this Act;
- (d) the cost of acquiring land for national parks, state parks, historic sites or nature reserves;
- 10 (e) the cost of improvement of any land adjoining or in the vicinity of a national park, state park, historic site or nature reserve, where in the opinion of the Minister this is desirable to provide or improve access to the park, site or reserve, or to provide or improve facilities or amenities for persons visiting
- 15 the park, site or reserve; and
- (f) all moneys which the Minister directs shall be set aside to provide a reserve for insurance.

(3) (a) The cost of acquiring land pursuant to paragraph (d) of subsection two of this section may be paid
20 before such land has been reserved as or added to a national park, state park or historic site or dedicated as a nature reserve.

(b) Any moneys set aside under paragraph (f) of the same subsection may be invested by the Minister
25 with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

37. The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or license to occupy or use land within a national park, state
30 park or historic site for the cost of providing or maintaining any community service in the park or site.

Community
service con-
tribution.

The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the con-
35 tribution on the holder of the lease or license. If the contribu-
tion is not paid by the due date the amount due shall be

increased

National Parks and Wildlife.

increased by a sum calculated at the rate of seven per centum per annum simple interest until it has been paid.

The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any 5 such holder from the payment of such a contribution.

38. Where the Director—

- (a) supplies any service, product or commodity;
- (b) grants any license to carry on a trade, business or occupation;
- 10 (c) gives any permission; or
- (d) furnishes any information,

Charges and fees.

cf. Act No. 59, 1963, s. 42.

under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or in connection with any national park, state park or historic site 15 he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him subject to the maximum (if any) prescribed.

39. Land within a national park, state park or historic site shall be exempt from rates under the Local Government Act, 1919, and such exemption shall not be affected by any lease or license of the land.

Exemption from rates.

PART VI.

GENERAL.

25 40. (1) There shall be a National Parks Advisory Committee of Architects (in this Part hereinafter referred to as the "Advisory Committee") which shall consist of seven 25 members.

Advisory Committee of Architects.

(2) One of such members shall be the person who 30 for the time being holds the office of Government Architect. The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting

of

National Parks and Wildlife.

of the Advisory Committee at which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(3) (a) The other six members shall be appointed
5 by the Minister and shall be registered architects.

(b) Of such members—

- (i) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and
- 10 (ii) one other shall be qualified as a landscape architect.

(4) Each of the members appointed pursuant to subsection three of this section shall, subject to this section, hold office for such period as may be specified in the instrument of his appointment.

15 (5) (a) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection three of this section.

(b) A member of the Advisory Committee so appointed shall be deemed to have vacated his office if he—

- 20 (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the
25 Mental Health Act, 1958;
- (iv) is removed from office by the Minister;
- (v) ceases to hold the qualification by virtue of which he was appointed.

(6) The procedure for the calling of meetings of the
30 Advisory Committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the Advisory Committee.

(7)

National Parks and Wildlife.

(7) Each member of the Advisory Committee shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(8) The Advisory Committee shall consider and
5 furnish reports to and advise the Minister or the Director upon any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, state parks, historic sites and nature reserves which may be referred to the Advisory Committee by the Minister or the
10 Director.

41. (1) If any driver of a motor vehicle in a national park, state park, historic site or nature reserve refuses to produce his driver's license and state his name and place of abode when required to do so by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf, or, when so required, states a false name or place of abode, he shall be guilty of an offence against this Act.

Driver to give his name and address when required.
cf. Act No. 5, 1909, s. 5.

(2) Where the driver of a motor vehicle is alleged
20 to be guilty of an offence against this Act or any regulation—

(a) the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, shall, when required to do so by a park ranger or other officer of the National
25 Parks and Wildlife Service duly authorised by the Director in that behalf, forthwith give information (which shall, if so required, be given in the form of a statement in writing, signed by such owner or person) as to the name and place of abode of
30 such driver, and if any such owner or person fails to do so he shall be guilty of an offence against this Act, unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained such name
35 and place of abode; and

(b)

National Parks and Wildlife.

(b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of such driver and, if he fails to do so, shall be guilty of an offence against this Act.

(3) Where a statement in writing purporting to be furnished under paragraph (a) of subsection two of this section and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act or any regulation is produced in any court in proceedings against the person named therein as the driver for such offence, the statement shall, if such person does not appear before the court, be evidence without proof of signature that he was the driver of such vehicle at such time.

42. (1) Any park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away or cause to be removed or towed away, any motor vehicle which is a danger or unreasonable obstruction to traffic, or has been abandoned in a national park, state park, historic site or nature reserve. Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose :
Provided that before seizure as aforesaid such park ranger or other officer shall—

Seizure of
motor
vehicles.

- (a) if no person is in charge of the vehicle, make reasonable inquiry for the purpose of locating the owner or driver of the vehicle;
- (b) if upon such inquiry the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request;
- (c) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

The

National Parks and Wildlife.

The inquiry referred to in paragraph (a) of this subsection shall be made in the vicinity of the place where the vehicle is found.

(2) Upon seizure of a motor vehicle under this section the Director shall—

(a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to such owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded;

(b) where the name and address of the owner of the vehicle are not so recorded—

(i) within a period of fourteen days after the seizure send or cause to be sent to such owner if he can, after reasonable inquiry, be located a notice setting out the particulars aforesaid;

(ii) if such owner cannot, after reasonable inquiry, be located, cause a notice setting out the like particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(3) Except in the case of a motor vehicle which is dealt with under the provisions of subsection four of this section, the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section—

(a) the application for the release shall be made by the owner of the motor vehicle or by a person acting for or on behalf of such owner to an officer-in-charge of the place at which the vehicle is kept or impounded (hereinafter referred to as the “officer-in-charge”);

(b)

National Parks and Wildlife.

- (b) the applicant shall furnish evidence as to the ownership of the motor vehicle to the satisfaction of the officer-in-charge;
- 5 (c) the motor vehicle shall not be released from custody unless—
 - (i) the officer-in-charge is satisfied that the applicant is the owner of the motor vehicle or that he possesses authority to act for and on behalf of such owner;
 - 10 (ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of such motor vehicle has been paid to the
 - 15 officer-in-charge;
 - (iii) the applicant has signed a receipt for the delivery of the motor vehicle on a form supplied to him by the officer-in-charge.
- (4) If within a period of three months after the date
- 20 upon which the motor vehicle has been seized the owner has failed to claim the motor vehicle and to pay the amount referred to in subparagraph (ii) of paragraph (c) of subsection three of this section, the motor vehicle may, after the expiration of such period, be disposed of or destroyed in
- 25 accordance with the directions of the Director.

43. For the purpose of impounding any stock trespassing Impounding.
 on a national park, state park, historic site or nature reserve the Director shall be deemed to have all the rights as are by law conferred upon occupiers. An impounding by the Director
 30 may be effected by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf or by any person authorised to impound stock trespassing on Crown lands.

44. (1) Any penalty imposed by this Act or the regula- Penalties.
 35 tions may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

(2)

National Parks and Wildlife.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

5 (3) Any person who is guilty of an offence against this Act shall where no other penalty is expressly provided be liable to a penalty not exceeding one hundred dollars for every such offence.

10 (4) Where any person is convicted of an offence against this Act which results in or causes loss or damage to any national park, state park, historic site or nature reserve or to any structure or improvements thereon, the magistrate or justices before whom he was convicted may order payment of such sum as he or they shall think fit by way of compensation for such loss or damage. cf. Act No. 7, 1913, s. 254

Any such order shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

45. (1) Any charge, fee or money due to the Director Recovery of charges, etc.
20 under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction.

(2) Proceedings for the recovery of any charge, fee or money so due to the Director shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—
25

(a) section twenty-four of the Common Law Procedure Act, 1899;

(b) section sixty-four of the District Courts Act, 1912;

30 (c) section twenty-five of the Small Debts Recovery Act, 1912.

46. (1) Any legal proceedings to recover a penalty or Proceedings.
any charge, fee or money due under the provisions of this Act or the regulations may be taken by any person duly authorised by the Director in that behalf, either generally or in any
35 particular case.

(2)

National Parks and Wildlife.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of such authority without proof of the Director's signature.

5 (3) Any person or any officer of the National Parks and Wildlife Service duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised such person or officer
10 has ceased to hold office as Director : Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

47. In any proceedings for an offence against this Act or the regulations the averment that any lands in question form
15 part of a national park, state park, historic site or nature reserve shall be sufficient without proof of that fact unless the defendant proves to the contrary. Evidence of offence.

48. Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially pro-
20 vided, be given in any one of the following ways— Service of notices.

- (a) personally to the person to whom the notice is addressed ; or
- (b) by letter sent through the post by certified mail and directed to the last known place of abode or business in New South Wales of the person to whom the
25 notice is addressed.

49. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which, by this Act, are required or permitted to be prescribed or which are
30 necessary or convenient to be prescribed for carrying out or giving effect to this Act. Regulations.

(2)

National Parks and Wildlife.

(2) Without prejudice to the generality of the power conferred by subsection one of this section, the Governor may make regulations for or with respect to—

- 5 (a) any of the powers conferred on or duties imposed upon the Director, the Council, local committees, or the Advisory Committee;
- (b) the regulation of the use and enjoyment of national parks, state parks and historic sites;
- 10 (c) the securing of decency and order in national parks, state parks and historic sites;
- (d) the removal of trespassers and other persons causing annoyance or inconvenience in national parks, state parks and historic sites;
- 15 (e) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, national parks, state parks and historic sites;
- (f) the regulation and the control of the taking of animals into national parks, state parks and historic sites or the permitting or suffering of animals to be
20 in such parks and sites;
- (g) the regulation, control or prohibition of parking, camping or residing in a national park, state park or historic site, the making of charges for such camping, parking or residing and the collecting and
25 receiving of such charges by the Minister or by other persons;
- (h) the preservation or protection of, or prevention of damage to trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative
30 cover in national parks, state parks and historic sites;
- (i) the conditions under which trees or timber may be cut or removed from national parks, state parks and historic sites and the amount of royalties, fees and
35 charges payable in respect thereof;

(j)

National Parks and Wildlife.

- 5 (j) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a national park, state park or historic site, or the removal of such substance from such a park or site and the amount of royalties, fees and charges payable in respect thereof;
- 10 (k) the preservation or protection of any animals, birds, and any other fauna of any nature whatsoever and whether natural or introduced in national parks, state parks and historic sites;
- 15 (l) the making of charges or entrance fees for persons, clubs, or associations or for vehicles using or entering a national park, state park or historic site, or any specified part of such a park or site, or any public or other road traversing or bounding such a park or site or part, and the collecting and receiving of such charges and fees by the Director or by other persons;
- 20 (m) the reservation of any portion of a national park, state park or historic site for such separate or exclusive use as the regulations may prescribe;
- 25 (n) the closing of a national park, state park or historic site or parts of such a park or site and the conditions to be observed with regard thereto;
- 30 (o) the regulation, control or prohibition of private trading in a national park, state park or historic site;
- 35 (p) the use of roads, tracks, trails and other ways within a national park, state park or historic site and the circumstances under which such roads, tracks, trails and other ways shall be open or may be closed to public traffic or use;
- (q) the powers and duties of superintendents, rangers and other officers appointed for a national park, state park or historic site;
- (r) the forms or other documents required for the purposes of this Act;

(s)

National Parks and Wildlife.

- (s) the procedure for the calling of meetings of the Council, local committees or the Advisory Committee and the conduct of business at such meetings;
- 5 (t) the regulation of the use of motor vehicles, over-snow vehicles, aircraft, boats or any other vehicle and the conditions under which they may be used in a national park, state park or historic site;
- 10 (u) the regulation of the speed of motor vehicles, over-snow vehicles, boats or any other vehicle in a national park, state park or historic site;
- (v) the regulation, control or prohibition of the erection of buildings, signs or other structures in a national park, state park or historic site;
- 15 (w) the protection of buildings, structures, signs and other improvements in national parks, state parks and historic sites;
- (x) the regulation, control or prohibition of exotic plants in national parks, state parks and historic sites;
- 20 (y) the collection of scientific specimens (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and pursuit of research in national parks, state parks and historic sites;
- 25 (z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in national parks, state parks and historic sites.
- (3) A regulation may—
- 30 (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed one hundred dollars; and
- (b) impose also a daily penalty for any continuing breach thereof not exceeding ten dollars per day.

(4)

National Parks and Wildlife.

(4) Regulations may be made to apply generally to all national parks, state parks and historic sites or may be limited to any national park, state park or historic site specified in the regulations and unless so limited shall be taken
5 to apply generally to all national parks, state parks and historic sites. Where any provision of a regulation made to apply to any specified national park, state park or historic site is inconsistent with a provision of any regulation relating to national parks, state parks and historic sites generally such
10 firstmentioned provision shall prevail.

(5) In this section the word "animal" does not include fish, within the meaning of the Fisheries and Oyster Farms Act, 1935.

(6) Regulations shall—

- 15 (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- 20 (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days
25 after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

National Parks and Wildlife.

PART VII.

AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE
WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT,
1927, AND CERTAIN OTHER ACTS.

- 5 **50.** (1) The Fauna Protection Act, 1948–1965, is amended— Amendment
of Act No.
47, 1948.
- (a) by omitting from the matter relating to Part III in Sec. 2.
(Division
into Parts.)
section two the words “FAUNAL RESERVES” and
by inserting in lieu thereof the words “NATURE
10 RESERVES”;
- (b) (i) by omitting from section four the definition of Sec. 4.
(Defini-
tions.)
“Chief Guardian”;
- (ii) by inserting in the same section next after the
definition of “Court” the following new
15 definition : —
“Director” means the Director of National
Parks and Wildlife appointed under
the National Parks and Wildlife Act,
1967.
- 20 (iii) by omitting from the same section the
definition of “Panel”;
- (c) by omitting section five; Sec. 5.
(Fauna
Protection
Panel.)
- (d) by omitting section six and by inserting in lieu Subst.
sec. 6.
thereof the following section : —
- 25 6. (1) The Director shall be the authority for Powers and
functions
of the
Director.
the protection and care of fauna.
- (2) The Director shall—
- (a) engage in such educational activities as he
considers necessary to awaken and maintain
30 an appreciation of the value of bird and
animal life;
- (b) have the care, control and management of
nature reserves;

(c)

National Parks and Wildlife.

- 5 (c) co-operate with the trustees of any land reserved by the Minister for Lands for the preservation of fauna or the promotion of the study of fauna and generally co-operate with any other persons or bodies in the care and development of reserves for fauna;
- (d) form or approve the formation of local faunal societies;
- 10 (e) conduct scientific or biological research in connection with the protection and care of fauna either separately or in conjunction with other scientific organisations; and
- 15 (f) exercise and discharge the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.
- (3) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.
- 20 (e) by omitting section seven;
- Sec. 7.
(Chief
Guardian
of Fauna.)
- (f) by inserting at the end of section eight the words "Any persons so appointed and employed at the commencement of the National Parks and Wildlife Act, 1967, or so appointed and employed after such commencement shall be officers and employees of the National Parks and Wildlife Service under such Act.";
- 25 (g) by omitting from the heading to Part III the words "FAUNAL RESERVES" and by inserting in lieu thereof the words "NATURE RESERVES";
- Sec. 8.
(Officers
and em-
ployees.)
- 30 (h) (i) by omitting from section nine the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- Part III.
(Heading.)
- (ii) Sec. 9.
(Dedica-
tion of
areas for
protection,
care, etc.,
of fauna.)

National Parks and Wildlife.

- (ii) by omitting from subsection one of the same section the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- 5 (iii) by omitting from the same section the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- 10 (iv) by inserting at the end of the same section the following new subsection :—
- 15 (7) Any Crown lands which were dedicated as a faunal reserve before the commencement of the National Parks and Wildlife Act, 1967, the dedication of which is in force at such commencement, shall, from and after such commencement, be deemed to be lands dedicated under this section as a nature reserve.
- 20 (i) (i) by omitting from section ten the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve"; Sec. 10. (Restriction on operation of Mining Act, 1906-1946.)
- 25 (ii) by omitting from subsection two of the same section the word "panel" and by inserting in lieu thereof the word "Director";
- (iii) by omitting from the same subsection the word "it" and by inserting in lieu thereof the word "he";
- 30 (j) by omitting from subsection one of section eleven the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve"; Sec. 11. (Restrictions as to timber.)
- (k) (i) by omitting from subsection one of section twelve the word "panel" and by inserting in lieu thereof the word "Director"; Sec. 12. (Prohibition on taking or killing fauna within faunal reserves.)
- 34—D (ii)

National Parks and Wildlife.

- (ii) by omitting from the same subsection the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- 5 (l) (i) by omitting from section thirteen the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- 10 (m) (i) by omitting from section fourteen the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- 15 (n) by omitting from section 23A the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- 20 (o) (i) by omitting from subsection one of section twenty-four the words "conditional purchase inspectors" and by inserting in lieu thereof the words "field officers of the Department of Lands, and officers of the National Parks and Wildlife Service";
- 25 (ii) by omitting from subsection two of the same section the words "The Minister may, by notice in the Gazette," and by inserting in lieu thereof the words "The Director may";
- 30 (p) by omitting from subsection one of section 26A the word "panel" and by inserting in lieu thereof the word "Director";

Sec. 13.
(Restrictions on disposal or dealing with land within faunal reserves.)

Sec. 14.
(Soil Conservation Act, 1938.)

Sec. 23A.
(Wildlife refuges and game reserves.)

Sec. 24.
(Rangers.)

Sec. 26A.
(Game licenses.)

(q)

National Parks and Wildlife.

- (q) by omitting from section twenty-seven the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 27.
(Persons taking or killing fauna for sale.)
- 5 (r) by omitting from section thirty the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 30.
(Recovery of royalties.)
- 10 (s) by omitting from section thirty-one the words "the Chief Guardian or any officer of the panel authorised by the panel" and by inserting in lieu thereof the words "the Director or any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 31.
(Chief Guardian and officers may take fauna.)
- 15 (t) by omitting from subsection one of section thirty-four the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 34.
(Powers of entry and seizure by Chief Guardian, rangers, officers, etc.)
- 20 (u) (i) by omitting from section thirty-five the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 35.
(Further powers of Chief Guardian, rangers, etc.)
- 25 (ii) by omitting from subsection two of the same section the words "Chief Guardian" and by inserting in lieu thereof the word "Director";
- 30 (v) by omitting from section thirty-six the words "Chief Guardian, any officer or employee of the panel" and by inserting in lieu thereof the words "Director, any officer or employee of the National Parks and Wildlife Service"; Sec. 36.
(Assaulting or resisting officers, etc.)

(w)

National Parks and Wildlife.

- (w) (i) by omitting from paragraph (b) of subsection two of section forty-three the word "panel" and by inserting in lieu thereof the words "National Parks and Wildlife Service";
- 5 (ii) by omitting paragraph (c) of the same subsection;
- (iii) by omitting from paragraph (d) of the same subsection the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- 10 (iv) by omitting from paragraph (k) of the same subsection the words "Chief Guardian and officers of the panel" and by inserting in lieu thereof the words "Director and officers and employees of the National Parks and Wildlife Service, and";
- 15 (v) by omitting from subsection four of the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director".
- 20

(2) Upon and from the commencement of the National Parks and Wildlife Act, 1967, the following provisions shall have effect :—

- (a) The persons holding office as members of the Fauna Protection Panel immediately before such commencement shall cease to hold such office and the Panel shall be dissolved.
- 25
- (b) The person holding office as Chief Guardian of Fauna immediately before such commencement—
- 30 (i) shall cease to be Chief Guardian of Fauna;
- (ii) shall be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service at a salary not lower than that which he then received as Chief Guardian of Fauna;
- 35

(iii)

National Parks and Wildlife.

5 (iii) shall retain any rights which, at such commencement, have accrued or are accruing to him under the Superannuation Act, 1916, or any amendment thereof, and shall continue to contribute to any fund or account and shall be entitled to receive any payment or pension as an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof;

10 (iv) shall be entitled to receive any annual, sick, deferred and extended leave which have accrued or are accruing to him.

15 (c) Any license or registration certificate issued by the Fauna Protection Panel and in force immediately before such commencement shall, as from such commencement, have effect as if issued by the Director.

20 (3) Any act, matter or thing done under the Fauna Protection Act, 1948–1965, before the commencement of this Act, and in force or having effect at such commencement, shall, from and after such commencement have the same force and effect as if done under that Act as amended by this Act.

25 (4) The Fauna Protection Act, 1948, as amended Citation. by subsequent Acts and by this Act, may be cited as the Fauna Protection Act, 1948–1967.

51. (1) The Wild Flowers and Native Plants Protection Act, 1927–1965, is amended— Amendment of Act No. 2, 1927.

30 (a) by inserting in section two before the definition of “Native plant” the following new definition : — Sec. 2. (Definitions.)

“Director” means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(b)

National Parks and Wildlife.

- (b) by inserting next after the same section the following new section : — New sec. 2A.
- 2A. (1) The Director shall be the authority for the protection of wild flowers and native plants. Powers and functions of the Director.
- (2) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.
- 10 (c) by omitting from section 5A the word "Minister" and by inserting in lieu thereof the word "Director"; Sec. 5A. (Licenses to pick for scientific purposes.)
- (d) (i) by omitting from subsection one of section 5B the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director"; Sec. 5B. (Suspected person to give name and place of abode.)
- (ii) by omitting from subsection two of the same section the word "Minister" wherever occurring and by inserting in lieu thereof the word "Director";
- 20 (e) by omitting from section 5c the word "Minister" and by inserting in lieu thereof the word "Director"; Sec. 5c. (Honorary rangers.)
- (f) by omitting from paragraph (a) of section 5d the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director"; Sec. 5d. (Destruction, defacing or removal of notices.)
- 25 (g) by inserting in subsection four of section nine after the word "Minister" the words "or the Director". Sec. 9. (Regulations.)
- (2) (a) Any license issued by the Minister under the Wild Flowers and Native Plants Protection Act, 1927-1965, and in force immediately before the commencement of this
- 30 Act shall, as from such commencement, have effect as if issued by the Director.

(b)

National Parks and Wildlife.

(b) Any appointment of an honorary ranger made by the Minister under the Wild Flowers and Native Plants Protection Act, 1927–1965, and in force immediately before the commencement of this Act shall continue in force
5 as if made by the Director.

(3) The Wild Flowers and Native Plants Protection Citation. Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927–1967.

10 **52.** The Liquor Act, 1912, as amended by subsequent Acts, is amended— Amendment of Act No. 42, 1912.

- (a) by omitting from paragraph (a) of subsection two of section one hundred and sixty-eight the words “Kosciusko State Park” and by inserting in lieu
15 thereof the words “Kosciusko National Park”; Sec. 168 (2). (Licenses for accommodation hotels and accommodation houses within parks and reserves.)
- (b) by inserting in paragraph (c) of the same subsection after the word “nature” the words “and includes a national park, state park or historic site under the National Parks and Wildlife Act, 1967”.

20 **53.** (1) The Main Roads Act, 1924–1965, is amended by omitting subsection two of section three and by inserting in lieu thereof the following subsection :— Amendment of Act No. 24, 1924. Sec. 3. (Interpretation.)

(2) Where—

- (a) any road which passes through a public reserve and connects with a main road has, although the
25 same is not a public road, been, or is proposed to be, proclaimed to be a main road; or
- (b) any road which is not a public road but is within a public reserve has been, or is proposed to be,
30 proclaimed as a tourist road,

then

National Parks and Wildlife.

then in the application of any provision of this Act to or in respect of any such road, unless the context or subject matter otherwise indicates or requires—

(i) a reference to the council shall—

5 (a) in the case of a public reserve other than a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the
10 trustees of such public reserve;

(b) in the case of a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to
15 the Director of National Parks and Wildlife appointed under that Act; and

(ii) a reference to the area of the council shall be construed as a reference to such public reserve.

(2) The Main Roads Act, 1924, as amended by
20 subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924–1967.

54. (1) The National Trust of Australia (New South Wales) Act, 1960, is amended by omitting paragraph (b) of subsection four of section nine and by inserting in lieu thereof
25 the following paragraph :—

(b) one shall be appointed by the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

Amendment
of Act
No. 10,
1960.
Sec. 9.
(Constitu-
tion of the
Council,
other than
the first
Council.)

(2) The councillor of the Council of The National
30 Trust of Australia (New South Wales) who was appointed by the Fauna Protection Panel and who held office as councillor immediately before the commencement of the National Parks and Wildlife Act, 1967 shall, notwithstanding the
dissolution

National Parks and Wildlife.

dissolution of the Fauna Protection Panel, and the amendment by subsection one of this section of The National Trust (New South Wales) Act, 1960, continue to hold such office for the period defined by or under that Act.

- 5 (3) The National Trust of Australia (New South Wales) Act, 1960, as amended by subsequent Acts and by this Act, may be cited as The National Trust of Australia (New South Wales) Act, 1960-1967.

55. (1) The Mining Act, 1906-1965, is amended—

- 10 (a) by inserting at the end of section twenty-eight the following new subsection :—

Amendment
of Act No.
49, 1906.

Sec. 28.

(Applicant
may mine
upon land.)

- 15 (2) The consent of the Minister under paragraph (a) of subsection one of this section shall not be granted in respect of land within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, unless and until notice of the application for a lease has been laid before both Houses of Parliament as required by subsection two of section twenty-four of that Act, and
20 unless either—

- (a) no notice of a resolution disallowing the application has been given within the time specified in such subsection; or
25 (b) where notice has been so given no such resolution has been passed.

- (b) by inserting at the end of subsection two of section 83D the words "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained."
- 30

Sec. 83D.
(Restriction
on rights of
holders of
licenses
over cer-
tain lands.)

- (2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1967.

National Parks and Wildlife.

56. (1) The Petroleum Act, 1955-1965, is amended by inserting at the end of subsection two of section forty-six the words "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained." (Amendment of Act No. 28, 1955. Sec. 46. (Restriction on rights of holders of licences and leases over certain lands.)
- (2) The Petroleum Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Petroleum Act, 1955-1967.

10 FIRST SCHEDULE.

Sec. 14.

- Kosciusko State Park Act, 1944, No. 14.
 Kosciusko State Park (Amendment) Act, 1947, No. 26.
 Kosciusko State Park (Amendment) Act, 1952, No. 57.
 Ku-ring-gai Chase Act, 1961, No. 43.
- 15 Kosciusko State Park (Amendment) Act, 1963, No. 45.

SECOND SCHEDULE.

Secs. 15 and 17.

(Trustees not appointed.)

FIRST PART.

NATIONAL PARKS.

20 *Dharug National Park.*

All that piece or parcel of land containing about 29,000 acres situate in the County of Northumberland, Parishes of Mangrove and Spencer and being the area shown by red edge (in two parts) on plan catalogued Ms. 7758 Md., in the Department of Lands.

25 *Kinchega National Park.*

All that piece or parcel of land containing about 87,100 acres situate in the Counties of Menindee and Tandora and being the area shown by red edge (in four parts) on plan catalogued M. 116-1814 in the Department of Lands.

30 SECOND PART.

STATE PARK.

Mount Warning State Park.

- All that piece or parcel of land containing about 5,230 acres situate in the County of Rous, Parishes of Burrell and Wollumbin and being the area shown by red edge on plan catalogued Ms. 4339 Gfn., in the Department of Lands.
- 35

THIRD

National Parks and Wildlife.

THIRD PART.

HISTORIC SITES.

Bare Island.

5 All that piece or parcel of land containing 3 acres 1 rood 28 perches situate in the County of Cumberland, Parish of Botany and being portion 5111 shown by red edge on plan catalogued Ms. 20220 Sy., in the Department of Lands.

Hill End.

10 All that piece or parcel of land as to the surface thereof and to a depth of 50 feet below the surface containing about 68 acres situate in the County of Wellington, Parish of Tambaroora, Village and Suburban Lands of Hill End and shown by red edge, exclusive of the parts hatched black, on plan catalogued Ms. 4136 Oe., in the Department of Lands.

15 *Mootwingee.*

All that piece or parcel of land containing about 1,200 acres situate in the County of Mootwingee, Parish of Nootumbulla and shown by red edge on plan catalogued M. 88-2177 in the Department of Lands.

20 THIRD SCHEDULE.

Secs. 15
and 18.

(Trustees appointed.)

FIRST PART.

NATIONAL PARKS.

Blue Mountains National Park.

25 All that piece or parcel of land containing about 243,000 acres situate in the County of Cook and being the area shown by red edge (in two parts) on plan catalogued Ms. 20293 Sy., in the Department of Lands, exclusive of Main Road No. 184 and public roads within the external boundaries of the said 243,000 acres.

30 *Brisbane Water National Park.*

All that piece or parcel of land containing about 16,500 acres situate in the County of Northumberland, Parishes of Patonga and Narara and being the area shown by red edge on plan catalogued Ms. 7611 Md., in the Department of Lands, inclusive of the strip of land lying between low-water mark and high-water mark of Hawkesbury River extending from portion 97, Parish of Patonga, to Reserve No. 66087 from Sale for Public Recreation and Preservation of

Native

National Parks and Wildlife.

Native Flora notified 26th June, 1936, exclusive of Main Road No. 349, public road to Pearl Beach from Main Road No. 349 and railway lands and Railway Reserve No. 40413 within the external boundaries of the said 16,500 acres.

5 *Gibraltar Range National Park.*

- All that piece or parcel of land containing about 38,000 acres situate in the Counties of Drake and Clive, Parishes of Dandahra, Puhoi, Cooraldooral, Richmond, Albert, Binny and Moogem and being the area shown by red edge (in two parts) on plan catalogued
10 Ms. 4210 Gfn., in the Department of Lands, exclusive of Gwydir State Highway No. 12 and reserves under pastures protection board control within the external boundaries of the said 38,000 acres.

Kosciusko National Park.

- All that piece or parcel of land containing about 1,322,000 acres
15 situate in the Counties of Buccleuch, Cowley, Selwyn, Wallace and Wellesley and being the area shown by red edge on plan catalogued Ms. 5020 Gbn., in the Department of Lands, exclusive of any freehold land or land held under lease or license from the Crown (other than a snow lease, permissive occupancy or lease granted
20 under subsection three of section eleven of the Kosciusko State Park Act, 1944-1965), any reserve under the control of a pastures protection board, any reserve for commonage, cemetery, cemetery purposes or general cemetery, The Snowy Mountains Highway and any land within the boundaries of the Villages of Kiandra, Ravine or
25 Yarrangobilly within the external boundaries of the said 1,322,000 acres.

Ku-ring-gai Chase National Park.

- All that piece or parcel of land containing about 35,300 acres situate in the County of Cumberland, Parishes of Broken Bay, Cowan,
30 Narrabeen and South Colah and being the area shown by red edge on plan catalogued Ms. 20305 Sy., in the Department of Lands, inclusive of the beds of Cowan Water and its tributaries and of The Basin, Pittwater, exclusive of proposed Sydney-Newcastle Expressway, public roads, main roads and the Pacific Highway within the external
35 boundaries of the said 35,300 acres.

Morton National Park.

- All that piece or parcel of land containing about 45,000 acres situate in the Counties of Camden and St Vincent, Parishes of Caoura, Meryla, Burrawang, Yarrunga, Moollattoo, Tallowal and Yalwal and
40 being the area shown by red edge (in two parts) on plan catalogued Ms. 5023 Gbn., in the Department of Lands, exclusive of Main Road No. 261 and public road within the external boundaries of the said 45,000 acres.

Mount

National Parks and Wildlife.

Mount Kaputar National Park.

All that piece or parcel of land containing about 35,200 acres situate in the Counties of Courallie, Jamison, Murchison and Nandewar, Parishes of Bombell, Terrerree, Cowinmangarah, Paleroo, 5 Rusden, Coryah and Ningadhun and being the area shown by red edge (in three parts) on plan catalogued Ms. 1865 Me., in the Department of Lands, exclusive of the public road within the external boundaries of the said 35,200 acres.

New England National Park.

10 All that piece or parcel of land containing about 56,400 acres situate in the Counties of Raleigh, Dudley, Clarke and Fitzroy, Parishes of Dingle, Waverley, Raleigh, Cliffs, Comara, Wolseley, Lookout and Ernani and being the area shown by red edge on plan catalogued Ms. 2664 Ae., in the Department of Lands.

15 *Royal National Park.*

All that piece or parcel of land containing about 36,700 acres situate in the County of Cumberland, Parishes of Sutherland, Heathcote, Wattamolla and Bulgo and being the area shown by red edge on plan catalogued Ms. 20301 Sy., in the Department of Lands, 20 inclusive of the beds of streams, exclusive of Royal National Park Railway Line, Princes Highway, Main Road No. 393, and public roads within the external boundaries of the said 36,700 acres.

Warrumbungle National Park.

25 All that piece or parcel of land containing about 15,400 acres situate in the Counties of Gowen and Leichhardt, Parishes of Caraghnan, Naman and Elongery and being the area shown by red edge on plan catalogued Ms. 2240 Do., in the Department of Lands, exclusive of Developmental Road No. 1269 and public roads within the external boundaries of the said 15,400 acres.

30 **SECOND PART.**

STATE PARKS.

Barangary State Park.

35 All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrawa and being the area shown by red edge on plan catalogued Ms. 5017 Gbn., in the Department of Lands, exclusive of Main Road No. 263 within the external boundaries of the said 1,970 acres.

Bouddi

National Parks and Wildlife.

Bouddi State Park.

All that piece or parcel of land containing about 1,310 acres situate in the County of Northumberland, Parish of Kincumber and being the area shown by red edge (in two parts) on plan catalogued
5 Ms. 7607 Md., in the Department of Lands.

Bundanoon State Park.

All that piece or parcel of land containing about 3,330 acres situate in the County of Camden, Parishes of Bundanoon and Meryla and being the area shown by red edge (in two parts) on plan catalogued
10 Ms. 5018 Gbn., in the Department of Lands.

Dorrigo State Park.

All that piece or parcel of land containing about 3,870 acres situate in the County of Raleigh, Parishes of Vautin and Never Never and being the area shown by red edge on plan catalogued Ms. 4338 Gfn.,
15 in the Department of Lands, exclusive of Trunk Road No. 76 within the external boundaries of the said 3,870 acres.

Gloucester Tops State Park.

All that piece or parcel of land containing 3,832 acres situate in the County of Gloucester, Parishes of Wawgan, Evans and Beean
20 Beean and being the area shown by red edge on plan catalogued Ms. 7794 Md., in the Department of Lands.

Heathcote State Park.

All that piece or parcel of land containing about 3,900 acres situate in the County of Cumberland, Parish of Heathcote and being the
25 area shown by red edge on plan catalogued Ms. 20237 Sy., in the Department of Lands, exclusive of public road and Main Road No. 512 within the external boundaries of the said 3,900 acres.

THIRD PART.

HISTORIC SITES.

30

Captain Cook's Landing Place.

All that piece or parcel of land containing about 700 acres situate in the County of Cumberland, Parish of Sutherland and being the area shown by red edge on plan catalogued Ms. 20239 Sy., in the Department of Lands.

La Perouse

National Parks and Wildlife.

La Perouse Monuments.

All that piece or parcel of land containing about 19 acres situate in the County of Cumberland, Parish of Botany and shown by red edge (in two parts) on plan catalogued Ms. 20240 Sy., in the
5 Department of Lands.

Vaocluse House.

All that piece or parcel of land containing 19 acres 0 roods 38 $\frac{1}{2}$ perches situate in the County of Cumberland, Parish of Alexandria and being the area marked B in plan catalogued Ms. 3217 Sy., in
10 the Department of Lands.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1967
[55c]

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 35, 1967.

An Act to reserve certain national parks, state parks and historic sites, and to provide for the reservation of further national parks, state parks and historic sites; to make provision for and with respect to the development, use and preservation of, and the care, control and management of national parks, state parks and historic sites; to provide for the appointment of a Director of National Parks and Wildlife and of a National Parks and Wildlife Service and of a National Parks and Wildlife Advisory Council and of a National Parks Advisory Committee of Architects; and to define the powers, authorities, duties and functions to be exercised by them respectively; to abolish the Fauna Protection Panel and the office of Chief Guardian

National Parks and Wildlife.

Guardian of Fauna, and to transfer their respective functions to the National Parks and Wildlife Service and the Director of National Parks and Wildlife; for these and other purposes to amend the Fauna Protection Act, 1948, the Wild Flowers and Native Plants Protection Act, 1927, and certain other Acts in certain respects; to repeal the Kosciusko State Park Act, 1944, the Kosciusko State Park (Amendment) Act, 1947, the Kosciusko State Park (Amendment) Act, 1952, the Kosciusko State Park (Amendment) Act, 1963, and the Ku-ring-gai Chase Act, 1961; and for purposes connected therewith. [Assented to, 4th September, 1967.]

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

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "National Parks and Wildlife Act, 1967".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division
into Parts.

2. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—ss. 1–3.

PART II.—NATIONAL PARKS AND WILDLIFE SERVICE
—ss. 4–8.

PART

National Parks and Wildlife.

PART III.—NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES—
ss. 9–12.

PART IV.—NATIONAL PARKS, STATE PARKS AND HISTORIC SITES—ss. 13–33.

PART V.—FINANCE—ss. 34–39.

PART VI.—GENERAL—ss. 40–49.

PART VII.—AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT, 1927, AND CERTAIN OTHER ACTS—ss. 50–56.

SCHEDULES.

3. (1) In this Act, unless the context or subject matter **Definitions.** otherwise indicates or requires—

“Community service” includes the supply or provision of access roads, parking areas, water, sewerage and garbage disposal service.

“Council” means the National Parks and Wildlife Advisory Council constituted under this Act.

“Crown lands” means Crown lands within the meaning of the Crown Lands Consolidation Act, 1913.

“Director” means the Director of National Parks and Wildlife appointed under this Act.

“Historic site” means lands reserved under this Act or by a subsequent Act as an historic site for the purposes of this Act.

“Lands of the Crown” means lands vested in a Minister of the Crown or in a statutory body.

“National park” means lands reserved under this Act or by a subsequent Act as a national park for the purposes of this Act.

“Nature

National Parks and Wildlife.

"Nature reserve" means lands dedicated as a nature reserve under the Fauna Protection Act, 1948.

"Regulations" means regulations made under this Act.

"State park" means lands reserved under this Act or by a subsequent Act as a state park for the purposes of this Act.

"Wildlife" means fauna within the meaning of the Fauna Protection Act, 1948, and native plants and wild flowers within the meaning of the Wild Flowers and Native Plants Protection Act, 1927.

(2) In this Act (Part VII excepted) a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and any Act passed in substitution for the Act referred to or incorporating any of its provisions.

PART II.

NATIONAL PARKS AND WILDLIFE SERVICE.

Director. 4. (1) The Governor may appoint a Director of National Parks and Wildlife.

(2) The Director shall subject to this Act, hold office for such period as may be specified in the instrument of appointment, and shall if otherwise qualified be eligible for reappointment from time to time for such further period or periods as the Governor may appoint.

(3) The salary of the Director shall be fixed by the Governor.

(4) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to the provisions of that Act during his term of office.

(5) A person who is of or above the age of sixty-five years shall not be appointed as Director.

(6)

National Parks and Wildlife.

(6) The Director shall cease to hold office on the day upon which he attains the age of sixty-five years.

(7) The Director shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) is removed from office by the Governor.

(8) Any person appointed as Director who at the date of such appointment is an officer of the Public Service, shall, if he ceases to be Director be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as Director.

(9) Nothing in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916.

(10) Any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916, appointed as Director shall continue to contribute to any fund or account and be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, and for such purpose his service as Director shall be deemed to be service for the purpose of such Acts.

(11)

National Parks and Wildlife.

(11) The Director shall have the powers, authorities, duties and functions conferred upon him by this Act, and by the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

(12) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions, be subject to the control and direction of the Minister.

**National
Parks and
Wildlife
Service.**

5. (1) The Governor may under and subject to the provisions of the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for the administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

Without prejudice to the generality of the foregoing provisions of this subsection the persons so employed may include persons formerly employed by trustees of national parks, state parks and historic sites where by this Act such persons are directed to be employed in the Public Service.

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

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

(4) The Director and the officers, employees and servants engaged in the administration of this Act are in this Act referred to as the "National Parks and Wildlife Service".

National Parks and Wildlife.

6. (1) The National Parks and Wildlife Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks, state parks and historic sites and for the conservation of nature reserves and wildlife.

Powers and functions of National Parks and Wildlife Service.

(2) The Director shall in the case of any national park, state park or historic site the care, control and management of which have been vested in the Director and may in any other case—

- (a) promote such educational activities as he considers necessary in respect of such national park, state park or historic site; and
- (b) arrange for the carrying out of works for or in connection with the management and maintenance of such national park, state park or historic site.

(3) The Director shall investigate proposals for the addition of areas to any national park, state park or historic site or for the reservation of any new national park, state park or historic site.

(4) For the purpose of any such proposals as are referred to in subsection three of this section the Director shall have regard to the following principles—

- (a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural features;
- (b) the areas to be reserved as state parks are large areas containing unique or outstanding scenery or natural features but substantially less spacious than areas reserved as national parks;
- (c) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance.

7. (1) The Minister may, by writing under his hand, delegate to the Director or to any such officer or employee as is hereinafter mentioned and the Director with the approval of the Minister, may by writing under his hand delegate to any

Power to delegate.

National Parks and Wildlife.

any officer or employee of the National Parks and Wildlife Service or of any Government Department in respect of which an arrangement has been made under subsection two of section five of this Act for the use of the services of such officer or employee, any power, authority, duty or function (other than the power of delegation) vested in him under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

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

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

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

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

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

(7)

National Parks and Wildlife.

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

(8) A statutory declaration by the delegate stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered or at any time after, shall be taken to be conclusive proof of such non-revocation at the time when such act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of such revocation.

8. (1) The Minister shall have power to acquire by gift Power of Minister to accept gifts, etc. inter vivos, devise or bequest, any property for the purpose of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, and to agree to the condition of any such gift, devise or bequest.

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Minister has agreed.

(3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

(4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

PART III.

NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES.

9. (1) There shall be a National Parks and Wildlife Advisory Council which shall consist of the Director and twelve other members appointed by the Minister. National Parks and Wildlife Advisory Council.
In

National Parks and Wildlife.

In making appointments under this section the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or interests, to undertake wildlife conservation.

(2) The Director shall be the chairman of the Council.

(3) Of the members appointed by the Minister—

- (a) three shall be persons each of whom is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a national park;
- (b) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a state park;
- (c) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of the local committee for an historic site;
- (d) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;
- (e) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;
- (f) one shall be a person who is a member of the National Parks Association of New South Wales;
- (g) one shall be a person nominated in the manner prescribed by one or more of the Universities functioning within New South Wales;
- (h) one shall be an officer of the Australian Museum nominated by the Minister for Education;
- (i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949 of the Commonwealth of Australia;

(j)

National Parks and Wildlife.

- (j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

(4) (a) The members appointed under this section shall, subject to this section, hold office for a period of five years or such lesser period as may be specified in the respective instruments of appointment.

(b) A person of or above the age of seventy years shall not be eligible for appointment as a member of the Council under this section.

(c) A member of the Council appointed under this section shall cease to hold office on the day upon which he attains the age of seventy years.

(5) (a) The Governor may for any cause which to him seems sufficient remove from office any of the members appointed under this section.

(b) A member of the Council shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor;
- (v) ceases to hold the qualification in respect of which he was appointed, other than a member appointed pursuant to paragraph (a) or paragraph (b) or paragraph (c) of subsection three of this section who ceases to hold such qualification by reason of the care, control and management of the national park, state park or historic site having become vested in the Director.

(c) The Minister may appoint a member to fill any vacancy.

National Parks and Wildlife.

(6) The chairman shall preside at all meetings of the Council at which he is present. In the absence of the chairman the members may elect one of their number to preside as chairman.

The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

(7) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council.

(8) At any meeting of the Council at which a quorum is present the decision of a majority of votes shall be the decision of the Council.

(9) Each member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(10) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings, shall, subject to any regulations made in relation thereto, be as determined by the Council.

Functions
of Council.

10. (1) The Council shall advise the Minister on matters relating to the care, control and management of national parks, state parks, historic sites and nature reserves, and to the preservation and protection of wildlife and on such other matters as the Minister may refer to the Council.

(2) Subject to subsection twelve of section four of this Act, the Director shall furnish to the Council full information in relation to any matters arising out of the administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927, which the Council may require.

National Parks and Wildlife.

11. (1) A local committee may be constituted for each national park, state park and historic site under the care, control and management of the Director. Establishment of local committees.

(2) The local committee first constituted for each national park, state park or historic site after the date upon which the care, control and management of the same have been vested in the Director shall be the persons who, immediately before such date, were the trustees or the members of the body corporate which was trustee of the same, or where there were no trustees or trustee, such persons as the Minister may appoint.

(3) (a) The Governor may for any cause which to him seems sufficient remove from office any member of a local committee.

(b) A member of a local committee shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor.

(4) After the first constitution of a local committee the members of such local committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy.

(5) The members of a local committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such lesser period as may be specified in the respective instruments of appointment.

(6) No person of or above the age of seventy years shall be eligible for appointment under this section as a member.

National Parks and Wildlife.

(7) A member of a local committee shall cease to hold office on the day upon which he attains the age of seventy years.

(8) The procedure for the calling of meetings of a local committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the local committee.

(9) A majority of the members of a local committee shall form a quorum and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the local committee.

Functions
of
committee.

12. A local committee may make recommendations to the Council or the Director or to the superintendent of the national park, state park or historic site for which the local committee was constituted in respect of measures to improve the care, control and management of such national park, state park or historic site.

PART IV.

NATIONAL PARKS, STATE PARKS AND HISTORIC SITES.

Limitation
on use of
name
national
park or
state park.

13. (1) After the commencement of this Act the word "national" or "state" shall not be used either alone or in conjunction with other words as the name of a park unless the park is a national park or state park under this Act.

(2) Where immediately before the commencement of this Act the word "national" or "state" was included in the name of any park which has not been reserved as a national park or state park under this Act, the name of such park shall be deemed to have been altered by excluding such word.

Repeals.

14. The Acts mentioned in the First Schedule to this Act are hereby repealed.

National Parks and Wildlife.

15. (1) The areas of land described in the First Part of the Second Schedule and in the First Part of the Third Schedule to this Act are hereby permanently reserved as national parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

Lands in Second and Third Schedules to be national parks, state parks and historic sites.

(2) The areas of land described in the Second Part of the Second Schedule and in the Second Part of the Third Schedule to this Act are hereby permanently reserved as state parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(3) The areas of land described in the Third Part of the Second Schedule and in the Third Part of the Third Schedule to this Act are hereby permanently reserved as historic sites under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(4) All dedications or reservations affecting the lands described in the Second and Third Schedules to this Act immediately before the commencement of this Act are hereby revoked.

(5) Any Crown grant issued and any vesting made in respect of or including any part of the lands described in the Second and Third Schedules to this Act are hereby revoked insofar as they relate to such lands and the deeds of grant shall be surrendered for cancellation.

(6) All by-laws and rules and regulations which were made in relation to any land the whole or part of which is by this Act reserved as a national park, state park or historic site and which were in force immediately before the commencement of this Act, shall continue in force and shall be deemed to be regulations made under this Act in relation to such national park, state park or historic site and may be amended, repealed or added to by regulations.

National Parks and Wildlife.

Certain lands to become Crown lands. **16.** Any land which, immediately before the commencement of this Act—

- (a) was included within the boundaries of the Kosciusko State Park as established under the Kosciusko State Park Act, 1944, and is not included within the boundaries of the Kosciusko National Park as described in the First Part of the Third Schedule to this Act; or
- (b) was included within the boundaries of Ku-ring-gai Chase as established under the Ku-ring-gai Chase Act, 1961, and is not included within the boundaries of the Ku-ring-gai Chase National Park as described in the First Part of the Third Schedule to this Act; or
- (c) was included within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as dedicated or reserved under the Crown Lands Consolidation Act, 1913, and is not included within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as respectively described in the First Part of the Third Schedule to this Act,

shall, as from such commencement, become Crown lands freed and discharged from any dedication reservation or trust to which they may have been subject immediately before such commencement.

Care, control and management of areas in the Second Schedule.

17. Upon the commencement of this Act the care, control and management of the national park, state park and historic sites described in the Second Schedule to this Act shall be vested in the Director.

Care, control and management of areas in the Third Schedule.

18. (1) The persons who, immediately before the commencement of this Act, held office as trustees or as members of the body corporate which is trustee of lands comprising the whole or part of any of the areas of land described in the

the

National Parks and Wildlife.

the Third Schedule to this Act shall from and after such commencement hold office as trustees of the national park, state park or historic site named in respect of such area until replaced pursuant to this Act.

(2) The trustees for the time being of any such national park, state park or historic site, whether holding office pursuant to subsection one of this section or an appointment under this Act, shall be a body corporate and, subject to this Act, shall have the care, control and management of such national park, state park or historic site.

(3) From and after the commencement of this Act the powers, authorities, duties and functions of the trustees of any such national park, state park or historic site shall be those conferred or imposed by or under this Act.

(4) The trustees shall cause to be forwarded to the Minister during the month next following the close of the 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 may require.

(5) The Minister may from time to time by notification in the Gazette fill any vacancies which may occur in the office of any of such trustees and may by a like notification appoint additional trustees.

(6) The Governor may for any cause which to him seems sufficient remove from office any trustee.

(7) A trustee shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) is removed from office by the Governor.

(8) No person of or above the age of seventy years shall be eligible for appointment under this section as trustee.

(9)

National Parks and Wildlife.

(9) A trustee shall cease to hold office on the day upon which he attains the age of seventy years.

(10) The procedure for the calling of meetings of the trustees and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the trustees.

(11) A majority of the trustees shall form a quorum and any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

Vesting of
care,
control and
management
in Director.

19. (1) Where it is proposed to vest the care, control and management of any national park, state park or historic site described in the Third Schedule to this Act in the Director the Minister shall lay before both Houses of Parliament notice of such proposal.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House that it does not assent to the vesting in the Director of the care, control and management of the national park, state park or historic site the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection two of this section or if, where notice has been so given, the resolution is not passed the Minister may, by notification in the Gazette, declare that as from the date stated in the notification, the care, control and management of the national park, state park or historic site specified in the notification shall be vested in the Director.

(4) Where any such notification has been published in the Gazette the persons who, immediately before the date stated in such notification, held office as trustees or as members of the body corporate which was trustee of the national park, state park or historic site so specified shall cease to hold office and the care, control and management of the national park, state park or historic site shall thereafter be vested in the Director.

National Parks and Wildlife.

20. (1) After the commencement of this Act the reservation of any new national park, state park or historic site shall be made by Act of Parliament and not otherwise, but nothing in this subsection shall affect the operation of subsections two and three of this section.

Reservation of further national parks, state parks and historic sites.

(2) (a) Notwithstanding anything in any other Act, where Crown lands or lands of the Crown not held under lease or license or vested in or under the care, control and management of trustees either adjoin or are adjacent to a national park, state park or historic site the Minister may, by notification in the Gazette, add such lands to such park or site and such lands shall thereupon be permanently reserved as part of the park or site to which they have been so added.

(b) Lands of the Crown shall not be added to a national park, state park or historic site under this subsection unless the Minister of the Crown in whom the control is vested or the statutory body in which the lands are vested has consented to the addition.

(c) Before the Minister publishes a notification in the Gazette under this subsection, notice of the proposed addition shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such proposal has been laid before such House disallowing the proposal then the Minister shall not proceed with the addition.

(3) Upon the addition of lands to a national park, state park or historic site under subsection two of this section—

- (a) subject to this Act any estate or interest in the lands so added which immediately before such addition was vested in or held by any person or body of persons other than the Crown shall be thereby divested;
- (b) any dedications and reservations affecting the lands so added immediately before such addition shall be thereby revoked;

(c)

National Parks and Wildlife.

- (c) any Crown grant issued in respect of or including any part of the lands so added and subsisting immediately before such addition shall be thereby revoked insofar as it relates to such lands and the deed of grant shall be surrendered for cancellation; and
- (d) the lands so added shall to the extent they were not already Crown lands become Crown lands.

National
parks, state
parks or
historic
sites not to
be revoked
except by
Act of
Parliament.

21. (1) Notwithstanding anything in any other Act the reservation of lands as a national park, state park or historic site shall not be revoked or altered and lands within a national park, state park or historic site shall not be appropriated or resumed except by an Act of Parliament: Provided that the provisions of this section shall not prevent the withdrawal of land from or the termination of any lease, license or occupancy in accordance with the terms and conditions thereof.

(2) The following provisions shall apply to and in respect of Morton National Park:—

- (a) The Metropolitan Water Sewerage and Drainage Board constituted under the Metropolitan Water, Sewerage, and Drainage Act, 1924 (in this subsection hereinafter referred to as the "Board"), may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Morton National Park.
- (b) The site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board.
- (c) Where such site has been so determined the Governor may notwithstanding anything in subsection one of this section by notification in the Gazette revoke the reservation of Morton National Park as to so much of the lands reserved as are within such site and declare such lands to be vested in the Board and thereupon the same shall vest in the Board.

(d)

National Parks and Wildlife.

- (d) The Minister may from time to time grant to the Board such easements and licenses over lands within Morton National Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

22. (1) Except as provided in this Act the reservation of lands as a national park, state park or historic site shall not affect the terms and conditions of any authority or permit in respect of or any lease, license or occupancy of such lands from the Crown or the trustees current and in force at the time of such reservation or the use permitted of such lands under the authority, permit, lease, license or occupancy.

Existing
authority,
permit,
lease,
license or
occupancy.

(2) Subject to this section and to section twenty-four of this Act, no such authority, permit, lease, license or occupancy shall be renewed nor shall the term of any such authority, permit, lease, license or occupancy be extended except with the approval of the Minister and subject to such conditions as the Minister may determine.

(3) The provisions of subsection two of this section requiring approval of the Minister shall not apply to any authority, lease or license under the Mining Act, 1906, or the Petroleum Act, 1955.

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

Restriction
on disposal
or dealing
with lands.

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

Any

National Parks and Wildlife.

Any such permit shall be granted subject to such special conditions as the Minister may determine.

Restrictions
on mining.

24. (1) The land within a national park, state park or historic site is hereby exempted from occupation under any miner's right or business license issued under the provisions of the Mining Act, 1906.

(2) (a) Where application is made for the grant of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site notice of the application shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House disallowing the grant, then, notwithstanding anything in any other Act, the authority or lease shall not be granted.

(b) No extension or renewal of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site shall be granted except with the concurrence of the Minister.

(3) Except as provided in this section nothing in this Act shall affect the right, title or interest of any person or body of persons (other than the persons who are or were trustees or members of the body corporate which is or was trustee of the lands comprised or included in a national park, state park or historic site), in respect of minerals in lands within a national park, state park or historic site.

Restrictions
as to timber.
cf. Act No.
14, 1944,
s. 7.

25. The Forestry Act, 1916, shall not apply to or in respect of land within a national park, state park or historic site:

Provided that all licenses and permits under the Forestry Act, 1916, affecting land within a national park, state park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and the provisions of that Act shall continue in force for all purposes of or relating to such licenses and permits until the same respectively expire or are cancelled.

National Parks and Wildlife.

26. (1) Where the Minister has published a notification under section nineteen of this Act vesting the care, control and management of any national park, state park or historic site in the Director the following provisions shall have effect :—

Transfer of
rights,
liabilities
and property.

- (a) All property and all right and interest therein (in this section referred to as the trust property) and all management and control of any thing which immediately before such notification was vested in or belonged to the trustees and was held or used by them for or in connection with the national park, state park or historic site shall vest in and belong to the Director.
- (b) All moneys, liquidated and unliquidated claims which immediately before such notification were payable to or recoverable by the trustees or their predecessors in relation to the national park, state park or historic site or in the trust property or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the Director.
- (c) All suits, actions and proceedings pending immediately before such notification, at the suit of or against the trustees in relation to the national park, state park or historic site or the trust property or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the Director.
- (d) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees or their predecessors in relation to the national park, state park or historic site or the trust property or any part thereof and in force immediately before such notification shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the Director.
- (e) The Director may pursue the same remedies for the recovery of any such moneys and claims and for

the

National Parks and Wildlife.

the prosecution of such suits, actions and proceedings as the trustees or their predecessors might have done had they continued to be trustees of the national park, state park or historic site after such notification.

- (f) The Director may enforce and realise any security or charge existing immediately before such notification in favour of the trustees in respect of any such moneys and claims as if such security or charge were existing in favour of the Director.
- (g) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees or their predecessors solely relating to the national park, state park or historic site or the trust property or any part thereof shall be debts due and moneys payable by and claims recoverable against the Director.

(2) (a) Where part only of the lands vested in trustees is comprised within a national park, state park or historic site the care, control and management of which have been vested in the Director, the Director and the trustees shall, as soon as practicable after publication of the notification arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the national park, state park or historic site, and to the lands retained by the trustees may be determined.

(b) If any difference arises between the Director and the trustees such difference shall be determined as the Minister may direct.

Transfer of
employees.

27. (1) Every person who immediately before the care, control and management of a national park, state park or historic site were vested in the Director, was an employee, other than a casual employee, of the trustees of the lands within such park or site and was employed by them solely in connection with those lands, shall upon such vesting in the Director become and be an employee under the Public Service Act, 1902.

(2)

National Parks and Wildlife.

(2) The following provisions shall apply to a person referred to in subsection one of this section—

- (a) such person shall unless the Public Service Board approves of employment on some other basis be employed under section forty-four of the Public Service Act, 1902;
- (b) notwithstanding anything in the said Act the Public Service Board's approval to employ such person otherwise than under section forty-four of the said Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided such conditions are not inconsistent with this section;
- (c) the period of service with the trustees or their predecessors of such person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or long service leave : Provided that unless the Public Service Board otherwise approves the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if the person concerned had continued to be an employee of such trustees or their predecessors;
- (d) a person who becomes an employee of the Public Service under this section shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, referred to in paragraph (a) or (b) of subsection two of section 61AA of the Industrial Arbitration Act, 1940, and as last adjusted in accordance with the provisions of section 61AB of that Act until

such

National Parks and Wildlife.

such salary or wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

- (e) where any condition of employment of such person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, such condition shall continue to be so regulated until a determination in relation to such condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating such condition is made by a competent tribunal or such condition is regulated by an industrial agreement;
- (f) if such person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for such person upon the same terms and subject to the same conditions as it was paid by such trustees;
- (g) if such person while employed in the Public Service becomes a contributor to the State Superannuation Fund constituted as aforesaid any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for such person shall cease but such person may elect to continue the policy on his own account or to cancel the policy and receive any moneys refunded by the insurer.

Snowy
Mountains
Hydro-
electric
Agreements
Act, 1958.

28. Any reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read and construed as a reference to the Kosciusko National Park reserved under this Act and any reference to the Kosciusko

State

National Parks and Wildlife.

State Park Trust shall be read and construed as a reference to the Kosciusko National Park Trust or, where the care, control and management of the Kosciusko National Park have been vested in the Director, to the Director.

29. (1) The Director shall—

Plan of
management.

- (a) with respect to each of the national parks, state parks and historic sites reserved by this Act and described in the Second and Third Schedules thereto, prepare a plan of management as soon as practicable after the commencement of this Act;
- (b) with respect to any national park, state park or historic site reserved after the commencement of this Act, prepare a plan of management as soon as practicable after such national park, state park or historic site has been so reserved.

(2) The plan of management in respect of each national park, state park and historic site shall contain a detailed written scheme of the operations which it is proposed to undertake in or in relation to the park or site to carry out the purpose and objects of this Act.

(3) In the preparation of any plan of management regard shall be had to the following objectives—

- (a) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park, state park and historic site by the public;
- (b) the preservation of each national park or state park in its natural condition, the protection of the special features of the park and the conservation of wildlife therein;
- (c) the preservation of each historic site and any historic structure or object on such site;
- (d) the preservation of each national park, state park or historic site as a catchment area;

(e)

National Parks and Wildlife.

- (e) the protection of each national park, state park or historic site against fire and erosion; and
- (f) the setting apart of the whole or part of a national park or state park as a wilderness area.

(4) Where any lands reserved as a national park, state park or historic site are wholly or partly within a catchment area of the Metropolitan Water Sewerage and Drainage Board, or where the waters from any lands so reserved drain into a catchment area or structure of such Board—

- (a) the Director shall, before submitting the plan of management for that national park, state park or historic site to the Minister, refer the same to the said Board for its information;
- (b) the Minister shall before adopting such plan of management consider any representations made by the said Board.

(5) (a) Where the Director has prepared a plan of management in respect of a national park, state park or historic site he shall give notice as prescribed that the plan of management has been prepared and shall, in such notice—

- (i) specify the address of the place at which copies of the plan of management may be inspected;
- (ii) specify the address to which representations in connection with the plan of management may be forwarded.

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

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

(d)

National Parks and Wildlife.

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

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

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

(g) The Minister may amend or alter a plan of management from time to time or may cancel a plan of management and substitute a new plan of management.

(h) Where the Minister proposes to amend or alter a plan of management or to cancel a plan of management and substitute a new plan of management he shall instruct the Director to prepare the amendment or alteration or the new plan of management, and the Director shall proceed to do so as soon as practicable after being so instructed. The provisions of subsections two to four both inclusive of this section, and of paragraphs (a) to (f) both inclusive of this subsection shall, mutatis mutandis, apply to and in respect of such amendment or alteration or such new plan of management.

(6) Where the Minister has adopted a plan of management—

- (a) it shall be carried out and given effect to by the trustees or the body corporate which is the trustee having the care, control and management of the national park, state park or historic site concerned or by the Director where such care, control and management have been vested in the Director;
- (b) no operations shall be undertaken on or in relation to a national park, state park or historic site unless such operations are in accordance with the plan of management for the park or site.

(7)

National Parks and Wildlife.

(7) Where any area is set apart as a wilderness area in the plan of management of a national park or state park—

- (a) such area shall be kept and maintained in a wilderness condition;
- (b) no buildings of any description or ski tows or other apparatus shall be erected or constructed thereon except simple survival huts where essential.

Granting
of leases
and
licenses.

30. (1) The Minister may—

- (a) grant leases of land within a national park, state park or historic site for the purpose of—
 - (i) the erection thereon of accommodation hotels or accommodation houses;
 - (ii) the provision thereon of facilities and amenities for tourists and visitors;
- (b) grant leases of land within a national park, state park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;
- (c) grant licenses to occupy or use lands within a national park, state park or historic site.

(2) Any lease or license granted under this section shall be subject to such terms and conditions as the Minister may determine.

Easements.

31. (1) The Minister may upon such terms as he thinks fit grant for joint or several use easements or rights of way through upon or in a national park, state park, historic site or nature reserve for the purpose of providing access to any area included in any lease or license within the park, site or reserve, or for the erection of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

(2) The Minister may from time to time revoke or vary any grant under this section.

(3)

National Parks and Wildlife.

(3) Any easement or right of way over land in a national park, state park or historic site whether reserved by this Act or by a subsequent Act, which was in force immediately before the national park, state park or historic site was so reserved, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over land in a nature reserve whether dedicated before or after the commencement of this Act which was in force immediately before such commencement, in the case of a nature reserve dedicated before the commencement of this Act, or immediately before such dedication, in the case of a nature reserve dedicated after such commencement, shall continue in force and shall be deemed to have been granted under this section.

32. (1) Subject to any regulations the Minister may prohibit the carrying on of any trade, business or occupation within a national park, state park or historic site otherwise than by some person licensed by the Director.

Trade within a national park, state park or historic site.

(2) (a) The Minister may grant a franchise to any person on such terms and conditions as the Minister may determine for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park, state park or historic site.

(b) Any franchise granted before the commencement of this Act by the trustees of lands comprising the whole or part of any of the areas of land reserved by this Act as a national park, state park or historic site and in force immediately before such commencement, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

33. The Soil Conservation Act, 1938, shall apply to and in respect of land within a national park, state park or historic site but any experimental or research work conducted pursuant

Soil Conservation Act, 1938.

to

National Parks and Wildlife.

to section six of that Act upon land within the park or site shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

PART V.

FINANCE.

National
Parks and
Wildlife
Fund.

34. There shall be established and kept at the Treasury an account in Special Deposits Account to be called the National Parks and Wildlife Fund.

Payments
into the
Fund.

35. (1) There shall be paid into the National Parks and Wildlife Fund—

- (a) all moneys provided by Parliament for the purposes of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927;
- (b) all moneys received in respect of—
 - (i) leases, licenses or occupancies within a national park, state park, historic site or nature reserve;
 - (ii) royalties, fees and charges in pursuance of any authority granted under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts;
 - (iii) franchises granted or deemed to have been granted under section thirty-two of this Act;
 - (iv) community service contributions;
 - (v) penalties recovered in pursuance of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts; and
 - (vi) sums paid pursuant to an order under subsection four of section forty-four of this Act;

(c)

National Parks and Wildlife.

- (c) any moneys acquired by the Minister pursuant to section eight of this Act;
- (d) any other moneys received in connection with any national park, state park, historic site or nature reserve or any proposed national park, state park, historic site or nature reserve;
- (e) all moneys held in the Kosciusko State Park Fund; and
- (f) all moneys held immediately before the commencement of this Act by the trustees of any land the whole of which is, by this Act, reserved as a national park, state park or historic site and so much of the moneys held immediately before such commencement by the trustees of any land part of which is, by this Act, so reserved as is appropriate to such part: Provided that the Minister may, where he considers the circumstances so warrant, approve of the retention of the whole or part of such moneys by the trustees.

(2) Where any moneys acquired by the Minister pursuant to section eight of this Act are subject to any condition to which the Minister has agreed such moneys shall be carried to a separate account in the National Parks and Wildlife Fund and shall be applied in accordance with the conditions. Any such moneys may, pending such application, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

36. (1) No money shall be paid out of the National Parks and Wildlife Fund except under the authority of this Act. Payments out of the Fund.

(2) There may be paid out of the National Parks and Wildlife Fund—

- (a) all costs and expenses incurred by the Minister or the Director in exercising and discharging his powers, authorities, duties and functions under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

(b)

National Parks and Wildlife.

- (b) all moneys allocated by the Minister for expenditure by trustees on any national park, state park or historic site;
- (c) the fees, travelling and other expenses payable to members of the Council or any committee under this Act;
- (d) the cost of acquiring land for national parks, state parks, historic sites or nature reserves;
- (e) the cost of improvement of any land adjoining or in the vicinity of a national park, state park, historic site or nature reserve, where in the opinion of the Minister this is desirable to provide or improve access to the park, site or reserve, or to provide or improve facilities or amenities for persons visiting the park, site or reserve; and
- (f) all moneys which the Minister directs shall be set aside to provide a reserve for insurance.

(3) (a) The cost of acquiring land pursuant to paragraph (d) of subsection two of this section may be paid before such land has been reserved as or added to a national park, state park or historic site or dedicated as a nature reserve.

(b) Any moneys set aside under paragraph (f) of the same subsection may be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

Community
service con-
tribution.

37. The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or license to occupy or use land within a national park, state park or historic site for the cost of providing or maintaining any community service in the park or site.

The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the contribution on the holder of the lease or license. If the contribution is not paid by the due date the amount due shall be

increased

National Parks and Wildlife.

increased by a sum calculated at the rate of seven per centum per annum simple interest until it has been paid.

The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution.

38. Where the Director—

- (a) supplies any service, product or commodity;
- (b) grants any license to carry on a trade, business or occupation;
- (c) gives any permission; or
- (d) furnishes any information,

Charges and fees.
cf. Act No. 59, 1963, s. 42.

under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or in connection with any national park, state park or historic site he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him subject to the maximum (if any) prescribed.

39. Land within a national park, state park or historic site shall be exempt from rates under the Local Government Act, 1919, and such exemption shall not be affected by any lease or license of the land.

Exemption from rates.

PART VI.

GENERAL.

40. (1) There shall be a National Parks Advisory Committee of Architects (in this Part hereinafter referred to as the "Advisory Committee") which shall consist of seven members.

Advisory Committee of Architects.

(2) One of such members shall be the person who for the time being holds the office of Government Architect. The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting

of

National Parks and Wildlife.

of the Advisory Committee at which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(3) (a) The other six members shall be appointed by the Minister and shall be registered architects.

(b) Of such members—

(i) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

(ii) one other shall be qualified as a landscape architect.

(4) Each of the members appointed pursuant to subsection three of this section shall, subject to this section, hold office for such period as may be specified in the instrument of his appointment.

(5) (a) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection three of this section.

(b) A member of the Advisory Committee so appointed shall be deemed to have vacated his office if he—

(i) dies;

(ii) resigns his office by writing under his hand addressed to the Minister;

(iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(iv) is removed from office by the Minister;

(v) ceases to hold the qualification by virtue of which he was appointed.

(6) The procedure for the calling of meetings of the Advisory Committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the Advisory Committee.

(7)

National Parks and Wildlife.

(7) Each member of the Advisory Committee shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(8) The Advisory Committee shall consider and furnish reports to and advise the Minister or the Director upon any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, state parks, historic sites and nature reserves which may be referred to the Advisory Committee by the Minister or the Director.

41. (1) If any driver of a motor vehicle in a national park, state park, historic site or nature reserve refuses to produce his driver's license and state his name and place of abode when required to do so by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf, or, when so required, states a false name or place of abode, he shall be guilty of an offence against this Act.

Driver to give his name and address when required.
cf. Act No. 5, 1909, s. 5.

(2) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act or any regulation—

- (a) the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, shall, when required to do so by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf, forthwith give information (which shall, if so required, be given in the form of a statement in writing, signed by such owner or person) as to the name and place of abode of such driver, and if any such owner or person fails to do so he shall be guilty of an offence against this Act, unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained such name and place of abode; and

(b)

National Parks and Wildlife.

- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of such driver and, if he fails to do so, shall be guilty of an offence against this Act.

(3) Where a statement in writing purporting to be furnished under paragraph (a) of subsection two of this section and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act or any regulation is produced in any court in proceedings against the person named therein as the driver for such offence, the statement shall, if such person does not appear before the court, be evidence without proof of signature that he was the driver of such vehicle at such time.

**Seizure of
motor
vehicles.**

42. (1) Any park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away or cause to be removed or towed away, any motor vehicle which is a danger or unreasonable obstruction to traffic, or has been abandoned in a national park, state park, historic site or nature reserve. Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose: Provided that before seizure as aforesaid such park ranger or other officer shall—

- (a) if no person is in charge of the vehicle, make reasonable inquiry for the purpose of locating the owner or driver of the vehicle;
- (b) if upon such inquiry the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request;
- (c) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

The

National Parks and Wildlife.

The inquiry referred to in paragraph (a) of this subsection shall be made in the vicinity of the place where the vehicle is found.

(2) Upon seizure of a motor vehicle under this section the Director shall—

- (a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to such owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded;
- (b) where the name and address of the owner of the vehicle are not so recorded—
 - (i) within a period of fourteen days after the seizure send or cause to be sent to such owner if he can, after reasonable inquiry, be located a notice setting out the particulars aforesaid;
 - (ii) if such owner cannot, after reasonable inquiry, be located, cause a notice setting out the like particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(3) Except in the case of a motor vehicle which is dealt with under the provisions of subsection four of this section, the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section—

- (a) the application for the release shall be made by the owner of the motor vehicle or by a person acting for or on behalf of such owner to an officer-in-charge of the place at which the vehicle is kept or impounded (hereinafter referred to as the “officer-in-charge”);

(b)

National Parks and Wildlife.

- (b) the applicant shall furnish evidence as to the ownership of the motor vehicle to the satisfaction of the officer-in-charge;
- (c) the motor vehicle shall not be released from custody unless—
 - (i) the officer-in-charge is satisfied that the applicant is the owner of the motor vehicle or that he possesses authority to act for and on behalf of such owner;
 - (ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of such motor vehicle has been paid to the officer-in-charge;
 - (iii) the applicant has signed a receipt for the delivery of the motor vehicle on a form supplied to him by the officer-in-charge.

(4) If within a period of three months after the date upon which the motor vehicle has been seized the owner has failed to claim the motor vehicle and to pay the amount referred to in subparagraph (ii) of paragraph (c) of subsection three of this section, the motor vehicle may, after the expiration of such period, be disposed of or destroyed in accordance with the directions of the Director.

Impounding. **43.** For the purpose of impounding any stock trespassing on a national park, state park, historic site or nature reserve the Director shall be deemed to have all the rights as are by law conferred upon occupiers. An impounding by the Director may be effected by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf or by any person authorised to impound stock trespassing on Crown lands.

Penalties. **44.** (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

(2)

National Parks and Wildlife.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

(3) Any person who is guilty of an offence against this Act shall where no other penalty is expressly provided be liable to a penalty not exceeding one hundred dollars for every such offence.

(4) Where any person is convicted of an offence against this Act which results in or causes loss or damage to any national park, state park, historic site or nature reserve or to any structure or improvements thereon, the magistrate or justices before whom he was convicted may order payment of such sum as he or they shall think fit by way of compensation for such loss or damage. cf. Act No. 7, 1913. s. 254

Any such order shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

45. (1) Any charge, fee or money due to the Director under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction. Recovery of charges, etc.

(2) Proceedings for the recovery of any charge, fee or money so due to the Director shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912;
- (c) section twenty-five of the Small Debts Recovery Act, 1912.

46. (1) Any legal proceedings to recover a penalty or any charge, fee or money due under the provisions of this Act or the regulations may be taken by any person duly authorised by the Director in that behalf, either generally or in any particular case. Proceedings.

(2)

National Parks and Wildlife.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of such authority without proof of the Director's signature.

(3) Any person or any officer of the National Parks and Wildlife Service duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised such person or officer has ceased to hold office as Director : Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

Evidence of
offence.

47. In any proceedings for an offence against this Act or the regulations the averment that any lands in question form part of a national park, state park, historic site or nature reserve shall be sufficient without proof of that fact unless the defendant proves to the contrary.

Service of
notices.

48. Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially provided, be given in any one of the following ways—

- (a) personally to the person to whom the notice is addressed; or
- (b) by letter sent through the post by certified mail and directed to the last known place of abode or business in New South Wales of the person to whom the notice is addressed.

Regulations.

49. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which, by this Act, are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

National Parks and Wildlife.

(2) Without prejudice to the generality of the power conferred by subsection one of this section, the Governor may make regulations for or with respect to—

- (a) any of the powers conferred on or duties imposed upon the Director, the Council, local committees, or the Advisory Committee;
- (b) the regulation of the use and enjoyment of national parks, state parks and historic sites;
- (c) the securing of decency and order in national parks, state parks and historic sites;
- (d) the removal of trespassers and other persons causing annoyance or inconvenience in national parks, state parks and historic sites;
- (e) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, national parks, state parks and historic sites;
- (f) the regulation and the control of the taking of animals into national parks, state parks and historic sites or the permitting or suffering of animals to be in such parks and sites;
- (g) the regulation, control or prohibition of parking, camping or residing in a national park, state park or historic site, the making of charges for such camping, parking or residing and the collecting and receiving of such charges by the Minister or by other persons;
- (h) the preservation or protection of, or prevention of damage to trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in national parks, state parks and historic sites;
- (i) the conditions under which trees or timber may be cut or removed from national parks, state parks and historic sites and the amount of royalties, fees and charges payable in respect thereof;

(j)

National Parks and Wildlife.

- (j) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a national park, state park or historic site, or the removal of such substance from such a park or site and the amount of royalties, fees and charges payable in respect thereof;
- (k) the preservation or protection of any animals, birds, and any other fauna of any nature whatsoever and whether natural or introduced in national parks, state parks and historic sites;
- (l) the making of charges or entrance fees for persons, clubs, or associations or for vehicles using or entering a national park, state park or historic site, or any specified part of such a park or site, or any public or other road traversing or bounding such a park or site or part, and the collecting and receiving of such charges and fees by the Director or by other persons;
- (m) the reservation of any portion of a national park, state park or historic site for such separate or exclusive use as the regulations may prescribe;
- (n) the closing of a national park, state park or historic site or parts of such a park or site and the conditions to be observed with regard thereto;
- (o) the regulation, control or prohibition of private trading in a national park, state park or historic site;
- (p) the use of roads, tracks, trails and other ways within a national park, state park or historic site and the circumstances under which such roads, tracks, trails and other ways shall be open or may be closed to public traffic or use;
- (q) the powers and duties of superintendents, rangers and other officers appointed for a national park, state park or historic site;
- (r) the forms or other documents required for the purposes of this Act;

(s)

National Parks and Wildlife.

- (s) the procedure for the calling of meetings of the Council, local committees or the Advisory Committee and the conduct of business at such meetings;
- (t) the regulation of the use of motor vehicles, over-snow vehicles, aircraft, boats or any other vehicle and the conditions under which they may be used in a national park, state park or historic site;
- (u) the regulation of the speed of motor vehicles, over-snow vehicles, boats or any other vehicle in a national park, state park or historic site;
- (v) the regulation, control or prohibition of the erection of buildings, signs or other structures in a national park, state park or historic site;
- (w) the protection of buildings, structures, signs and other improvements in national parks, state parks and historic sites;
- (x) the regulation, control or prohibition of exotic plants in national parks, state parks and historic sites;
- (y) the collection of scientific specimens (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and pursuit of research in national parks, state parks and historic sites;
- (z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in national parks, state parks and historic sites.

(3) A regulation may—

- (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed one hundred dollars; and
- (b) impose also a daily penalty for any continuing breach thereof not exceeding ten dollars per day.

(4)

National Parks and Wildlife.

(4) Regulations may be made to apply generally to all national parks, state parks and historic sites or may be limited to any national park, state park or historic site specified in the regulations and unless so limited shall be taken to apply generally to all national parks, state parks and historic sites. Where any provision of a regulation made to apply to any specified national park, state park or historic site is inconsistent with a provision of any regulation relating to national parks, state parks and historic sites generally such firstmentioned provision shall prevail.

(5) In this section the word "animal" does not include fish, within the meaning of the Fisheries and Oyster Farms Act, 1935.

(6) Regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

National Parks and Wildlife.

PART VII.

AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE
WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT,
1927, AND CERTAIN OTHER ACTS.

50. (1) The Fauna Protection Act, 1948-1965, is amended—

Amendment
of Act No.
47, 1948.

(a) by omitting from the matter relating to Part III in section two the words "FAUNAL RESERVES" and by inserting in lieu thereof the words "NATURE RESERVES";

Sec. 2.
(Division
into Parts.)

(b) (i) by omitting from section four the definition of "Chief Guardian";

Sec. 4.
(Defini-
tions.)

(ii) by inserting in the same section next after the definition of "Court" the following new definition :—

"Director" means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(iii) by omitting from the same section the definition of "Panel";

(c) by omitting section five;

Sec. 5.
(Fauna
Protection
Panel.)

(d) by omitting section six and by inserting in lieu thereof the following section :—

Subst.
sec. 6.

6. (1) The Director shall be the authority for the protection and care of fauna.

Powers and
functions
of the
Director.

(2) The Director shall—

(a) engage in such educational activities as he considers necessary to awaken and maintain an appreciation of the value of bird and animal life;

(b) have the care, control and management of nature reserves;

(c)

National Parks and Wildlife.

- (c) co-operate with the trustees of any land reserved by the Minister for Lands for the preservation of fauna or the promotion of the study of fauna and generally co-operate with any other persons or bodies in the care and development of reserves for fauna;
- (d) form or approve the formation of local faunal societies;
- (e) conduct scientific or biological research in connection with the protection and care of fauna either separately or in conjunction with other scientific organisations; and
- (f) exercise and discharge the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.

(3) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.

Sec. 7.
(Chief
Guardian
of Fauna.)

- (e) by omitting section seven;

Sec. 8.
(Officers
and em-
ployees.)

- (f) by inserting at the end of section eight the words "Any persons so appointed and employed at the commencement of the National Parks and Wildlife Act, 1967, or so appointed and employed after such commencement shall be officers and employees of the National Parks and Wildlife Service under such Act.";

Part III.
(Heading.)

- (g) by omitting from the heading to Part III the words "FAUNAL RESERVES" and by inserting in lieu thereof the words "NATURE RESERVES";

Sec. 9.
(Dedica-
tion of
areas for
protection,
care, etc.,
of fauna.)

- (h) (i) by omitting from section nine the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";

(ii)

National Parks and Wildlife.

- (ii) by omitting from subsection one of the same section the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- (iii) by omitting from the same section the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- (iv) by inserting at the end of the same section the following new subsection :—

(7) Any Crown lands which were dedicated as a faunal reserve before the commencement of the National Parks and Wildlife Act, 1967, the dedication of which is in force at such commencement, shall, from and after such commencement, be deemed to be lands dedicated under this section as a nature reserve.

- (i) (i) by omitting from section ten the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve"; Sec. 10.
(Restriction on operation of Mining Act, 1906-1946.)
- (ii) by omitting from subsection two of the same section the word "panel" and by inserting in lieu thereof the word "Director";
- (iii) by omitting from the same subsection the word "it" and by inserting in lieu thereof the word "he";
- (j) by omitting from subsection one of section eleven the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve"; Sec. 11.
(Restrictions as to timber.)
- (k) (i) by omitting from subsection one of section twelve the word "panel" and by inserting in lieu thereof the word "Director"; Sec. 12.
(Prohibition on taking or killing fauna within faunal reserves.)
- (ii)

National Parks and Wildlife.

- (ii) by omitting from the same subsection the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- Sec. 13.
(Restrictions on disposal or dealing with land within faunal reserves.)
- (1) (i) by omitting from section thirteen the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- Sec. 14.
(Soil Conservation Act, 1938.)
- (m) (i) by omitting from section fourteen the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- Sec. 23A.
(Wildlife refuges and game reserves.)
- (n) by omitting from section 23A the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- Sec. 24.
(Rangers.)
- (o) (i) by omitting from subsection one of section twenty-four the words "conditional purchase inspectors" and by inserting in lieu thereof the words "field officers of the Department of Lands, and officers of the National Parks and Wildlife Service";
- (ii) by omitting from subsection two of the same section the words "The Minister may, by notice in the Gazette," and by inserting in lieu thereof the words "The Director may";
- Sec. 26A.
(Game licenses.)
- (p) by omitting from subsection one of section 26A the word "panel" and by inserting in lieu thereof the word "Director";

(q)

National Parks and Wildlife.

- (q) by omitting from section twenty-seven the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 27.
(Persons taking or killing fauna for sale.)
- (r) by omitting from section thirty the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 30.
(Recovery of royalties.)
- (s) by omitting from section thirty-one the words "the Chief Guardian or any officer of the panel authorised by the panel" and by inserting in lieu thereof the words "the Director or any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 31.
(Chief Guardian and officers may take fauna.)
- (t) by omitting from subsection one of section thirty-four the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 34.
(Powers of entry and seizure by Chief Guardian, rangers, officers, etc.)
- (u) (i) by omitting from section thirty-five the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 35.
(Further powers of Chief Guardian, rangers, etc.)
- (ii) by omitting from subsection two of the same section the words "Chief Guardian" and by inserting in lieu thereof the word "Director";
- (v) by omitting from section thirty-six the words "Chief Guardian, any officer or employee of the panel" and by inserting in lieu thereof the words "Director, any officer or employee of the National Parks and Wildlife Service"; Sec. 36.
(Assaulting or resisting officers, etc.)

(w)

National Parks and Wildlife.

Sec. 43.
(Regulations.)

- (w) (i) by omitting from paragraph (b) of subsection two of section forty-three the word "panel" and by inserting in lieu thereof the words "National Parks and Wildlife Service";
- (ii) by omitting paragraph (c) of the same subsection;
- (iii) by omitting from paragraph (d) of the same subsection the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- (iv) by omitting from paragraph (k) of the same subsection the words "Chief Guardian and officers of the panel" and by inserting in lieu thereof the words "Director and officers and employees of the National Parks and Wildlife Service, and";
- (v) by omitting from subsection four of the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director".

Transitional
provisions.

(2) Upon and from the commencement of the National Parks and Wildlife Act, 1967, the following provisions shall have effect :—

- (a) The persons holding office as members of the Fauna Protection Panel immediately before such commencement shall cease to hold such office and the Panel shall be dissolved.
- (b) The person holding office as Chief Guardian of Fauna immediately before such commencement—
- (i) shall cease to be Chief Guardian of Fauna;
- (ii) shall be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service at a salary not lower than that which he then received as Chief Guardian of Fauna;
- (iii)

National Parks and Wildlife.

(iii) shall retain any rights which, at such commencement, have accrued or are accruing to him under the Superannuation Act, 1916, or any amendment thereof, and shall continue to contribute to any fund or account and shall be entitled to receive any payment or pension as an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof;

(iv) shall be entitled to receive any annual, sick, deferred and extended leave which have accrued or are accruing to him.

(c) Any license or registration certificate issued by the Fauna Protection Panel and in force immediately before such commencement shall, as from such commencement, have effect as if issued by the Director.

(3) Any act, matter or thing done under the Fauna Protection Act, 1948–1965, before the commencement of this Act, and in force or having effect at such commencement, shall, from and after such commencement have the same force and effect as if done under that Act as amended by this Act.

(4) The Fauna Protection Act, 1948, as amended Citation. by subsequent Acts and by this Act, may be cited as the Fauna Protection Act, 1948–1967.

51. (1) The Wild Flowers and Native Plants Protection Act, 1927–1965, is amended— Amendment of Act No. 2, 1927.

(a) by inserting in section two before the definition of “Native plant” the following new definition : — Sec. 2. (Definitions.)

“Director” means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(b)

National Parks and Wildlife.

New sec.
2A.

- (b) by inserting next after the same section the following new section : —

Powers and
functions
of the
Director.

2A. (1) The Director shall be the authority for the protection of wild flowers and native plants.

(2) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.

Sec. 5A.
(Licenses to
pick for
scientific
purposes.)

- (c) by omitting from section 5A the word "Minister" and by inserting in lieu thereof the word "Director";

Sec. 5B.
(Suspected
person to
give name
and place
of abode.)

- (d) (i) by omitting from subsection one of section 5B the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director";
- (ii) by omitting from subsection two of the same section the word "Minister" wherever occurring and by inserting in lieu thereof the word "Director";

Sec. 5C.
(Honorary
rangers.)

- (e) by omitting from section 5C the word "Minister" and by inserting in lieu thereof the word "Director";

Sec. 5D.
(Destruction, defacing or removal of notices.)

- (f) by omitting from paragraph (a) of section 5D the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director";

Sec. 9.
(Regulations.)

- (g) by inserting in subsection four of section nine after the word "Minister" the words "or the Director".

(2) (a) Any license issued by the Minister under the Wild Flowers and Native Plants Protection Act, 1927-1965, and in force immediately before the commencement of this Act shall, as from such commencement, have effect as if issued by the Director.

(b)

National Parks and Wildlife.

(b) Any appointment of an honorary ranger made by the Minister under the Wild Flowers and Native Plants Protection Act, 1927–1965, and in force immediately before the commencement of this Act shall continue in force as if made by the Director.

(3) The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927–1967. Citation.

52. The Liquor Act, 1912, as amended by subsequent Acts, is amended— Amendment of Act No. 42, 1912.

- (a) by omitting from paragraph (a) of subsection two of section one hundred and sixty-eight the words “Kosciusko State Park” and by inserting in lieu thereof the words “Kosciusko National Park”; Sec. 168 (2).
(Licenses for accommodation hotels and accommodation houses within parks and reserves.)
- (b) by inserting in paragraph (c) of the same subsection after the word “nature” the words “and includes a national park, state park or historic site under the National Parks and Wildlife Act, 1967”.

53. (1) The Main Roads Act, 1924–1965, is amended by omitting subsection two of section three and by inserting in lieu thereof the following subsection : — Amendment of Act No. 24, 1924.
Sec. 3.

(2) Where— (Interpretation.)

- (a) any road which passes through a public reserve and connects with a main road has, although the same is not a public road, been, or is proposed to be, proclaimed to be a main road; or
- (b) any road which is not a public road but is within a public reserve has been, or is proposed to be, proclaimed as a tourist road,

then

National Parks and Wildlife.

then in the application of any provision of this Act to or in respect of any such road, unless the context or subject matter otherwise indicates or requires—

(i) a reference to the council shall—

(a) in the case of a public reserve other than a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the trustees of such public reserve;

(b) in the case of a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the Director of National Parks and Wildlife appointed under that Act; and

(ii) a reference to the area of the council shall be construed as a reference to such public reserve.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924–1967.

Amendment
of Act
No. 10,
1960.
Sec. 9.

(Constitu-
tion of the
Council,
other than
the first
Council.)

54. (1) The National Trust of Australia (New South Wales) Act, 1960, is amended by omitting paragraph (b) of subsection four of section nine and by inserting in lieu thereof the following paragraph :—

(b) one shall be appointed by the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(2) The councillor of the Council of The National Trust of Australia (New South Wales) who was appointed by the Fauna Protection Panel and who held office as councillor immediately before the commencement of the National Parks and Wildlife Act, 1967 shall, notwithstanding the

dissolution

National Parks and Wildlife.

dissolution of the Fauna Protection Panel, and the amendment by subsection one of this section of The National Trust (New South Wales) Act, 1960, continue to hold such office for the period defined by or under that Act.

(3) The National Trust of Australia (New South Wales) Act, 1960, as amended by subsequent Acts and by this Act, may be cited as The National Trust of Australia (New South Wales) Act, 1960–1967.

55. (1) The Mining Act, 1906–1965, is amended—

Amendment
of Act No.
49, 1906.
Sec. 28.
(Applicant
may mine
upon land.)

(a) by inserting at the end of section twenty-eight the following new subsection : —

(2) The consent of the Minister under paragraph (a) of subsection one of this section shall not be granted in respect of land within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, unless and until notice of the application for a lease has been laid before both Houses of Parliament as required by subsection two of section twenty-four of that Act, and unless either—

(a) no notice of a resolution disallowing the application has been given within the time specified in such subsection; or

(b) where notice has been so given no such resolution has been passed.

(b) by inserting at the end of subsection two of section 83D the words “The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained.”

Sec. 83D.
(Restriction
on rights of
holders of
licenses
over cer-
tain lands.)

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906–1967.

National Parks and Wildlife.

Amendment
of Act No.
28, 1955.

Sec. 46.

(Restriction
on rights
of holders
of licences
and leases
over cer-
tain lands.)

56. (1) The Petroleum Act, 1955–1965, is amended by inserting at the end of subsection two of section forty-six the words “The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained.”

(2) The Petroleum Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Petroleum Act, 1955–1967.

Sec. 14.

FIRST SCHEDULE.

Kosciusko State Park Act, 1944, No. 14.

Kosciusko State Park (Amendment) Act, 1947, No. 26.

Kosciusko State Park (Amendment) Act, 1952, No. 57.

Ku-ring-gai Chase Act, 1961, No. 43.

Kosciusko State Park (Amendment) Act, 1963, No. 45.

Secs. 15
and 17.

SECOND SCHEDULE.

(Trustees not appointed.)

FIRST PART.

NATIONAL PARKS.

Dharug National Park.

All that piece or parcel of land containing about 29,000 acres situate in the County of Northumberland, Parishes of Mangrove and Spencer and being the area shown by red edge (in two parts) on plan catalogued Ms. 7758 Md., in the Department of Lands.

Kinchega National Park.

All that piece or parcel of land containing about 87,100 acres situate in the Counties of Menindee and Tandora and being the area shown by red edge (in four parts) on plan catalogued M. 116-1814 in the Department of Lands.

SECOND PART.

STATE PARK.

Mount Warning State Park.

All that piece or parcel of land containing about 5,230 acres situate in the County of Rous, Parishes of Burrell and Wollumbin and being the area shown by red edge on plan catalogued Ms. 4339 Gfn., in the Department of Lands.

THIRD

National Parks and Wildlife.

THIRD PART.

HISTORIC SITES.

Bare Island.

All that piece or parcel of land containing 3 acres 1 rood 28 perches situate in the County of Cumberland, Parish of Botany and being portion 5111 shown by red edge on plan catalogued Ms. 20220 Sy., in the Department of Lands.

Hill End.

All that piece or parcel of land as to the surface thereof and to a depth of 50 feet below the surface containing about 68 acres situate in the County of Wellington, Parish of Tambaroora, Village and Suburban Lands of Hill End and shown by red edge, exclusive of the parts hatched black, on plan catalogued Ms. 4136 Oe., in the Department of Lands.

Mootwingee.

All that piece or parcel of land containing about 1,200 acres situate in the County of Mootwingee, Parish of Nootumbulla and shown by red edge on plan catalogued M. 88-2177 in the Department of Lands.

THIRD SCHEDULE.

Secs. 15
and 18.

(Trustees appointed.)

FIRST PART.

NATIONAL PARKS.

Blue Mountains National Park.

All that piece or parcel of land containing about 243,000 acres situate in the County of Cook and being the area shown by red edge (in two parts) on plan catalogued Ms. 20293 Sy., in the Department of Lands, exclusive of Main Road No. 184 and public roads within the external boundaries of the said 243,000 acres.

Brisbane Water National Park.

All that piece or parcel of land containing about 16,500 acres situate in the County of Northumberland, Parishes of Patonga and Narara and being the area shown by red edge on plan catalogued Ms. 7611 Md., in the Department of Lands, inclusive of the strip of land lying between low-water mark and high-water mark of Hawkesbury River extending from portion 97, Parish of Patonga, to Reserve No. 66087 from Sale for Public Recreation and Preservation of Native

National Parks and Wildlife.

Native Flora notified 26th June, 1936, exclusive of Main Road No. 349, public road to Pearl Beach from Main Road No. 349 and railway lands and Railway Reserve No. 40413 within the external boundaries of the said 16,500 acres.

Gibraltar Range National Park.

All that piece or parcel of land containing about 38,000 acres situate in the Counties of Drake and Clive, Parishes of Dandahra, Puhoi, Cooraldooral, Richmond, Albert, Binny and Moogem and being the area shown by red edge (in two parts) on plan catalogued Ms. 4210 Gfn., in the Department of Lands, exclusive of Gwydir State Highway No. 12 and reserves under pastures protection board control within the external boundaries of the said 38,000 acres.

Kosciusko National Park.

All that piece or parcel of land containing about 1,322,000 acres situate in the Counties of Buccleuch, Cowley, Selwyn, Wallace and Wellesley and being the area shown by red edge on plan catalogued Ms. 5020 Gbn., in the Department of Lands, exclusive of any freehold land or land held under lease or license from the Crown (other than a snow lease, permissive occupancy or lease granted under subsection three of section eleven of the Kosciusko State Park Act. 1944-1965), any reserve under the control of a pastures protection board, any reserve for commonage, cemetery, cemetery purposes or general cemetery, The Snowy Mountains Highway and any land within the boundaries of the Villages of Kiandra, Ravine or Yarrangobilly within the external boundaries of the said 1,322,000 acres.

Ku-ring-gai Chase National Park.

All that piece or parcel of land containing about 35,300 acres situate in the County of Cumberland, Parishes of Broken Bay, Cowan, Narrabeen and South Colah and being the area shown by red edge on plan catalogued Ms. 20305 Sy., in the Department of Lands, inclusive of the beds of Cowan Water and its tributaries and of The Basin, Pittwater, exclusive of proposed Sydney-Newcastle Expressway, public roads, main roads and the Pacific Highway within the external boundaries of the said 35,300 acres.

Morton National Park.

All that piece or parcel of land containing about 45,000 acres situate in the Counties of Camden and St Vincent, Parishes of Caoura, Meryla, Burrawang, Yarrunga, Moollattoo, Tallowal and Yalwal and being the area shown by red edge (in two parts) on plan catalogued Ms. 5023 Gbn., in the Department of Lands, exclusive of Main Road No. 261 and public road within the external boundaries of the said 45,000 acres.

Mount

National Parks and Wildlife.

Mount Kaputar National Park.

All that piece or parcel of land containing about 35,200 acres situate in the Counties of Courallie, Jamison, Murchison and Nandewar, Parishes of Bombell, Terrerree, Cowinmangarah, Paleroo, Rusden, Coryah and Ningadhun and being the area shown by red edge (in three parts) on plan catalogued Ms. 1865 Me., in the Department of Lands, exclusive of the public road within the external boundaries of the said 35,200 acres.

New England National Park.

All that piece or parcel of land containing about 56,400 acres situate in the Counties of Raleigh, Dudley, Clarke and Fitzroy, Parishes of Dingle, Waverley, Raleigh, Cliffs, Comara, Wolseley, Lookout and Ernani and being the area shown by red edge on plan catalogued Ms. 2664 Ae., in the Department of Lands.

Royal National Park.

All that piece or parcel of land containing about 36,700 acres situate in the County of Cumberland, Parishes of Sutherland, Heathcote, Wattamolla and Bulgo and being the area shown by red edge on plan catalogued Ms. 20301 Sy., in the Department of Lands, inclusive of the beds of streams, exclusive of Royal National Park Railway Line, Princes Highway, Main Road No. 393, and public roads within the external boundaries of the said 36,700 acres.

Warrumbungle National Park.

All that piece or parcel of land containing about 15,400 acres situate in the Counties of Gowen and Leichhardt, Parishes of Caraghnan, Naman and Elongery and being the area shown by red edge on plan catalogued Ms. 2240 Do., in the Department of Lands, exclusive of Developmental Road No. 1269 and public roads within the external boundaries of the said 15,400 acres.

SECOND PART.

STATE PARKS.

Barangary State Park.

All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrawa and being the area shown by red edge on plan catalogued Ms. 5017 Gbn., in the Department of Lands, exclusive of Main Road No. 263 within the external boundaries of the said 1,970 acres.

Bouddi

National Parks and Wildlife.

Bouddi State Park.

All that piece or parcel of land containing about 1,310 acres situate in the County of Northumberland, Parish of Kincumber and being the area shown by red edge (in two parts) on plan catalogued Ms. 7607 Md., in the Department of Lands.

Bundanoon State Park.

All that piece or parcel of land containing about 3,330 acres situate in the County of Camden, Parishes of Bundanoon and Meryla and being the area shown by red edge (in two parts) on plan catalogued Ms. 5018 Gbn., in the Department of Lands.

Dorrigo State Park.

All that piece or parcel of land containing about 3,870 acres situate in the County of Raleigh, Parishes of Vautin and Never Never and being the area shown by red edge on plan catalogued Ms. 4338 Gfn., in the Department of Lands, exclusive of Trunk Road No. 76 within the external boundaries of the said 3,870 acres.

Gloucester Tops State Park.

All that piece or parcel of land containing 3,832 acres situate in the County of Gloucester, Parishes of Wawgan, Evans and Beean Began and being the area shown by red edge on plan catalogued Ms. 7794 Md., in the Department of Lands.

Heathcote State Park.

All that piece or parcel of land containing about 3,900 acres situate in the County of Cumberland, Parish of Heathcote and being the area shown by red edge on plan catalogued Ms. 20237 Sy., in the Department of Lands, exclusive of public road and Main Road No. 512 within the external boundaries of the said 3,900 acres.

THIRD PART.

HISTORIC SITES.

Captain Cook's Landing Place.

All that piece or parcel of land containing about 700 acres situate in the County of Cumberland, Parish of Sutherland and being the area shown by red edge on plan catalogued Ms. 20239 Sy., in the Department of Lands.

La Perouse

National Parks and Wildlife.

La Perouse Monuments.

All that piece or parcel of land containing about 19 acres situate in the County of Cumberland, Parish of Botany and shown by red edge (in two parts) on plan catalogued Ms. 20240 Sy., in the Department of Lands.

Vaucluse House.

All that piece or parcel of land containing 19 acres 0 roods 38 $\frac{1}{2}$ perches situate in the County of Cumberland, Parish of Alexandria and being the area marked B in plan catalogued Ms. 3217 Sy., in the Department of Lands.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 August, 1967.*

New South Wales



ANNO SEXTO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 35, 1967.

An Act to reserve certain national parks, state parks and historic sites, and to provide for the reservation of further national parks, state parks and historic sites; to make provision for and with respect to the development, use and preservation of, and the care, control and management of national parks, state parks and historic sites; to provide for the appointment of a Director of National Parks and Wildlife and of a National Parks and Wildlife Service and of a National Parks and Wildlife Advisory Council and of a National Parks Advisory Committee of Architects; and to define the powers, authorities, duties and functions to be exercised by them respectively; to abolish the Fauna Protection Panel and the office of Chief Guardian

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. R. CRAWFORD,
Chairman of Committees of the Legislative Assembly.

National Parks and Wildlife.

Guardian of Fauna, and to transfer their respective functions to the National Parks and Wildlife Service and the Director of National Parks and Wildlife; for these and other purposes to amend the Fauna Protection Act, 1948, the Wild Flowers and Native Plants Protection Act, 1927, and certain other Acts in certain respects; to repeal the Kosciusko State Park Act, 1944, the Kosciusko State Park (Amendment) Act, 1947, the Kosciusko State Park (Amendment) Act, 1952, the Kosciusko State Park (Amendment) Act, 1963, and the Ku-ring-gai Chase Act, 1961; and for purposes connected therewith. [Assented to, 4th September, 1967.]

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

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "National Parks and Wildlife Act, 1967".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division
into Parts.

2. This Act is divided into Parts as follows :—

PART I.—PRELIMINARY—ss. 1-3.

PART II.—NATIONAL PARKS AND WILDLIFE SERVICE
—ss. 4-8.

PART

National Parks and Wildlife.

PART III.—NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND LOCAL COMMITTEES—
ss. 9–12.

PART IV.—NATIONAL PARKS, STATE PARKS AND HISTORIC SITES—ss. 13–33.

PART V.—FINANCE—ss. 34–39.

PART VI.—GENERAL—ss. 40–49.

PART VII.—AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT, 1927, AND CERTAIN OTHER ACTS—ss. 50–56.

SCHEDULES.

3. (1) In this Act, unless the context or subject matter Definitions. otherwise indicates or requires—

“Community service” includes the supply or provision of access roads, parking areas, water, sewerage and garbage disposal service.

“Council” means the National Parks and Wildlife Advisory Council constituted under this Act.

“Crown lands” means Crown lands within the meaning of the Crown Lands Consolidation Act, 1913.

“Director” means the Director of National Parks and Wildlife appointed under this Act.

“Historic site” means lands reserved under this Act or by a subsequent Act as an historic site for the purposes of this Act.

“Lands of the Crown” means lands vested in a Minister of the Crown or in a statutory body.

“National park” means lands reserved under this Act or by a subsequent Act as a national park for the purposes of this Act.

“Nature

National Parks and Wildlife.

"Nature reserve" means lands dedicated as a nature reserve under the Fauna Protection Act, 1948.

"Regulations" means regulations made under this Act.

"State park" means lands reserved under this Act or by a subsequent Act as a state park for the purposes of this Act.

"Wildlife" means fauna within the meaning of the Fauna Protection Act, 1948, and native plants and wild flowers within the meaning of the Wild Flowers and Native Plants Protection Act, 1927.

(2) In this Act (Part VII excepted) a reference to an Act includes all amendments of that Act, whether by subsequent Acts or otherwise, and any Act passed in substitution for the Act referred to or incorporating any of its provisions.

PART II.

NATIONAL PARKS AND WILDLIFE SERVICE.

Director.

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

(2) The Director shall subject to this Act, hold office for such period as may be specified in the instrument of appointment, and shall if otherwise qualified be eligible for reappointment from time to time for such further period or periods as the Governor may appoint.

(3) The salary of the Director shall be fixed by the Governor.

(4) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment of the Director and the Director shall not as such be subject to the provisions of that Act during his term of office.

(5) A person who is of or above the age of sixty-five years shall not be appointed as Director.

(6)

National Parks and Wildlife.

(6) The Director shall cease to hold office on the day upon which he attains the age of sixty-five years.

(7) The Director shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) is removed from office by the Governor.

(8) Any person appointed as Director who at the date of such appointment is an officer of the Public Service, shall, if he ceases to be Director be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment as Director.

(9) Nothing in this Act shall affect the rights accrued or accruing under the Public Service Act, 1902, or under the Superannuation Act, 1916, to any person appointed as Director who is at the time of his appointment or has been at any time previous thereto an officer of the Public Service or an employee within the meaning of the Superannuation Act, 1916.

(10) Any officer of the Public Service or person who is an employee within the meaning of the Superannuation Act, 1916, appointed as Director shall continue to contribute to any fund or account and be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, and for such purpose his service as Director shall be deemed to be service for the purpose of such Acts.

(11)

National Parks and Wildlife.

(11) The Director shall have the powers, authorities, duties and functions conferred upon him by this Act, and by the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

(12) The Director shall, in the exercise and discharge of his powers, authorities, duties and functions, be subject to the control and direction of the Minister.

National
Parks and
Wildlife
Service.

5. (1) The Governor may under and subject to the provisions of the Public Service Act, 1902, appoint and employ such officers and employees as may be necessary for the administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927.

Without prejudice to the generality of the foregoing provisions of this subsection the persons so employed may include persons formerly employed by trustees of national parks, state parks and historic sites where by this Act such persons are directed to be employed in the Public Service.

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

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

(4) The Director and the officers, employees and servants engaged in the administration of this Act are in this Act referred to as the "National Parks and Wildlife Service".

National Parks and Wildlife.

6. (1) The National Parks and Wildlife Service shall carry out such works and activities as the Minister may direct either generally or in any particular case, for the preservation and protection of national parks, state parks and historic sites and for the conservation of nature reserves and wildlife.

Powers and functions of National Parks and Wildlife Service.

(2) The Director shall in the case of any national park, state park or historic site the care, control and management of which have been vested in the Director and may in any other case—

- (a) promote such educational activities as he considers necessary in respect of such national park, state park or historic site; and
- (b) arrange for the carrying out of works for or in connection with the management and maintenance of such national park, state park or historic site.

(3) The Director shall investigate proposals for the addition of areas to any national park, state park or historic site or for the reservation of any new national park, state park or historic site.

(4) For the purpose of any such proposals as are referred to in subsection three of this section the Director shall have regard to the following principles—

- (a) the areas to be reserved as national parks are spacious areas containing unique or outstanding scenery or natural features;
- (b) the areas to be reserved as state parks are large areas containing unique or outstanding scenery or natural features but substantially less spacious than areas reserved as national parks;
- (c) the areas to be reserved as historic sites are areas that are the sites of buildings, objects, monuments or events of national significance.

7. (1) The Minister may, by writing under his hand, delegate to the Director or to any such officer or employee as is hereinafter mentioned and the Director with the approval of the Minister, may by writing under his hand delegate to any

Power to delegate.

National Parks and Wildlife.

any officer or employee of the National Parks and Wildlife Service or of any Government Department in respect of which an arrangement has been made under subsection two of section five of this Act for the use of the services of such officer or employee, any power, authority, duty or function (other than the power of delegation) vested in him under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

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

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

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

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

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

(7)

National Parks and Wildlife.

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

(8) A statutory declaration by the delegate stating that he has not received notice of the revocation of the delegation at the time when any such act or thing was done or suffered or at any time after, shall be taken to be conclusive proof of such non-revocation at the time when such act or thing was so done or suffered in favour of all persons dealing with the delegate in good faith and for valuable consideration without notice of such revocation.

8. (1) The Minister shall have power to acquire by gift inter vivos, devise or bequest, any property for the purpose of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, and to agree to the condition of any such gift, devise or bequest. Power of Minister to accept gifts, etc.

(2) The rule of law relating to perpetuities shall not apply to any such condition to which the Minister has agreed.

(3) Any property acquired pursuant to subsection one of this section shall to the extent to which it has not been applied in conformity with the gift, devise or bequest pass to and devolve upon the successors in office of the Minister.

(4) Where the Minister has agreed to the condition of any such gift, devise or bequest, that condition shall bind the property in the hands of any successor in office of the Minister in whom the property may, for the time being, be vested.

PART III.

NATIONAL PARKS AND WILDLIFE ADVISORY COUNCIL AND
LOCAL COMMITTEES.

9. (1) There shall be a National Parks and Wildlife Advisory Council which shall consist of the Director and twelve other members appointed by the Minister. National Parks and Wildlife Advisory Council.

In

National Parks and Wildlife.

In making appointments under this section the Minister shall, as far as reasonably practicable, take steps to ensure that four at least of the members for the time being holding office possess special fitness, by reason of their work or interests, to undertake wildlife conservation.

(2) The Director shall be the chairman of the Council.

(3) Of the members appointed by the Minister—

- (a) three shall be persons each of whom is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a national park;
- (b) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of a local committee for a state park;
- (c) one shall be a person who is a trustee of or a member of the body corporate which is trustee of or a member of the local committee for an historic site;
- (d) one shall be a person who is a member of an organisation or body whose aims and objects include the conservation or protection of wildlife;
- (e) one shall be an officer of the Department of Conservation nominated by the Minister for Conservation;
- (f) one shall be a person who is a member of the National Parks Association of New South Wales;
- (g) one shall be a person nominated in the manner prescribed by one or more of the Universities functioning within New South Wales;
- (h) one shall be an officer of the Australian Museum nominated by the Minister for Education;
- (i) one shall be an officer of the Commonwealth Scientific and Industrial Research Organization established under the Science and Industry Research Act 1949 of the Commonwealth of Australia;

(j)

National Parks and Wildlife.

(j) one shall be a person engaged in grazing or agricultural pursuits in New South Wales.

(4) (a) The members appointed under this section shall, subject to this section, hold office for a period of five years or such lesser period as may be specified in the respective instruments of appointment.

(b) A person of or above the age of seventy years shall not be eligible for appointment as a member of the Council under this section.

(c) A member of the Council appointed under this section shall cease to hold office on the day upon which he attains the age of seventy years.

(5) (a) The Governor may for any cause which to him seems sufficient remove from office any of the members appointed under this section.

(b) A member of the Council shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor;
- (v) ceases to hold the qualification in respect of which he was appointed, other than a member appointed pursuant to paragraph (a) or paragraph (b) or paragraph (c) of subsection three of this section who ceases to hold such qualification by reason of the care, control and management of the national park, state park or historic site having become vested in the Director.

(c) The Minister may appoint a member to fill any vacancy.

(6)

National Parks and Wildlife.

(6) The chairman shall preside at all meetings of the Council at which he is present. In the absence of the chairman the members may elect one of their number to preside as chairman.

The chairman or member presiding shall have a deliberative vote, and, in the event of an equality of votes, shall have a second or casting vote.

(7) Seven members shall form a quorum at any meeting of the Council and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council.

(8) At any meeting of the Council at which a quorum is present the decision of a majority of votes shall be the decision of the Council.

(9) Each member of the Council other than the chairman shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(10) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings, shall, subject to any regulations made in relation thereto, be as determined by the Council.

Functions
of Council.

10. (1) The Council shall advise the Minister on matters relating to the care, control and management of national parks, state parks, historic sites and nature reserves, and to the preservation and protection of wildlife and on such other matters as the Minister may refer to the Council.

(2) Subject to subsection twelve of section four of this Act, the Director shall furnish to the Council full information in relation to any matters arising out of the administration of this Act, the Fauna Protection Act, 1948, and the Wild Flowers and Native Plants Protection Act, 1927, which the Council may require.

11.

National Parks and Wildlife.

11. (1) A local committee may be constituted for each national park, state park and historic site under the care, control and management of the Director. Establishment of local committees.

(2) The local committee first constituted for each national park, state park or historic site after the date upon which the care, control and management of the same have been vested in the Director shall be the persons who, immediately before such date, were the trustees or the members of the body corporate which was trustee of the same, or where there were no trustees or trustee, such persons as the Minister may appoint.

(3) (a) The Governor may for any cause which to him seems sufficient remove from office any member of a local committee.

(b) A member of a local committee shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office by writing under his hand addressed to the Minister;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (iv) is removed from office by the Governor.

(4) After the first constitution of a local committee the members of such local committee shall be appointed by the Minister and he may from time to time appoint additional members or appoint a member to fill any vacancy.

(5) The members of a local committee shall hold office for a period of five years or, in the case of members appointed by the Minister, for such lesser period as may be specified in the respective instruments of appointment.

(6) No person of or above the age of seventy years shall be eligible for appointment under this section as a member.

(7)

National Parks and Wildlife.

(7) A member of a local committee shall cease to hold office on the day upon which he attains the age of seventy years.

(8) The procedure for the calling of meetings of a local committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the local committee.

(9) A majority of the members of a local committee shall form a quorum and any duly convened meeting of the committee at which a quorum is present shall be competent to transact any business of the local committee.

Functions
of
committee.

12. A local committee may make recommendations to the Council or the Director or to the superintendent of the national park, state park or historic site for which the local committee was constituted in respect of measures to improve the care, control and management of such national park, state park or historic site.

PART IV.

NATIONAL PARKS, STATE PARKS AND HISTORIC SITES.

Limitation
on use of
name
national
park or
state park.

13. (1) After the commencement of this Act the word "national" or "state" shall not be used either alone or in conjunction with other words as the name of a park unless the park is a national park or state park under this Act.

(2) Where immediately before the commencement of this Act the word "national" or "state" was included in the name of any park which has not been reserved as a national park or state park under this Act, the name of such park shall be deemed to have been altered by excluding such word.

Repeals.

14. The Acts mentioned in the First Schedule to this Act are hereby repealed.

National Parks and Wildlife.

15. (1) The areas of land described in the First Part of the Second Schedule and in the First Part of the Third Schedule to this Act are hereby permanently reserved as national parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

Lands in
Second and
Third
Schedules
to be
national
parks, state
parks and
historic sites.

(2) The areas of land described in the Second Part of the Second Schedule and in the Second Part of the Third Schedule to this Act are hereby permanently reserved as state parks under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(3) The areas of land described in the Third Part of the Second Schedule and in the Third Part of the Third Schedule to this Act are hereby permanently reserved as historic sites under the names set out in the descriptions as applicable to the particular areas respectively described in such Parts.

(4) All dedications or reservations affecting the lands described in the Second and Third Schedules to this Act immediately before the commencement of this Act are hereby revoked.

(5) Any Crown grant issued and any vesting made in respect of or including any part of the lands described in the Second and Third Schedules to this Act are hereby revoked insofar as they relate to such lands and the deeds of grant shall be surrendered for cancellation.

(6) All by-laws and rules and regulations which were made in relation to any land the whole or part of which is by this Act reserved as a national park, state park or historic site and which were in force immediately before the commencement of this Act, shall continue in force and shall be deemed to be regulations made under this Act in relation to such national park, state park or historic site and may be amended, repealed or added to by regulations.

National Parks and Wildlife.

Certain lands
to become
Crown lands.

16. Any land which, immediately before the commencement of this Act—

- (a) was included within the boundaries of the Kosciusko State Park as established under the Kosciusko State Park Act, 1944, and is not included within the boundaries of the Kosciusko National Park as described in the First Part of the Third Schedule to this Act; or
- (b) was included within the boundaries of Ku-ring-gai Chase as established under the Ku-ring-gai Chase Act, 1961, and is not included within the boundaries of the Ku-ring-gai Chase National Park as described in the First Part of the Third Schedule to this Act; or
- (c) was included within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as dedicated or reserved under the Crown Lands Consolidation Act, 1913, and is not included within the boundaries of Blue Mountains National Park, Brisbane Water National Park, New England National Park or Royal National Park as respectively described in the First Part of the Third Schedule to this Act,

shall, as from such commencement, become Crown lands freed and discharged from any dedication reservation or trust to which they may have been subject immediately before such commencement.

Care, control and management of areas in the Second Schedule.

17. Upon the commencement of this Act the care, control and management of the national park, state park and historic sites described in the Second Schedule to this Act shall be vested in the Director.

Care, control and management of areas in the Third Schedule.

18. (1) The persons who, immediately before the commencement of this Act, held office as trustees or as members of the body corporate which is trustee of lands comprising the whole or part of any of the areas of land described in the

National Parks and Wildlife.

the Third Schedule to this Act shall from and after such commencement hold office as trustees of the national park, state park or historic site named in respect of such area until replaced pursuant to this Act.

(2) The trustees for the time being of any such national park, state park or historic site, whether holding office pursuant to subsection one of this section or an appointment under this Act, shall be a body corporate and, subject to this Act, shall have the care, control and management of such national park, state park or historic site.

(3) From and after the commencement of this Act the powers, authorities, duties and functions of the trustees of any such national park, state park or historic site shall be those conferred or imposed by or under this Act.

(4) The trustees shall cause to be forwarded to the Minister during the month next following the close of the 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 may require.

(5) The Minister may from time to time by notification in the Gazette fill any vacancies which may occur in the office of any of such trustees and may by a like notification appoint additional trustees.

(6) The Governor may for any cause which to him seems sufficient remove from office any trustee.

(7) A trustee shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- (c) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (d) is removed from office by the Governor.

(8) No person of or above the age of seventy years shall be eligible for appointment under this section as trustee.

(9)

National Parks and Wildlife.

(9) A trustee shall cease to hold office on the day upon which he attains the age of seventy years.

(10) The procedure for the calling of meetings of the trustees and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the trustees.

(11) A majority of the trustees shall form a quorum and any duly convened meeting of the trustees at which a quorum is present shall be competent to transact any business of the trustees.

Vesting of
care,
control and
management
in Director.

19. (1) Where it is proposed to vest the care, control and management of any national park, state park or historic site described in the Third Schedule to this Act in the Director the Minister shall lay before both Houses of Parliament notice of such proposal.

(2) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House that it does not assent to the vesting in the Director of the care, control and management of the national park, state park or historic site the proposal shall lapse.

(3) If no notice of such a resolution is given within the time specified in subsection two of this section or if, where notice has been so given, the resolution is not passed the Minister may, by notification in the Gazette, declare that as from the date stated in the notification, the care, control and management of the national park, state park or historic site specified in the notification shall be vested in the Director.

(4) Where any such notification has been published in the Gazette the persons who, immediately before the date stated in such notification, held office as trustees or as members of the body corporate which was trustee of the national park, state park or historic site so specified shall cease to hold office and the care, control and management of the national park, state park or historic site shall thereafter be vested in the Director.

National Parks and Wildlife.

20. (1) After the commencement of this Act the reservation of any new national park, state park or historic site shall be made by Act of Parliament and not otherwise, but nothing in this subsection shall affect the operation of subsections two and three of this section.

Reservation of further national parks, state parks and historic sites.

(2) (a) Notwithstanding anything in any other Act, where Crown lands or lands of the Crown not held under lease or license or vested in or under the care, control and management of trustees either adjoin or are adjacent to a national park, state park or historic site the Minister may, by notification in the Gazette, add such lands to such park or site and such lands shall thereupon be permanently reserved as part of the park or site to which they have been so added.

(b) Lands of the Crown shall not be added to a national park, state park or historic site under this subsection unless the Minister of the Crown in whom the control is vested or the statutory body in which the lands are vested has consented to the addition.

(c) Before the Minister publishes a notification in the Gazette under this subsection, notice of the proposed addition shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such proposal has been laid before such House disallowing the proposal then the Minister shall not proceed with the addition.

(3) Upon the addition of lands to a national park, state park or historic site under subsection two of this section—

(a) subject to this Act any estate or interest in the lands so added which immediately before such addition was vested in or held by any person or body of persons other than the Crown shall be thereby divested;

(b) any dedications and reservations affecting the lands so added immediately before such addition shall be thereby revoked;

(c)

National Parks and Wildlife.

- (c) any Crown grant issued in respect of or including any part of the lands so added and subsisting immediately before such addition shall be thereby revoked insofar as it relates to such lands and the deed of grant shall be surrendered for cancellation; and
- (d) the lands so added shall to the extent they were not already Crown lands become Crown lands.

National
parks, state
parks or
historic
sites not to
be revoked
except by
Act of
Parliament.

21. (1) Notwithstanding anything in any other Act the reservation of lands as a national park, state park or historic site shall not be revoked or altered and lands within a national park, state park or historic site shall not be appropriated or resumed except by an Act of Parliament: Provided that the provisions of this section shall not prevent the withdrawal of land from or the termination of any lease, license or occupancy in accordance with the terms and conditions thereof.

(2) The following provisions shall apply to and in respect of Morton National Park :—

- (a) The Metropolitan Water Sewerage and Drainage Board constituted under the Metropolitan Water, Sewerage, and Drainage Act, 1924 (in this subsection hereinafter referred to as the "Board"), may continue and complete surveys and investigations for determining the location of a dam for water supply purposes and of a reservoir and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Morton National Park.
- (b) The site of the dam and of the reservoir and ancillary works shall be determined by agreement between the Minister and the Board.
- (c) Where such site has been so determined the Governor may notwithstanding anything in subsection one of this section by notification in the Gazette revoke the reservation of Morton National Park as to so much of the lands reserved as are within such site and declare such lands to be vested in the Board and thereupon the same shall vest in the Board.

(d)

National Parks and Wildlife.

- (d) The Minister may from time to time grant to the Board such easements and licenses over lands within Morton National Park for pipelines, power lines and other purposes as may be necessary for or in connection with the use and operation of the dam and reservoir and ancillary works.

22. (1) Except as provided in this Act the reservation of lands as a national park, state park or historic site shall not affect the terms and conditions of any authority or permit in respect of or any lease, license or occupancy of such lands from the Crown or the trustees current and in force at the time of such reservation or the use permitted of such lands under the authority, permit, lease, license or occupancy.

Existing
authority,
permit,
lease,
license or
occupancy.

(2) Subject to this section and to section twenty-four of this Act, no such authority, permit, lease, license or occupancy shall be renewed nor shall the term of any such authority, permit, lease, license or occupancy be extended except with the approval of the Minister and subject to such conditions as the Minister may determine.

(3) The provisions of subsection two of this section requiring approval of the Minister shall not apply to any authority, lease or license under the Mining Act, 1906, or the Petroleum Act, 1955.

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

Restriction
on disposal
or dealing
with lands.

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

Any

National Parks and Wildlife.

Any such permit shall be granted subject to such special conditions as the Minister may determine.

Restrictions
on mining.

24. (1) The land within a national park, state park or historic site is hereby exempted from occupation under any miner's right or business license issued under the provisions of the Mining Act, 1906.

(2) (a) Where application is made for the grant of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site notice of the application shall be laid before both Houses of Parliament. If either House passes a resolution of which notice has been given at any time within fifteen sitting days after such notice has been laid before such House disallowing the grant, then, notwithstanding anything in any other Act, the authority or lease shall not be granted.

(b) No extension or renewal of any authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, over land within a national park, state park or historic site shall be granted except with the concurrence of the Minister.

(3) Except as provided in this section nothing in this Act shall affect the right, title or interest of any person or body of persons (other than the persons who are or were trustees or members of the body corporate which is or was trustee of the lands comprised or included in a national park, state park or historic site), in respect of minerals in lands within a national park, state park or historic site.

Restrictions
as to timber.
cf. Act No.
14, 1944,
s. 7.

25. The Forestry Act, 1916, shall not apply to or in respect of land within a national park, state park or historic site:

Provided that all licenses and permits under the Forestry Act, 1916, affecting land within a national park, state park or historic site shall, unless sooner cancelled under that Act, continue in force until the expiration of the respective terms for which they were granted, and the provisions of that Act shall continue in force for all purposes of or relating to such licenses and permits until the same respectively expire or are cancelled.

26.

National Parks and Wildlife.

26. (1) Where the Minister has published a notification under section nineteen of this Act vesting the care, control and management of any national park, state park or historic site in the Director the following provisions shall have effect :—

Transfer of
rights,
liabilities
and property.

- (a) All property and all right and interest therein (in this section referred to as the trust property) and all management and control of any thing which immediately before such notification was vested in or belonged to the trustees and was held or used by them for or in connection with the national park, state park or historic site shall vest in and belong to the Director.
- (b) All moneys, liquidated and unliquidated claims which immediately before such notification were payable to or recoverable by the trustees or their predecessors in relation to the national park, state park or historic site or in the trust property or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the Director.
- (c) All suits, actions and proceedings pending immediately before such notification, at the suit of or against the trustees in relation to the national park, state park or historic site or the trust property or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the Director.
- (d) All contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees or their predecessors in relation to the national park, state park or historic site or the trust property or any part thereof and in force immediately before such notification shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the Director.
- (e) The Director may pursue the same remedies for the recovery of any such moneys and claims and for

the

National Parks and Wildlife.

the prosecution of such suits, actions and proceedings as the trustees or their predecessors might have done had they continued to be trustees of the national park, state park or historic site after such notification.

- (f) The Director may enforce and realise any security or charge existing immediately before such notification in favour of the trustees in respect of any such moneys and claims as if such security or charge were existing in favour of the Director.
- (g) All debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees or their predecessors solely relating to the national park, state park or historic site or the trust property or any part thereof shall be debts due and moneys payable by and claims recoverable against the Director.

(2) (a) Where part only of the lands vested in trustees is comprised within a national park, state park or historic site the care, control and management of which have been vested in the Director, the Director and the trustees shall, as soon as practicable after publication of the notification arrange and agree upon a division of the assets, debts and liabilities of the trustees, so that the assets, debts and liabilities appropriate to the national park, state park or historic site, and to the lands retained by the trustees may be determined.

(b) If any difference arises between the Director and the trustees such difference shall be determined as the Minister may direct.

Transfer of
employees.

27. (1) Every person who immediately before the care, control and management of a national park, state park or historic site were vested in the Director, was an employee, other than a casual employee, of the trustees of the lands within such park or site and was employed by them solely in connection with those lands, shall upon such vesting in the Director become and be an employee under the Public Service Act, 1902.

(2)

National Parks and Wildlife.

(2) The following provisions shall apply to a person referred to in subsection one of this section—

- (a) such person shall unless the Public Service Board approves of employment on some other basis be employed under section forty-four of the Public Service Act, 1902;
- (b) notwithstanding anything in the said Act the Public Service Board's approval to employ such person otherwise than under section forty-four of the said Act may be given before he becomes an employee of the Public Service or at any time while he remains an employee and the Board may impose such conditions relating to his employment as it thinks fit provided such conditions are not inconsistent with this section;
- (c) the period of service with the trustees or their predecessors of such person shall be deemed to be service in the Public Service for the purposes of annual leave, sick leave or long service leave : Provided that unless the Public Service Board otherwise approves the leave allowable under this paragraph in respect of service with the trustees or their predecessors shall not exceed the leave which would have been allowed if the person concerned had continued to be an employee of such trustees or their predecessors;
- (d) a person who becomes an employee of the Public Service under this section shall be paid salary or wages at a rate not less than the rate which was payable to him immediately before he became so employed, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, referred to in paragraph (a) or (b) of subsection two of section 61AA of the Industrial Arbitration Act, 1940, and as last adjusted in accordance with the provisions of section 61AB of that Act until

such

National Parks and Wildlife.

such salary or wages is or are varied or altered under the Public Service Act, 1902, or pursuant to the award of a competent tribunal or an industrial agreement;

- (e) where any condition of employment of such person was, immediately before his becoming an employee of the Public Service, regulated by an award or industrial agreement, such condition shall continue to be so regulated until a determination in relation to such condition is made by the Public Service Board in pursuance of the Public Service Act, 1902, or until an award regulating such condition is made by a competent tribunal or such condition is regulated by an industrial agreement;
- (f) if such person does not become a contributor to the State Superannuation Fund constituted under the Superannuation Act, 1916, the Minister shall continue to pay the share of any premium contributed by the trustees on an insurance policy for such person upon the same terms and subject to the same conditions as it was paid by such trustees;
- (g) if such person while employed in the Public Service becomes a contributor to the State Superannuation Fund constituted as aforesaid any responsibility of the Minister to continue to pay the share of any premium contributed by the trustees on an insurance policy for such person shall cease but such person may elect to continue the policy on his own account or to cancel the policy and receive any moneys refunded by the insurer.

Snowy
Mountains
Hydro-
electric
Agreements
Act, 1958.

28. Any reference in the Snowy Mountains Hydro-electric Agreements Act, 1958, or in the Agreement approved by that Act to the Kosciusko State Park shall be read and construed as a reference to the Kosciusko National Park reserved under this Act and any reference to the Kosciusko

State

National Parks and Wildlife.

State Park Trust shall be read and construed as a reference to the Kosciusko National Park Trust or, where the care, control and management of the Kosciusko National Park have been vested in the Director, to the Director.

29. (1) The Director shall—

Plan of
management.

- (a) with respect to each of the national parks, state parks and historic sites reserved by this Act and described in the Second and Third Schedules thereto, prepare a plan of management as soon as practicable after the commencement of this Act;
- (b) with respect to any national park, state park or historic site reserved after the commencement of this Act, prepare a plan of management as soon as practicable after such national park, state park or historic site has been so reserved.

(2) The plan of management in respect of each national park, state park and historic site shall contain a detailed written scheme of the operations which it is proposed to undertake in or in relation to the park or site to carry out the purpose and objects of this Act.

(3) In the preparation of any plan of management regard shall be had to the following objectives—

- (a) the encouragement and regulation of the appropriate use, understanding and enjoyment of each national park, state park and historic site by the public;
- (b) the preservation of each national park or state park in its natural condition, the protection of the special features of the park and the conservation of wildlife therein;
- (c) the preservation of each historic site and any historic structure or object on such site;
- (d) the preservation of each national park, state park or historic site as a catchment area;

(e)

National Parks and Wildlife.

- (e) the protection of each national park, state park or historic site against fire and erosion; and
- (f) the setting apart of the whole or part of a national park or state park as a wilderness area.

(4) Where any lands reserved as a national park, state park or historic site are wholly or partly within a catchment area of the Metropolitan Water Sewerage and Drainage Board, or where the waters from any lands so reserved drain into a catchment area or structure of such Board—

- (a) the Director shall, before submitting the plan of management for that national park, state park or historic site to the Minister, refer the same to the said Board for its information;
- (b) the Minister shall before adopting such plan of management consider any representations made by the said Board.

(5) (a) Where the Director has prepared a plan of management in respect of a national park, state park or historic site he shall give notice as prescribed that the plan of management has been prepared and shall, in such notice—

- (i) specify the address of the place at which copies of the plan of management may be inspected;
- (ii) specify the address to which representations in connection with the plan of management may be forwarded.

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

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

(d)

National Parks and Wildlife.

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

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

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

(g) The Minister may amend or alter a plan of management from time to time or may cancel a plan of management and substitute a new plan of management.

(h) Where the Minister proposes to amend or alter a plan of management or to cancel a plan of management and substitute a new plan of management he shall instruct the Director to prepare the amendment or alteration or the new plan of management, and the Director shall proceed to do so as soon as practicable after being so instructed. The provisions of subsections two to four both inclusive of this section, and of paragraphs (a) to (f) both inclusive of this subsection shall, *mutatis mutandis*, apply to and in respect of such amendment or alteration or such new plan of management.

(6) Where the Minister has adopted a plan of management—

- (a) it shall be carried out and given effect to by the trustees or the body corporate which is the trustee having the care, control and management of the national park, state park or historic site concerned or by the Director where such care, control and management have been vested in the Director;
- (b) no operations shall be undertaken on or in relation to a national park, state park or historic site unless such operations are in accordance with the plan of management for the park or site.

(7)

National Parks and Wildlife.

(7) Where any area is set apart as a wilderness area in the plan of management of a national park or state park—

- (a) such area shall be kept and maintained in a wilderness condition;
- (b) no buildings of any description or ski tows or other apparatus shall be erected or constructed thereon except simple survival huts where essential.

Granting
of leases
and
licenses.

30. (1) The Minister may—

- (a) grant leases of land within a national park, state park or historic site for the purpose of—
 - (i) the erection thereon of accommodation hotels or accommodation houses;
 - (ii) the provision thereon of facilities and amenities for tourists and visitors;
- (b) grant leases of land within a national park, state park or historic site on which accommodation hotels or accommodation houses have been erected or facilities and amenities for tourists and visitors have been provided;
- (c) grant licenses to occupy or use lands within a national park, state park or historic site.

(2) Any lease or license granted under this section shall be subject to such terms and conditions as the Minister may determine.

Easements.

31. (1) The Minister may upon such terms as he thinks fit grant for joint or several use easements or rights of way through upon or in a national park, state park, historic site or nature reserve for the purpose of providing access to any area included in any lease or license within the park, site or reserve, or for the erection of pipelines, or for the erection of standards, posts, wires and appliances for the conveyance or transmission of electricity, or for any other purpose deemed necessary.

(2) The Minister may from time to time revoke or vary any grant under this section.

(3)

National Parks and Wildlife.

(3) Any easement or right of way over land in a national park, state park or historic site whether reserved by this Act or by a subsequent Act, which was in force immediately before the national park, state park or historic site was so reserved, shall continue in force and shall be deemed to have been granted under this section.

(4) Any easement or right of way over land in a nature reserve whether dedicated before or after the commencement of this Act which was in force immediately before such commencement, in the case of a nature reserve dedicated before the commencement of this Act, or immediately before such dedication, in the case of a nature reserve dedicated after such commencement, shall continue in force and shall be deemed to have been granted under this section.

32. (1) Subject to any regulations the Minister may prohibit the carrying on of any trade, business or occupation within a national park, state park or historic site otherwise than by some person licensed by the Director.

Trade within a national park, state park or historic site.

(2) (a) The Minister may grant a franchise to any person on such terms and conditions as the Minister may determine for the sale of goods and services, the provision of public transportation or the supply of other facilities and amenities within a national park, state park or historic site.

(b) Any franchise granted before the commencement of this Act by the trustees of lands comprising the whole or part of any of the areas of land reserved by this Act as a national park, state park or historic site and in force immediately before such commencement, shall be deemed to be a franchise granted by the Minister under this section and to be as valid and effectual as it would have been if this Act had been in force when the franchise was granted.

33. The Soil Conservation Act, 1938, shall apply to and in respect of land within a national park, state park or historic site but any experimental or research work conducted pursuant

Soil Conservation Act, 1938.

to

National Parks and Wildlife.

to section six of that Act upon land within the park or site shall be undertaken only with the concurrence of the Director and subject to such conditions and restrictions as he may impose.

PART V.**FINANCE.**

National
Parks and
Wildlife
Fund.

34. There shall be established and kept at the Treasury an account in Special Deposits Account to be called the National Parks and Wildlife Fund.

Payments
into the
Fund.

35. (1) There shall be paid into the National Parks and Wildlife Fund—

- (a) all moneys provided by Parliament for the purposes of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927;
- (b) all moneys received in respect of—
 - (i) leases, licenses or occupancies within a national park, state park, historic site or nature reserve;
 - (ii) royalties, fees and charges in pursuance of any authority granted under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts;
 - (iii) franchises granted or deemed to have been granted under section thirty-two of this Act;
 - (iv) community service contributions;
 - (v) penalties recovered in pursuance of this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or the regulations under those Acts; and
 - (vi) sums paid pursuant to an order under subsection four of section forty-four of this Act;

(c)

National Parks and Wildlife.

- (c) any moneys acquired by the Minister pursuant to section eight of this Act;
- (d) any other moneys received in connection with any national park, state park, historic site or nature reserve or any proposed national park, state park, historic site or nature reserve;
- (e) all moneys held in the Kosciusko State Park Fund; and
- (f) all moneys held immediately before the commencement of this Act by the trustees of any land the whole of which is, by this Act, reserved as a national park, state park or historic site and so much of the moneys held immediately before such commencement by the trustees of any land part of which is, by this Act, so reserved as is appropriate to such part: Provided that the Minister may, where he considers the circumstances so warrant, approve of the retention of the whole or part of such moneys by the trustees.

(2) Where any moneys acquired by the Minister pursuant to section eight of this Act are subject to any condition to which the Minister has agreed such moneys shall be carried to a separate account in the National Parks and Wildlife Fund and shall be applied in accordance with the conditions. Any such moneys may, pending such application, be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

36. (1) No money shall be paid out of the National Parks and Wildlife Fund except under the authority of this Act. Payments out of the Fund.

(2) There may be paid out of the National Parks and Wildlife Fund—

- (a) all costs and expenses incurred by the Minister or the Director in exercising and discharging his powers, authorities, duties and functions under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927.

(b)

National Parks and Wildlife.

- (b) all moneys allocated by the Minister for expenditure by trustees on any national park, state park or historic site;
- (c) the fees, travelling and other expenses payable to members of the Council or any committee under this Act;
- (d) the cost of acquiring land for national parks, state parks, historic sites or nature reserves;
- (e) the cost of improvement of any land adjoining or in the vicinity of a national park, state park, historic site or nature reserve, where in the opinion of the Minister this is desirable to provide or improve access to the park, site or reserve, or to provide or improve facilities or amenities for persons visiting the park, site or reserve; and
- (f) all moneys which the Minister directs shall be set aside to provide a reserve for insurance.

(3) (a) The cost of acquiring land pursuant to paragraph (d) of subsection two of this section may be paid before such land has been reserved as or added to a national park, state park or historic site or dedicated as a nature reserve.

(b) Any moneys set aside under paragraph (f) of the same subsection may be invested by the Minister with the Treasurer or in any manner in which trustees are for the time being authorised to invest trust funds.

Community
service con-
tribution.

37. The Director shall from time to time assess the amount of the contribution to be paid by the holder of a lease of or license to occupy or use land within a national park, state park or historic site for the cost of providing or maintaining any community service in the park or site.

The amount of the contribution shall be due and payable to and recoverable by the Director on the expiration of three months from the service of a notice of the amount of the contribution on the holder of the lease or license. If the contribution is not paid by the due date the amount due shall be

increased

National Parks and Wildlife.

increased by a sum calculated at the rate of seven per centum per annum simple interest until it has been paid.

The Minister, on the recommendation of the Director, may for any reason which to him seems sufficient exempt any such holder from the payment of such a contribution.

38. Where the Director—

- (a) supplies any service, product or commodity;
- (b) grants any license to carry on a trade, business or occupation;
- (c) gives any permission; or
- (d) furnishes any information,

Charges and fees.
cf. Act No. 59, 1963, s. 42.

under this Act, the Fauna Protection Act, 1948, or the Wild Flowers and Native Plants Protection Act, 1927, or in connection with any national park, state park or historic site he may make, demand, levy and recover such charges and fees as may be prescribed or where no charge or fee is prescribed such charges and fees as may be fixed by him subject to the maximum (if any) prescribed.

39. Land within a national park, state park or historic site shall be exempt from rates under the Local Government Act, 1919, and such exemption shall not be affected by any lease or license of the land.

Exemption from rates.

PART VI.

GENERAL.

40. (1) There shall be a National Parks Advisory Committee of Architects (in this Part hereinafter referred to as the "Advisory Committee") which shall consist of seven members.

Advisory Committee of Architects.

(2) One of such members shall be the person who for the time being holds the office of Government Architect. The Government Architect may appoint an architect employed in the Government Architect's Branch of the Department of Public Works as a deputy to act on his behalf at any meeting

of

National Parks and Wildlife.

of the Advisory Committee at which he is unable to attend and the deputy so appointed shall be entitled to act accordingly.

(3) (a) The other six members shall be appointed by the Minister and shall be registered architects.

(b) Of such members—

(i) two shall be members of the Royal Australian Institute of Architects (New South Wales Chapter), nominated by the Council of that Chapter; and

(ii) one other shall be qualified as a landscape architect.

(4) Each of the members appointed pursuant to subsection three of this section shall, subject to this section, hold office for such period as may be specified in the instrument of his appointment.

(5) (a) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection three of this section.

(b) A member of the Advisory Committee so appointed shall be deemed to have vacated his office if he—

(i) dies;

(ii) resigns his office by writing under his hand addressed to the Minister;

(iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;

(iv) is removed from office by the Minister;

(v) ceases to hold the qualification by virtue of which he was appointed.

(6) The procedure for the calling of meetings of the Advisory Committee and the conduct of business at such meetings shall, subject to any regulations made in relation thereto, be as determined by the Advisory Committee.

(7)

National Parks and Wildlife.

(7) Each member of the Advisory Committee shall be entitled to receive such fees and travelling or other expenses as the Minister may determine.

(8) The Advisory Committee shall consider and furnish reports to and advise the Minister or the Director upon any matter relating to the design and siting of structures, planning, development or aesthetics within national parks, state parks, historic sites and nature reserves which may be referred to the Advisory Committee by the Minister or the Director.

41. (1) If any driver of a motor vehicle in a national park, state park, historic site or nature reserve refuses to produce his driver's license and state his name and place of abode when required to do so by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf, or, when so required, states a false name or place of abode, he shall be guilty of an offence against this Act.

Driver to give his name and address when required.
cf. Act No. 5, 1909, s. 5.

(2) Where the driver of a motor vehicle is alleged to be guilty of an offence against this Act or any regulation—

- (a) the owner of the vehicle, or the person in whose name it is registered, or the person having the custody of the vehicle, shall, when required to do so by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf, forthwith give information (which shall, if so required, be given in the form of a statement in writing, signed by such owner or person) as to the name and place of abode of such driver, and if any such owner or person fails to do so he shall be guilty of an offence against this Act, unless he proves to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained such name and place of abode; and

(b)

National Parks and Wildlife.

- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of such driver and, if he fails to do so, shall be guilty of an offence against this Act.

(3) Where a statement in writing purporting to be furnished under paragraph (a) of subsection two of this section and to contain particulars of the name and place of abode of the driver of a motor vehicle at the time of commission of an alleged offence against this Act or any regulation is produced in any court in proceedings against the person named therein as the driver for such offence, the statement shall, if such person does not appear before the court, be evidence without proof of signature that he was the driver of such vehicle at such time.

Seizure of
motor
vehicles.

42. (1) Any park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf may seize and take charge of and remove or tow away or cause to be removed or towed away, any motor vehicle which is a danger or unreasonable obstruction to traffic, or has been abandoned in a national park, state park, historic site or nature reserve. Any motor vehicle so removed or towed away may be kept or impounded at any place appointed or set apart by the Director for the purpose : Provided that before seizure as aforesaid such park ranger or other officer shall—

- (a) if no person is in charge of the vehicle, make reasonable inquiry for the purpose of locating the owner or driver of the vehicle;
- (b) if upon such inquiry the owner or driver of the vehicle is located, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request;
- (c) if any person is in charge of the vehicle, request him to remove the vehicle or cause it to be removed forthwith and afford him a reasonable opportunity to comply with the request.

The

National Parks and Wildlife.

The inquiry referred to in paragraph (a) of this subsection shall be made in the vicinity of the place where the vehicle is found.

(2) Upon seizure of a motor vehicle under this section the Director shall—

- (a) where the name and address of the owner of the vehicle are recorded at the office of the Commissioner for Motor Transport in respect of the registration (if any) of the vehicle, within a period of fourteen days after the seizure send or cause to be sent to such owner a notice setting out particulars of the time, date and place of the seizure and the place where the vehicle is kept or impounded;
- (b) where the name and address of the owner of the vehicle are not so recorded—
 - (i) within a period of fourteen days after the seizure send or cause to be sent to such owner if he can, after reasonable inquiry, be located a notice setting out the particulars aforesaid;
 - (ii) if such owner cannot, after reasonable inquiry, be located, cause a notice setting out the like particulars to be published in a newspaper circulating in the area in which the vehicle was seized.

(3) Except in the case of a motor vehicle which is dealt with under the provisions of subsection four of this section, the following conditions shall be observed before the release of a motor vehicle kept or impounded under this section—

- (a) the application for the release shall be made by the owner of the motor vehicle or by a person acting for or on behalf of such owner to an officer-in-charge of the place at which the vehicle is kept or impounded (hereinafter referred to as the “officer-in-charge”);

(b)

National Parks and Wildlife.

- (b) the applicant shall furnish evidence as to the ownership of the motor vehicle to the satisfaction of the officer-in-charge;
- (c) the motor vehicle shall not be released from custody unless—
 - (i) the officer-in-charge is satisfied that the applicant is the owner of the motor vehicle or that he possesses authority to act for and on behalf of such owner;
 - (ii) the appropriate amount fixed by the Minister as the amount payable in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of such motor vehicle has been paid to the officer-in-charge;
 - (iii) the applicant has signed a receipt for the delivery of the motor vehicle on a form supplied to him by the officer-in-charge.
- (4) If within a period of three months after the date upon which the motor vehicle has been seized the owner has failed to claim the motor vehicle and to pay the amount referred to in subparagraph (ii) of paragraph (c) of subsection three of this section, the motor vehicle may, after the expiration of such period, be disposed of or destroyed in accordance with the directions of the Director.

Impounding. **43.** For the purpose of impounding any stock trespassing on a national park, state park, historic site or nature reserve the Director shall be deemed to have all the rights as are by law conferred upon occupiers. An impounding by the Director may be effected by a park ranger or other officer of the National Parks and Wildlife Service duly authorised by the Director in that behalf or by any person authorised to impound stock trespassing on Crown lands.

Penalties. **44.** (1) Any penalty imposed by this Act or the regulations may be recovered in a summary manner before a stipendiary magistrate or any two justices in petty sessions.

(2)

National Parks and Wildlife.

(2) Where the penalty is a daily penalty it may be recovered either under a separate information or complaint for each day or under an information or complaint for the sum of the daily penalties.

(3) Any person who is guilty of an offence against this Act shall where no other penalty is expressly provided be liable to a penalty not exceeding one hundred dollars for every such offence.

(4) Where any person is convicted of an offence against this Act which results in or causes loss or damage to any national park, state park, historic site or nature reserve or to any structure or improvements thereon, the magistrate or justices before whom he was convicted may order payment of such sum as he or they shall think fit by way of compensation for such loss or damage. cf. Act No. 7, 1913, s. 254

Any such order shall be deemed to be a conviction or order whereby a sum of money is adjudged to be paid within the meaning of the Justices Act, 1902.

45. (1) Any charge, fee or money due to the Director under the provisions of this Act or the regulations may be recovered as a debt in a court of competent jurisdiction. Recovery of charges, etc.

(2) Proceedings for the recovery of any charge, fee or money so due to the Director shall be deemed to be for the recovery of a debt or liquidated demand within the meaning of—

- (a) section twenty-four of the Common Law Procedure Act, 1899;
- (b) section sixty-four of the District Courts Act, 1912;
- (c) section twenty-five of the Small Debts Recovery Act, 1912.

46. (1) Any legal proceedings to recover a penalty or any charge, fee or money due under the provisions of this Act or the regulations may be taken by any person duly authorised by the Director in that behalf, either generally or in any particular case. Proceedings.

(2)

National Parks and Wildlife.

(2) In any such proceedings the production of an authority purporting to be signed by the Director shall be evidence of such authority without proof of the Director's signature.

(3) Any person or any officer of the National Parks and Wildlife Service duly authorised by the Director under any section of this Act to do any act or thing or take any proceedings shall continue to be so authorised notwithstanding that the Director who authorised such person or officer has ceased to hold office as Director : Provided that any such authority may be cancelled at any time by the person for the time being occupying the office of Director.

Evidence of
offence.

47. In any proceedings for an offence against this Act or the regulations the averment that any lands in question form part of a national park, state park, historic site or nature reserve shall be sufficient without proof of that fact unless the defendant proves to the contrary.

Service of
notices.

48. Any notice given under or for the purposes of this Act or the regulations may, unless otherwise specially provided, be given in any one of the following ways—

- (a) personally to the person to whom the notice is addressed; or
- (b) by letter sent through the post by certified mail and directed to the last known place of abode or business in New South Wales of the person to whom the notice is addressed.

Regulations.

49. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which, by this Act, are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2)

National Parks and Wildlife.

(2) Without prejudice to the generality of the power conferred by subsection one of this section, the Governor may make regulations for or with respect to—

- (a) any of the powers conferred on or duties imposed upon the Director, the Council, local committees, or the Advisory Committee;
- (b) the regulation of the use and enjoyment of national parks, state parks and historic sites;
- (c) the securing of decency and order in national parks, state parks and historic sites;
- (d) the removal of trespassers and other persons causing annoyance or inconvenience in national parks, state parks and historic sites;
- (e) the regulation or prevention of the taking of intoxicants into, and the consuming thereof in, national parks, state parks and historic sites;
- (f) the regulation and the control of the taking of animals into national parks, state parks and historic sites or the permitting or suffering of animals to be in such parks and sites;
- (g) the regulation, control or prohibition of parking, camping or residing in a national park, state park or historic site, the making of charges for such camping, parking or residing and the collecting and receiving of such charges by the Minister or by other persons;
- (h) the preservation or protection of, or prevention of damage to trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in national parks, state parks and historic sites;
- (i) the conditions under which trees or timber may be cut or removed from national parks, state parks and historic sites and the amount of royalties, fees and charges payable in respect thereof;

(j)

National Parks and Wildlife.

- (j) the preservation or protection of any rocks, soil, sand, stone, or other similar substance on or under or comprising part of a national park, state park or historic site, or the removal of such substance from such a park or site and the amount of royalties, fees and charges payable in respect thereof;
- (k) the preservation or protection of any animals, birds, and any other fauna of any nature whatsoever and whether natural or introduced in national parks, state parks and historic sites;
- (l) the making of charges or entrance fees for persons, clubs, or associations or for vehicles using or entering a national park, state park or historic site, or any specified part of such a park or site, or any public or other road traversing or bounding such a park or site or part, and the collecting and receiving of such charges and fees by the Director or by other persons;
- (m) the reservation of any portion of a national park, state park or historic site for such separate or exclusive use as the regulations may prescribe;
- (n) the closing of a national park, state park or historic site or parts of such a park or site and the conditions to be observed with regard thereto;
- (o) the regulation, control or prohibition of private trading in a national park, state park or historic site;
- (p) the use of roads, tracks, trails and other ways within a national park, state park or historic site and the circumstances under which such roads, tracks, trails and other ways shall be open or may be closed to public traffic or use;
- (q) the powers and duties of superintendents, rangers and other officers appointed for a national park, state park or historic site;
- (r) the forms or other documents required for the purposes of this Act;

(s)

National Parks and Wildlife.

- (s) the procedure for the calling of meetings of the Council, local committees or the Advisory Committee and the conduct of business at such meetings;
- (t) the regulation of the use of motor vehicles, over-snow vehicles, aircraft, boats or any other vehicle and the conditions under which they may be used in a national park, state park or historic site;
- (u) the regulation of the speed of motor vehicles, over-snow vehicles, boats or any other vehicle in a national park, state park or historic site;
- (v) the regulation, control or prohibition of the erection of buildings, signs or other structures in a national park, state park or historic site;
- (w) the protection of buildings, structures, signs and other improvements in national parks, state parks and historic sites;
- (x) the regulation, control or prohibition of exotic plants in national parks, state parks and historic sites;
- (y) the collection of scientific specimens (other than fish within the meaning of the Fisheries and Oyster Farms Act, 1935), and pursuit of research in national parks, state parks and historic sites;
- (z) the regulation, control or prohibition of the use of firearms or other weapons and the carrying of firearms or other weapons in national parks, state parks and historic sites.

(3) A regulation may—

- (a) impose a penalty for any breach thereof and also distinct penalties in case of successive breaches thereof but no such penalty shall exceed one hundred dollars; and
- (b) impose also a daily penalty for any continuing breach thereof not exceeding ten dollars per day.

(4)

National Parks and Wildlife.

(4) Regulations may be made to apply generally to all national parks, state parks and historic sites or may be limited to any national park, state park or historic site specified in the regulations and unless so limited shall be taken to apply generally to all national parks, state parks and historic sites. Where any provision of a regulation made to apply to any specified national park, state park or historic site is inconsistent with a provision of any regulation relating to national parks, state parks and historic sites generally such firstmentioned provision shall prevail.

(5) In this section the word "animal" does not include fish, within the meaning of the Fisheries and Oyster Farms Act, 1935.

(6) Regulations shall—

- (a) be published in the Gazette ;
- (b) take effect from the date of publication or from a later date to be specified in the regulations ; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART

National Parks and Wildlife.

PART VII.

AMENDMENT OF THE FAUNA PROTECTION ACT, 1948, THE
WILD FLOWERS AND NATIVE PLANTS PROTECTION ACT,
1927, AND CERTAIN OTHER ACTS.

50. (1) The Fauna Protection Act, 1948–1965, is amended— Amendment
of Act No.
47, 1948.

(a) by omitting from the matter relating to Part III in section two the words “FAUNAL RESERVES” and by inserting in lieu thereof the words “NATURE RESERVES”; Sec. 2.
(Division
into Parts.)

(b) (i) by omitting from section four the definition of “Chief Guardian”; Sec. 4.
(Defini-
tions.)

(ii) by inserting in the same section next after the definition of “Court” the following new definition :—

“Director” means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(iii) by omitting from the same section the definition of “Panel”;

(c) by omitting section five; Sec. 5.
(Fauna
Protection
Panel.)

(d) by omitting section six and by inserting in lieu thereof the following section :— Subst.
sec. 6.

6. (1) The Director shall be the authority for the protection and care of fauna. Powers and
functions
of the
Director.

(2) The Director shall—

(a) engage in such educational activities as he considers necessary to awaken and maintain an appreciation of the value of bird and animal life;

(b) have the care, control and management of nature reserves;

(c)

National Parks and Wildlife.

- (c) co-operate with the trustees of any land reserved by the Minister for Lands for the preservation of fauna or the promotion of the study of fauna and generally co-operate with any other persons or bodies in the care and development of reserves for fauna;
- (d) form or approve the formation of local faunal societies;
- (e) conduct scientific or biological research in connection with the protection and care of fauna either separately or in conjunction with other scientific organisations; and
- (f) exercise and discharge the powers, authorities, duties and functions conferred and imposed upon him by or under this Act.

(3) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.

Sec. 7.
(Chief
Guardian
of Fauna.)

- (e) by omitting section seven;

Sec. 8.
(Officers
and em-
ployees.)

- (f) by inserting at the end of section eight the words "Any persons so appointed and employed at the commencement of the National Parks and Wildlife Act, 1967, or so appointed and employed after such commencement shall be officers and employees of the National Parks and Wildlife Service under such Act.";

Part III.
(Heading.)

- (g) by omitting from the heading to Part III the words "FAUNAL RESERVES" and by inserting in lieu thereof the words "NATURE RESERVES";

Sec. 9.
(Dedica-
tion of
areas for
protection,
care, etc.,
of fauna.)

- (h) (i) by omitting from section nine the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";

(ii)

National Parks and Wildlife.

- (ii) by omitting from subsection one of the same section the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- (iii) by omitting from the same section the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- (iv) by inserting at the end of the same section the following new subsection :—

(7) Any Crown lands which were dedicated as a faunal reserve before the commencement of the National Parks and Wildlife Act, 1967, the dedication of which is in force at such commencement, shall, from and after such commencement, be deemed to be lands dedicated under this section as a nature reserve.

- (i) (i) by omitting from section ten the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve"; Sec. 10.
(Restriction on operation of Mining Act, 1906-1946.)
- (ii) by omitting from subsection two of the same section the word "panel" and by inserting in lieu thereof the word "Director";
- (iii) by omitting from the same subsection the word "it" and by inserting in lieu thereof the word "he";
- (j) by omitting from subsection one of section eleven the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve"; Sec. 11.
(Restrictions as to timber.)
- (k) (i) by omitting from subsection one of section twelve the word "panel" and by inserting in lieu thereof the word "Director"; Sec. 12.
(Prohibition on taking or killing fauna within faunal reserves.)
- (ii)

National Parks and Wildlife.

- (ii) by omitting from the same subsection the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- Sec. 13.
(Restrictions on disposal or dealing with land within faunal reserves.)
- (1) (i) by omitting from section thirteen the words "faunal reserve" wherever occurring and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- Sec. 14.
(Soil Conservation Act, 1938.)
- (m) (i) by omitting from section fourteen the words "faunal reserve" and by inserting in lieu thereof the words "nature reserve";
- (ii) by omitting from the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- Sec. 23A.
(Wildlife refuges and game reserves.)
- (n) by omitting from section 23A the word "panel" wherever occurring and by inserting in lieu thereof the word "Director";
- Sec. 24.
(Rangers.)
- (o) (i) by omitting from subsection one of section twenty-four the words "conditional purchase inspectors" and by inserting in lieu thereof the words "field officers of the Department of Lands, and officers of the National Parks and Wildlife Service";
- (ii) by omitting from subsection two of the same section the words "The Minister may, by notice in the Gazette," and by inserting in lieu thereof the words "The Director may";
- Sec. 26A.
(Game licenses.)
- (p) by omitting from subsection one of section 26A the word "panel" and by inserting in lieu thereof the word "Director":

(q)

National Parks and Wildlife.

- (q) by omitting from section twenty-seven the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 27.
(Persons taking or killing fauna for sale.)
- (r) by omitting from section thirty the word "panel" wherever occurring and by inserting in lieu thereof the word "Director"; Sec. 30.
(Recovery of royalties.)
- (s) by omitting from section thirty-one the words "the Chief Guardian or any officer of the panel authorised by the panel" and by inserting in lieu thereof the words "the Director or any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 31.
(Chief Guardian and officers may take fauna.)
- (t) by omitting from subsection one of section thirty-four the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 34.
(Powers of entry and seizure by Chief Guardian, rangers, officers, etc.)
- (u) (i) by omitting from section thirty-five the words "The Chief Guardian, any officer or employee of the panel authorised by the panel" and by inserting in lieu thereof the words "The Director, any officer or employee of the National Parks and Wildlife Service authorised by the Director"; Sec. 35.
(Further powers of Chief Guardian, rangers, etc.)
- (ii) by omitting from subsection two of the same section the words "Chief Guardian" and by inserting in lieu thereof the word "Director";
- (v) by omitting from section thirty-six the words "Chief Guardian, any officer or employee of the panel" and by inserting in lieu thereof the words "Director, any officer or employee of the National Parks and Wildlife Service"; Sec. 36.
(Assaulting or resisting officers, etc.)

(w)

National Parks and Wildlife.

Sec. 43.
(Regulations.)

- (w) (i) by omitting from paragraph (b) of subsection two of section forty-three the word "panel" and by inserting in lieu thereof the words "National Parks and Wildlife Service";
- (ii) by omitting paragraph (c) of the same subsection;
- (iii) by omitting from paragraph (d) of the same subsection the words "faunal reserves" and by inserting in lieu thereof the words "nature reserves";
- (iv) by omitting from paragraph (k) of the same subsection the words "Chief Guardian and officers of the panel" and by inserting in lieu thereof the words "Director and officers and employees of the National Parks and Wildlife Service, and";
- (v) by omitting from subsection four of the same section the word "panel" wherever occurring and by inserting in lieu thereof the word "Director".

Transitional
provisions.

(2) Upon and from the commencement of the National Parks and Wildlife Act, 1967, the following provisions shall have effect :—

- (a) The persons holding office as members of the Fauna Protection Panel immediately before such commencement shall cease to hold such office and the Panel shall be dissolved.
- (b) The person holding office as Chief Guardian of Fauna immediately before such commencement—
 - (i) shall cease to be Chief Guardian of Fauna;
 - (ii) shall be entitled to be appointed upon the recommendation of the Public Service Board to some office in the Public Service at a salary not lower than that which he then received as Chief Guardian of Fauna;
 - (iii)

National Parks and Wildlife.

- (iii) shall retain any rights which, at such commencement, have accrued or are accruing to him under the Superannuation Act, 1916, or any amendment thereof, and shall continue to contribute to any fund or account and shall be entitled to receive any payment or pension as an employee within the meaning of the Superannuation Act, 1916, or any amendment thereof;
- (iv) shall be entitled to receive any annual, sick, deferred and extended leave which have accrued or are accruing to him.
- (c) Any license or registration certificate issued by the Fauna Protection Panel and in force immediately before such commencement shall, as from such commencement, have effect as if issued by the Director.

(3) Any act, matter or thing done under the Fauna Protection Act, 1948–1965, before the commencement of this Act, and in force or having effect at such commencement, shall, from and after such commencement have the same force and effect as if done under that Act as amended by this Act.

(4) The Fauna Protection Act, 1948, as amended Citation. by subsequent Acts and by this Act, may be cited as the Fauna Protection Act, 1948–1967.

51. (1) The Wild Flowers and Native Plants Protection Act, 1927–1965, is amended— Amendment of Act No. 2, 1927.

- (a) by inserting in section two before the definition of "Native plant" the following new definition : — Sec. 2. (Definitions.)

"Director" means the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(b)

National Parks and Wildlife.

New sec.
2A.

- (b) by inserting next after the same section the following new section : —

Powers and
functions
of the
Director.

2A. (1) The Director shall be the authority for the protection of wild flowers and native plants.

(2) In the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon him by or under this Act, the Director shall be subject in all respects to the control and direction of the Minister.

Sec. 5A.
(Licenses to
pick for
scientific
purposes.)

- (c) by omitting from section 5A the word "Minister" and by inserting in lieu thereof the word "Director";

Sec. 5B.
(Suspected
person to
give name
and place
of abode.)

- (d) (i) by omitting from subsection one of section 5B the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director";
- (ii) by omitting from subsection two of the same section the word "Minister" wherever occurring and by inserting in lieu thereof the word "Director";

Sec. 5C.
(Honorary
rangers.)

- (e) by omitting from section 5C the word "Minister" and by inserting in lieu thereof the word "Director";

Sec. 5D.
(Destruction, defacing or removal of notices.)

- (f) by omitting from paragraph (a) of section 5D the word "Minister" where firstly occurring and by inserting in lieu thereof the word "Director";

Sec. 9.
(Regulations.)

- (g) by inserting in subsection four of section nine after the word "Minister" the words "or the Director".

(2) (a) Any license issued by the Minister under the Wild Flowers and Native Plants Protection Act, 1927-1965, and in force immediately before the commencement of this Act shall, as from such commencement, have effect as if issued by the Director.

(b)

National Parks and Wildlife.

(b) Any appointment of an honorary ranger made by the Minister under the Wild Flowers and Native Plants Protection Act, 1927-1965, and in force immediately before the commencement of this Act shall continue in force as if made by the Director.

(3) The Wild Flowers and Native Plants Protection Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Wild Flowers and Native Plants Protection Act, 1927-1967. Citation.

52. The Liquor Act, 1912, as amended by subsequent Acts, is amended— Amendment of Act No. 42, 1912.

- (a) by omitting from paragraph (a) of subsection two of section one hundred and sixty-eight the words "Kosciusko State Park" and by inserting in lieu thereof the words "Kosciusko National Park"; Sec. 168 (2).
(Licenses for accommodation hotels and accommodation houses within parks and reserves.)
- (b) by inserting in paragraph (c) of the same subsection after the word "nature" the words "and includes a national park, state park or historic site under the National Parks and Wildlife Act, 1967".

53. (1) The Main Roads Act, 1924-1965, is amended by omitting subsection two of section three and by inserting in lieu thereof the following subsection :— Amendment of Act No. 24, 1924.
Sec. 3.

(2) Where— (Interpretation.)

- (a) any road which passes through a public reserve and connects with a main road has, although the same is not a public road, been, or is proposed to be, proclaimed to be a main road; or
- (b) any road which is not a public road but is within a public reserve has been, or is proposed to be, proclaimed as a tourist road,

then

National Parks and Wildlife.

then in the application of any provision of this Act to or in respect of any such road, unless the context or subject matter otherwise indicates or requires—

(i) a reference to the council shall—

(a) in the case of a public reserve other than a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the trustees of such public reserve;

(b) in the case of a public reserve which is a national park, state park or historic site under the National Parks and Wildlife Act, 1967, be construed as a reference to the Director of National Parks and Wildlife appointed under that Act; and

(ii) a reference to the area of the council shall be construed as a reference to such public reserve.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Main Roads Act, 1924–1967.

Amendment
of Act
No. 10,
1960.

Sec. 9.

(Constitu-
tion of the
Council,
other than
the first
Council.)

54. (1) The National Trust of Australia (New South Wales) Act, 1960, is amended by omitting paragraph (b) of subsection four of section nine and by inserting in lieu thereof the following paragraph :—

(b) one shall be appointed by the Director of National Parks and Wildlife appointed under the National Parks and Wildlife Act, 1967.

(2) The councillor of the Council of The National Trust of Australia (New South Wales) who was appointed by the Fauna Protection Panel and who held office as councillor immediately before the commencement of the National Parks and Wildlife Act, 1967 shall, notwithstanding the

dissolution

National Parks and Wildlife.

dissolution of the Fauna Protection Panel, and the amendment by subsection one of this section of The National Trust (New South Wales) Act, 1960, continue to hold such office for the period defined by or under that Act.

(3) The National Trust of Australia (New South Wales) Act, 1960, as amended by subsequent Acts and by this Act, may be cited as The National Trust of Australia (New South Wales) Act, 1960-1967.

55. (1) The Mining Act, 1906-1965, is amended—

(a) by inserting at the end of section twenty-eight the following new subsection : —

Amendment
of Act No.
49, 1906.
Sec. 28.
(Applicant
may mine
upon land.)

(2) The consent of the Minister under paragraph (a) of subsection one of this section shall not be granted in respect of land within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, unless and until notice of the application for a lease has been laid before both Houses of Parliament as required by subsection two of section twenty-four of that Act, and unless either—

- (a) no notice of a resolution disallowing the application has been given within the time specified in such subsection; or
- (b) where notice has been so given no such resolution has been passed.

(b) by inserting at the end of subsection two of section 83D the words "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained."

Sec. 83D.
(Restriction
on rights of
holders of
licenses
over cer-
tain lands.)

(2) The Mining Act, 1906, as amended by subsequent Acts and by this Act, may be cited as the Mining Act, 1906-1967.

National Parks and Wildlife.

Amendment
of Act No.
28, 1955.
Sec. 46.
(Restriction
on rights
of holders
of licences
and leases
over cer-
tain lands.)

56. (1) The Petroleum Act, 1955-1965, is amended by inserting at the end of subsection two of section forty-six the words "The Minister shall not grant any such consent in respect of lands within a national park, state park or historic site under the National Parks and Wildlife Act, 1967, without the approval of the Minister for Lands first had or obtained."

(2) The Petroleum Act, 1955, as amended by subsequent Acts and by this Act, may be cited as the Petroleum Act, 1955-1967.

Sec. 14.

FIRST SCHEDULE.

Kosciusko State Park Act, 1944, No. 14.
Kosciusko State Park (Amendment) Act, 1947, No. 26.
Kosciusko State Park (Amendment) Act, 1952, No. 57.
Ku-ring-gai Chase Act, 1961, No. 43.
Kosciusko State Park (Amendment) Act, 1963, No. 45.

Secs. 15
and 17.

SECOND SCHEDULE.

(Trustees not appointed.)

FIRST PART.

NATIONAL PARKS.

Dharug National Park.

All that piece or parcel of land containing about 29,000 acres situate in the County of Northumberland, Parishes of Mangrove and Spencer and being the area shown by red edge (in two parts) on plan catalogued Ms. 7758 Md., in the Department of Lands.

Kinchega National Park.

All that piece or parcel of land containing about 87,100 acres situate in the Counties of Menindee and Tandora and being the area shown by red edge (in four parts) on plan catalogued M. 116-1814 in the Department of Lands.

SECOND PART.

STATE PARK.

Mount Warning State Park.

All that piece or parcel of land containing about 5,230 acres situate in the County of Rous, Parishes of Burrell and Wollumbin and being the area shown by red edge on plan catalogued Ms. 4339 Gfn., in the Department of Lands.

THIRD

National Parks and Wildlife.

THIRD PART.

HISTORIC SITES.

Bare Island.

All that piece or parcel of land containing 3 acres 1 rood 28 perches situate in the County of Cumberland, Parish of Botany and being portion 5111 shown by red edge on plan catalogued Ms. 20220 Sy., in the Department of Lands.

Hill End.

All that piece or parcel of land as to the surface thereof and to a depth of 50 feet below the surface containing about 68 acres situate in the County of Wellington, Parish of Tambaroora, Village and Suburban Lands of Hill End and shown by red edge, exclusive of the parts hatched black, on plan catalogued Ms. 4136 Oe., in the Department of Lands.

Mootwingee.

All that piece or parcel of land containing about 1,200 acres situate in the County of Mootwingee, Parish of Nootumbulla and shown by red edge on plan catalogued M. 88-2177 in the Department of Lands.

THIRD SCHEDULE.Secs. 15
and 18.

(Trustees appointed.)

FIRST PART.

NATIONAL PARKS.

Blue Mountains National Park.

All that piece or parcel of land containing about 243,000 acres situate in the County of Cook and being the area shown by red edge (in two parts) on plan catalogued Ms. 20293 Sy., in the Department of Lands, exclusive of Main Road No. 184 and public roads within the external boundaries of the said 243,000 acres.

Brisbane Water National Park.

All that piece or parcel of land containing about 16,500 acres situate in the County of Northumberland, Parishes of Patonga and Narara and being the area shown by red edge on plan catalogued Ms. 7611 Md., in the Department of Lands, inclusive of the strip of land lying between low-water mark and high-water mark of Hawkesbury River extending from portion 97, Parish of Patonga, to Reserve No. 66087 from Sale for Public Recreation and Preservation of

Native

National Parks and Wildlife.

Native Flora notified 26th June, 1936, exclusive of Main Road No. 349, public road to Pearl Beach from Main Road No. 349 and railway lands and Railway Reserve No. 40413 within the external boundaries of the said 16,500 acres.

Gibraltar Range National Park.

All that piece or parcel of land containing about 38,000 acres situate in the Counties of Drake and Clive, Parishes of Dandahra, Puhoi, Cooraldooral, Richmond, Albert, Binny and Moogem and being the area shown by red edge (in two parts) on plan catalogued Ms. 4210 Gfn., in the Department of Lands, exclusive of Gwydir State Highway No. 12 and reserves under pastures protection board control within the external boundaries of the said 38,000 acres.

Kosciusko National Park.

All that piece or parcel of land containing about 1,322,000 acres situate in the Counties of Buccleuch, Cowley, Selwyn, Wallace and Wellesley and being the area shown by red edge on plan catalogued Ms. 5020 Gbn., in the Department of Lands, exclusive of any freehold land or land held under lease or license from the Crown (other than a snow lease, permissive occupancy or lease granted under subsection three of section eleven of the Kosciusko State Park Act, 1944-1965), any reserve under the control of a pastures protection board, any reserve for commonage, cemetery, cemetery purposes or general cemetery, The Snowy Mountains Highway and any land within the boundaries of the Villages of Kiandra, Ravine or Yarrangobilly within the external boundaries of the said 1,322,000 acres.

Ku-ring-gai Chase National Park.

All that piece or parcel of land containing about 35,300 acres situate in the County of Cumberland, Parishes of Broken Bay, Cowan, Narrabeen and South Colah and being the area shown by red edge on plan catalogued Ms. 20305 Sy., in the Department of Lands, inclusive of the beds of Cowan Water and its tributaries and of The Basin, Pittwater, exclusive of proposed Sydney-Newcastle Expressway, public roads, main roads and the Pacific Highway within the external boundaries of the said 35,300 acres.

Morton National Park.

All that piece or parcel of land containing about 45,000 acres situate in the Counties of Camden and St Vincent, Parishes of Caoura, Meryla, Burrawang, Yarrunga, Moollattoo, Tallowal and Yalwal and being the area shown by red edge (in two parts) on plan catalogued Ms. 5023 Gbn., in the Department of Lands, exclusive of Main Road No. 261 and public road within the external boundaries of the said 45,000 acres.

Mount

National Parks and Wildlife.

Mount Kaputar National Park.

All that piece or parcel of land containing about 35,200 acres situate in the Counties of Courallie, Jamison, Murchison and Nandewar, Parishes of Bombell, Terrerree, Cowinmangarah, Paleroo, Rusden, Coryah and Ningadhun and being the area shown by red edge (in three parts) on plan catalogued Ms. 1865 Me., in the Department of Lands, exclusive of the public road within the external boundaries of the said 35,200 acres.

New England National Park.

All that piece or parcel of land containing about 56,400 acres situate in the Counties of Raleigh, Dudley, Clarke and Fitzroy, Parishes of Dingle, Waverley, Raleigh, Cliffs, Comara, Wolseley, Lookout and Ernani and being the area shown by red edge on plan catalogued Ms. 2664 Ae., in the Department of Lands.

Royal National Park.

All that piece or parcel of land containing about 36,700 acres situate in the County of Cumberland, Parishes of Sutherland, Heathcote, Wattamolla and Bulgo and being the area shown by red edge on plan catalogued Ms. 20301 Sy., in the Department of Lands, inclusive of the beds of streams, exclusive of Royal National Park Railway Line, Princes Highway, Main Road No. 393, and public roads within the external boundaries of the said 36,700 acres.

Warrumbungle National Park.

All that piece or parcel of land containing about 15,400 acres situate in the Counties of Gowen and Leichhardt, Parishes of Caraghnan, Naman and Elongery and being the area shown by red edge on plan catalogued Ms. 2240 Do., in the Department of Lands, exclusive of Developmental Road No. 1269 and public roads within the external boundaries of the said 15,400 acres.

SECOND PART.

STATE PARKS.

Barangary State Park.

All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrawa and being the area shown by red edge on plan catalogued Ms. 5017 Gbn., in the Department of Lands, exclusive of Main Road No. 263 within the external boundaries of the said 1,970 acres.

Bouddi

National Parks and Wildlife.

Bouddi State Park.

All that piece or parcel of land containing about 1,310 acres situate in the County of Northumberland, Parish of Kincumber and being the area shown by red edge (in two parts) on plan catalogued Ms. 7607 Md., in the Department of Lands.

Bundanoon State Park.

All that piece or parcel of land containing about 3,330 acres situate in the County of Camden, Parishes of Bundanoon and Meryla and being the area shown by red edge (in two parts) on plan catalogued Ms. 5018 Gbn., in the Department of Lands.

Dorrigo State Park.

All that piece or parcel of land containing about 3,870 acres situate in the County of Raleigh, Parishes of Vautin and Never Never and being the area shown by red edge on plan catalogued Ms. 4338 Gfn., in the Department of Lands, exclusive of Trunk Road No. 76 within the external boundaries of the said 3,870 acres.

Gloucester Tops State Park.

All that piece or parcel of land containing 3,832 acres situate in the County of Gloucester, Parishes of Wawgan, Evans and Began Began and being the area shown by red edge on plan catalogued Ms. 7794 Md., in the Department of Lands.

Heathcote State Park.

All that piece or parcel of land containing about 3,900 acres situate in the County of Cumberland, Parish of Heathcote and being the area shown by red edge on plan catalogued Ms. 20237 Sy., in the Department of Lands, exclusive of public road and Main Road No. 512 within the external boundaries of the said 3,900 acres.

THIRD PART.

HISTORIC SITES.

Captain Cook's Landing Place.

All that piece or parcel of land containing about 700 acres situate in the County of Cumberland, Parish of Sutherland and being the area shown by red edge on plan catalogued Ms. 20239 Sy., in the Department of Lands.

La Perouse

National Parks and Wildlife.

La Perouse Monuments.

All that piece or parcel of land containing about 19 acres situate in the County of Cumberland, Parish of Botany and shown by red edge (in two parts) on plan catalogued Ms. 20240 Sy., in the Department of Lands.

Vaocluse House.

All that piece or parcel of land containing 19 acres 0 roods 38 $\frac{1}{2}$ perches situate in the County of Cumberland, Parish of Alexandria and being the area marked B in plan catalogued Ms. 3217 Sy., in the Department of Lands.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 4th September, 1967.*

National Bank of Commerce

San Francisco, California

Dear Sir: We have received your letter of the 19th inst. in relation to the matter of the National Bank of Commerce, and have the honor to acknowledge the same.

Very respectfully,

Wm. H. Hunt, President
National Bank of Commerce
San Francisco, California

In the name and for behoof of the National Bank of Commerce, I assent to this Act.

A. R. CUTLER

Governor

Government House

San Francisco, California