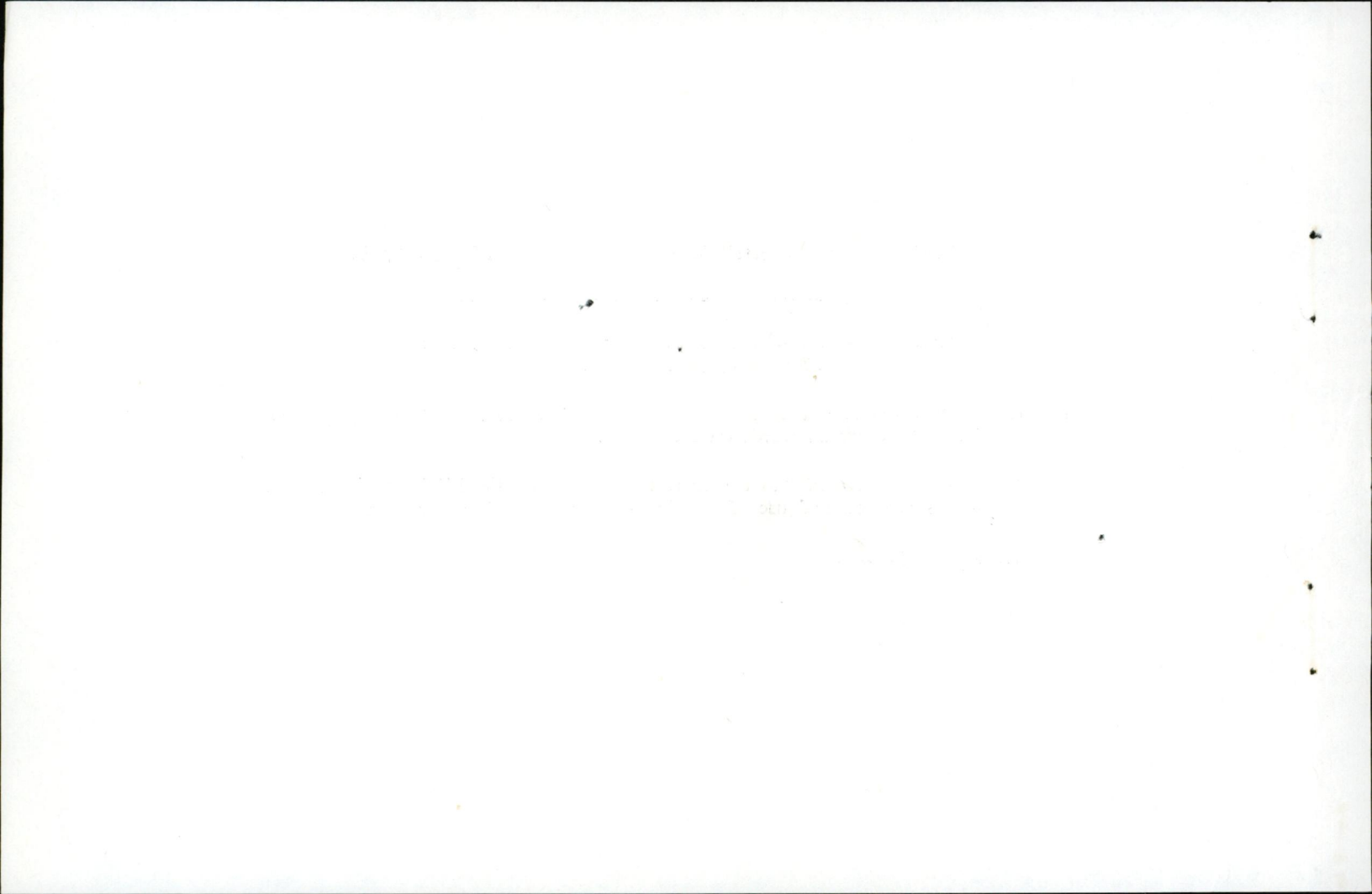


NATIONAL PARKS AND WILDLIFE (AMENDMENT) BILL.

---

*Schedule of Amendments referred to in Legislative Council's  
Message of 26 November, 1969.*

- No. 1.—Pages 6 and 7, clause 2, line 6 on page 6 down to line 22 on page 7 both inclusive. *Omit* all words on these lines.
- No. 2.—Page 1, Title. *Omit* “to confer certain powers on the Minister with respect to the erection and use of certain buildings and other structures;”.



*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, 11 November, 1969.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

J. R. STEVENSON,  
*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, 26 November, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No.       , 1969.

An Act to establish additional national parks and an additional state park; to incorporate certain state parks in certain national parks; to confer certain powers on the Minister with respect to the erection and use of certain buildings and other structures; to make further provisions with respect to pounds and the impounding of animals; to provide for the preservation of certain anthropological, archaeological and aboriginal relics; for these and other purposes to amend the National Parks and Wildlife Act, 1967; and for purposes connected therewith.

BE

*National Parks and Wildlife (Amendment).*

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

1. (1) This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1969".

Short title and commencement.

(2) Sections three and four of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The National Parks and Wildlife Act, 1967, is amended—

Amendment of Act No. 35, 1967.

(a) by inserting next after section eleven the following new section :—

New sec. 11A.

15 11A. A local committee for—

Dissolution of local committee.

(a) a national park that becomes part of some other national park ;

(b) a state park that becomes part of a national park or of some other state park ; or

20 (c) a historic site that becomes part of a national park or of a state park or of some other historic site,

shall be deemed to have been dissolved, but a member thereof shall, subject to this Act, be eligible for appointment to any other local committee.

25

(b) by omitting from section fifteen the words "commencement of" wherever occurring and by inserting in lieu thereof the words "reservation thereof as national park, state park or historic site, as the case may be, by";

Sec. 15. (Lands in Second and Third Schedules to be national parks, state parks and historic sites.)

30

(c)

---

*National Parks and Wildlife (Amendment).*


---

- (c) (i) by omitting from section seventeen the words "Upon the commencement of this Act the" and by inserting in lieu thereof the word "The"; Sec. 17. (Care, control and management of areas in the Second Schedule.)
- 5 (ii) by omitting from the same section the word "park" wherever occurring and by inserting in lieu thereof the word "parks";
- (iii) by omitting from the same section the words "shall be" and by inserting in lieu thereof the words "are hereby";
- 10 (d) (i) by omitting from subsection one of section eighteen the words "this Act" where firstly occurring and by inserting in lieu thereof the words "section two of the National Parks and Wildlife (Amendment) Act, 1969"; Sec. 18. (Care, control and management of areas in the Third Schedule.)
- 15 (ii) by inserting in the same subsection after the word "Act" where secondly occurring the words ", as enacted immediately before that commencement,";
- 20 (iii) by inserting next after the same subsection the following new subsection :—
- (1A) Where a description in the Third Schedule to this Act is amended to include any land (including any amendment made by the National Parks and Wildlife (Amendment) Act, 1969) any person who, immediately before the commencement of that amendment, held office as trustee of that land, or any part thereof, shall hold office as trustee of the national park, state park or historic site described until replaced pursuant to this Act.
- 25
- 30 (iv) by inserting in subsection two of the same section after the word "one" the word, figure and letter "or 1A";

(e)

*National Parks and Wildlife (Amendment).*

(e) by inserting next after subsection two of section twenty-one the following new subsection :—

Sec. 21.  
(National parks, state parks or historic sites not to be revoked except by Act of Parliament.)

(3) The following provisions shall apply to and in respect of Macquarie Pass State Park :—

5

(a) The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, (in this subsection referred to as the "Commission") may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Macquarie Pass State Park.

10

(b) The site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission.

15

(c) The Minister may from time to time grant to the Commission such easements and licenses over lands within Macquarie Pass State 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 ancillary works.

20

25

(f) (i) by omitting paragraph (a) of subsection two of section twenty-four and by inserting in lieu thereof the following new paragraph :—

Sec. 24.  
(Restrictions on mining.)

30

(a) An authority over, or lease of, land within a national park, state park or historic site, being an authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, granted after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969, shall have no force or effect unless, before the authority or lease

35

was

---

*National Parks and Wildlife (Amendment).*

---

was granted, notice of the application therefor was laid before both Houses of Parliament and—

5 (i) no notice was given in either House of Parliament within fifteen sitting days after notice of the application was laid before it of a motion that the application be refused; or

10 (ii) where notice of such a motion has been so given, the motion pursuant thereto has been withdrawn or defeated.

15 (ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

20 (c) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an authority or lease specified in the certificate shall be conclusive evidence of compliance with those requirements.

25 (g) (i) by inserting in subsection four of section Sec. 29. twenty-nine after the words "Drainage Board" (Plan of the words "or the Hunter District Water <sup>manage-</sup> Board"; ment.)

(ii) by omitting from the same subsection the words "such Board" and by inserting in lieu thereof the words "either Board";

30 (iii) by omitting from paragraph (a) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(iv)

*National Parks and Wildlife (Amendment).*

5 (iv) by omitting from paragraph (b) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(h) by inserting next after section thirty the following <sup>New sec.</sup> new section :— <sub>30A</sub>

10 30A. (1) This section applies to leases and <sup>Variation</sup> licenses granted under section thirty of this Act <sup>of leases,</sup> after the commencement of section two of the <sup>licenses,</sup> National Parks and Wildlife (Amendment) Act, <sup>etc.</sup> 1969.

15 (2) The Minister in respect of any lease or license to which this section applies may impose terms and conditions regulating, controlling or prohibiting the construction, erection, occupation, operation or use of any building, structure, installation, engineering work, road, bridge, earthwork, plant, equipment, amusement device, fixture or improvement upon the land the subject of any such <sup>20</sup> lease or license.

(3) Terms and conditions referred to in subsection two of this section—

25 (a) may include terms and conditions relating to—

(i) site, design, methods of construction and any matters which a council under the Local Government Act, 1919, may take into consideration



*National Parks and Wildlife (Amendment).*

- in exercising its powers, authorities, duties and functions under that Act; and
- 5 (ii) the limitation of exclusive occupation or use to specified persons, periods and purposes;
- (b) shall have the like effect and be binding on the parties to any such lease or license as if they were incorporated therein; and
- 10 (c) may be imposed at the time of the grant of the lease or license, or at any time during its currency.
- (4) Any provision of any lease or license relating to the granting, withholding or refusing of consent, whether subject to terms and conditions or not, shall be deemed to have been varied or revoked to the extent necessary to enable terms and conditions imposed pursuant to this section to be given full effect and operation.
- 15
- (5) No compensation shall be payable in respect of any exercise by the Minister of a power conferred upon him by this section.
- 20

3. The National Parks and Wildlife Act, 1967, is further amended—

- 25 (a) by omitting section forty-three and by inserting in lieu thereof the following section :—
43. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, state park, historic site, aboriginal area or nature reserve, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of land under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of
- 30
- 35
- Further amendment of Act No. 35, 1967. Subst. sec. 43. Impounding.

---

*National Parks and Wildlife (Amendment).*

---

5 of that Act shall, mutatis mutandis, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection one of this section, Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

10 (a) there had been omitted therefrom—

(i) section four hundred and twenty-three;

(ii) section 425A;

15 (iii) subsections two and three of section four hundred and twenty-six;

(iv) sections four hundred and twenty-seven to four hundred and twenty-nine, both inclusive;

20 (v) subsection two of section four hundred and thirty;

(vi) subsections one and two of section four hundred and thirty-one;

(vii) section four hundred and thirty-nine;

25 (viii) section four hundred and forty-one; and

(ix) section four hundred and forty-two;

(b) the words "at large in any public place or" had been omitted from subsection one of section four hundred and twenty-six;

30 (c) "prescribed" meant prescribed by, or by regulations made under, this Act;

(d) a reference to the mayor or president of a council were a reference to the Director; and

35

(e)

---

*National Parks and Wildlife (Amendment).*

---

(e) a direction for the payment of moneys to a council, or to the General Fund of a council were a direction for payment of the moneys to the National Parks and Wildlife Fund.

5 (3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, state park, historic site, aboriginal area or nature reserve.

10 (4) The Director, in relation to a national park, state park, historic site, aboriginal area or nature reserve, shall have and may exercise the powers conferred, by the provisions of section fifteen of the Impounding Act, 1898, and subsection one of  
15 section four hundred and twenty-nine of the Local Government Act, 1919, on an occupant in relation to his land, but may, in lieu of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid,  
20 or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national  
25 park, state park, historic site, aboriginal area or nature reserve the same powers as are conferred by section four hundred and thirty-eight of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

30 (6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, state park, historic site, aboriginal area or nature reserve, being a  
35 pound that will be available for use for impounding animals trespassing on a national park, state park, historic site, aboriginal area or nature reserve.

(7)

---

*National Parks and Wildlife (Amendment).*

---

5 (7) Where an animal trespassing on a national park, state park, historic site, aboriginal area or nature reserve is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Govern-  
10 ment Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(b) by inserting next after paragraph (z) of subsection two of section forty-nine the following new paragraphs : — Sec. 49. (Regulations.)

15 (aa) the management and maintenance of pounds within a national park, state park, historic site, aboriginal area or nature reserve ;

20 (bb) the procedure for the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve and for their subsequent disposal, sale or destruction ;

25 (cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve ;

30 (dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of animals impounded within a national park, state park, historic site, aboriginal area or nature reserve.

*National Parks and Wildlife (Amendment).*

4. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

(a) by inserting next after the matter relating to Part IV in section two the following new matter :— Sec. 2. (Division into Parts.)

5 PART IVA.—RELICS—ss. 33A–33L.

(b) (i) by inserting next before the definition of “Community service” in subsection one of section three the following new definition :— Sec. 3. (Definitions.)

10 “Aboriginal area” means land dedicated, pursuant to this Act, as an aboriginal area.

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

15 “Protected archaeological area” means land declared, pursuant to this Act, to be a protected archaeological area.

(iii) by inserting next after the definition of “Regulations” in the same section the following new definition :—

20 “Relic” means any deposit, object or material evidence (not being a handi-craft made for sale) relating to indigenous and non-European habitation of the area that comprises the State of New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

30 (c) by inserting in paragraph (c) of subsection four of section six after the word “significance” the words “, and areas in which relics are situated”; Sec. 6. (Powers and functions of National Parks and Wildlife Service.)

(d)

*National Parks and Wildlife (Amendment).*

- (d) by inserting in paragraph (c) of subsection three of section twenty-nine after the word "object" the words ", and any relic,"; Sec. 29. (Plan of management.)
- 5 (e) by inserting next after section thirty-three the following new Part :— New Part IVA.

## PART IVA.

## RELICS.

10 33A. (1) There shall be an Aboriginal Relics Advisory Committee which shall consist of eight members appointed by the Minister. Of the eight members so appointed—

- (i) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;
- 15 (ii) one shall be an archaeologist or anthropologist of the Australian Museum;
- (iii) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;
- 20 (iv) one shall be a person nominated by the National Trust of Australia (New South Wales);
- (v) one shall be an officer of the Department of Mines;
- 25 (vi) one shall be an officer of the National Parks and Wildlife Service.

(2) A member appointed pursuant to subsection one of 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 instrument of his appointment.

30

(3)

---

*National Parks and Wildlife (Amendment).*

---

(3) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection one, five or six of this section.

5 (4) A member of the Aboriginal Relics Advisory Committee shall be deemed to have vacated his office if he—

(a) dies;

10 (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;

15 (d) ceases to hold a qualification by virtue of which he was appointed;

(e) is removed from office by the Minister.

20 (5) On the occurrence of a vacancy in the office of a member of the Aboriginal Relics Advisory Committee, the Minister may appoint to the vacant office a person qualified under subsection one of this section in the same manner as the person who vacated office and a person so appointed shall hold office for the remainder of the term of office of his predecessor.

25 (6) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Relics Advisory Committee, a person qualified under subsection one of this section in the same manner as the person for whom he is the alternate member.  
30

(7) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Relics Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.  
35

(8)

---

*National Parks and Wildlife (Amendment).*

---

5 (8) The procedure for the calling of meetings of the Aboriginal Relics Advisory Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Aboriginal Relics Advisory Committee.

10 (9) Each member of the Aboriginal Relics Advisory Committee shall be entitled to receive such travelling or other expenses, and each such member who is not an officer of the Public Service shall be entitled to receive such fees, as the Minister may determine.

15 (10) The Aboriginal Relics Advisory Committee shall advise the Minister and the Director upon any matter relating to the preservation, control of excavation, removal and custody of relics.

20 33B. (1) The Governor may, on the recommendation of the Director and with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by order published in the Gazette, declare any unoccupied Crown lands specified in the order to be dedicated as an aboriginal area and any such land shall, while the order remains in force, be deemed to have been  
25 dedicated for the purpose of preserving, protecting and preventing damage to relics therein.

(2) The care, control and management of aboriginal areas is hereby vested in the Director.

30 (3) The National Parks and Wildlife Service shall carry out such work and activities as the Minister may direct either generally or in any particular case for the preservation and protection of, and prevention of damage to, relics in an aboriginal area.

33c.



---

*National Parks and Wildlife (Amendment).*

---

5 33C. The Director shall be responsible for the proper care and protection of any relic in a national park, state park, historic site, nature reserve or aboriginal area and, subject to section 33F of this Act, for the proper restoration of a national park, state park, historic site, nature reserve or aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Protection of certain relics and restoration of certain areas.

10 33D. (1) Subject to this section, a relic that, immediately before the commencement of this Act—

Certain relics to be Crown property.

(a) was not the property of the Crown; and  
(b) was not in the possession of any person, and any relic that is abandoned after that commencement by a person other than the Crown, shall be deemed to be, and always to have been, the property of the Crown.

15  
20 (2) For the purposes of subsection one of this section, a person shall not be deemed to have had possession of a relic that was not originally real property only by reason of the fact that it was in or on land owned or occupied by him.

25 (3) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(4) No compensation shall be payable in respect of the vesting of a relic by this section.

30 33E. A person, other than the Director, who—  
(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

Offences relating to relics.

(b)

---

*National Parks and Wildlife (Amendment).*

---

- 5 (b) takes possession of a relic that is in a national park, state park, historic site, nature reserve or aboriginal area;
- (c) removes a relic from a national park, state park, historic site, nature reserve or aboriginal area; or
- 10 (d) erects or maintains, in a national park, state park, historic site, nature reserve or aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic.

15 except in accordance with the terms and conditions of an unrevoked permit issued to him under section 33F of this Act, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, shall be guilty of an offence against this Act.

20 33F. (1) Subject to section 33G of this Act, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in paragraph (a), (b), (c) or (d) of section 33E of this Act. <sup>Permits relating to relics.</sup>

25 (2) Terms and conditions imposed by the Director under subsection one of this section may include terms and conditions relating to the proper restoration of land disturbed or excavated.

30 (3) A failure to comply with a term or condition authorised by subsection two of this section shall be deemed to be a contravention of section 33E of this Act.

- (4) The Director may, at any time—
- (a) revoke a permit referred to in subsection one of this section; or
- 35 (b) vary the terms and conditions of such a permit.

33G.

*National Parks and Wildlife (Amendment).*

5 33G. (1) Nothing in section 33F of this Act shall be construed as authorising the Director to permit a relic to be removed from a national park, state park, historic site, nature reserve or aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum. The Trustees of the Australian Museum to have custody of certain relics.

10 (2) A relic (other than a relic in a national park, state park, historic site, nature reserve or aboriginal area) that is the property of the Crown shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

15 (3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, state park, historic site or aboriginal area and, where a relic is so deposited or exhibited, section 33E of this Act shall not apply to The Trustees of the Australian Museum in relation to that relic.

20 (4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

25 33H. The Director may, by agreement with a person having the ownership or possession of a relic that is not the property of the Crown, take such action as he thinks is practicable for the preservation or exhibition of the relic. Preservation or exhibition of certain relics.

30 33I. (1) Subject to this section, the Minister may, by order published in the Gazette, declare that land described in the order, being land on which a relic is situated, is a protected archaeological area. Protected archaeological areas.

---

*National Parks and Wildlife (Amendment).*

---

(2) An order under subsection one of this section—

- (a) shall not be made in respect of unoccupied Crown land;
- 5 (b) may be made only on the recommendation of the Director and—
  - 10 (i) where the land is Crown land, with the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier;
  - (ii) where the land is not Crown land, with the consent of the owner and any occupier; and
- 15 (c) shall be revoked at the request of any person whose consent would, if the land were, for the time being, not a protected archaeological area, be required for its declaration as such an area.

20 33J. (1) Subject to this section, the Director may, in relation to land declared to be a protected archaeological area— Control of protected archaeological area.

- 25 (a) give directions prohibiting or regulating the entry on and use of the land by specified persons or classes of persons or all persons other than specified persons or classes of persons; and
- (b) appoint honorary wardens to manage and control the land in accordance with those directions.
- 30

(2) The Director—

- (a) shall not exercise the powers conferred on him by subsection one of this section without the consent of the person whose consent,  
if

---

*National Parks and Wildlife (Amendment).*

---

if the land were, for the time being, not a protected archaeological area, would be required for its declaration as such an area; and

5 (b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction or appointment.

10 (3) A person who enters, remains on or uses, contrary to a direction given under this section, land to which the direction relates, shall be guilty of an offence against this Act.

15 33K. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic, shall be guilty of an offence against this Act. Destruction, etc., of relics.

(2) It shall be a defence to a prosecution for an offence under subsection one of this section if the offender proves—

20 (a) that preservation of the relic in the condition in which it was before being destroyed, defaced or damaged would unreasonably have restricted the use, in a manner that, but for subsection one of this section, would have been lawful, of land in or on which  
25 the relic was situated; and

(b) either—

30 (i) that the Director was notified, before the destruction, defacing or damaging of the relic, that it was proposed to use the land in that manner; or

(ii) that such a notification was impracticable in the circumstances.

33L.

*National Parks and Wildlife (Amendment).*

33L. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof—

Notification  
of sites of  
relics.

5

(a) within a reasonable time after the commencement of this section, if he was aware of that location immediately before that commencement; or

10

(b) in any other case, within a reasonable time after he first becomes aware of that location,

shall be guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

15

(f) (i) by inserting in subparagraph (i) of paragraph Sec. 35.  
(b) of subsection one of section thirty-five (Payments  
after the word "licenses" the word ", permits"; into the  
Fund.)

(ii) by inserting in the same subparagraph after the word "site" the words ", aboriginal area";

20

(iii) by omitting from subparagraph (v) of the same paragraph the word "and" where secondly occurring;

25

(iv) by inserting in subparagraph (vi) of the same paragraph after the word "Act;" the word "and";

(v) by inserting next after the same subparagraph the following new subparagraph:—

30

(vii) all fees collected under this Act or the regulations in connection with pounds or impounding;

(vi) by inserting in paragraph (d) of the same subsection after the word "site" wherever occurring the words ", aboriginal area";

(g)

*National Parks and Wildlife (Amendment).*

- (g) (i) by inserting in paragraph (e) of subsection two Sec. 36.  
of section thirty-six after the word "site" wher- (Payments  
ever occurring the words ", aboriginal area"; Fund.)
- 5 (ii) by omitting from the same paragraph the word  
"and";
- (iii) by omitting from paragraph (f) of the same  
subsection the word "insurance." and by  
inserting in lieu thereof the following  
words :—
- 10 insurance;
- (g) all moneys allocated by the Minister  
for expenditure on an aboriginal area ;  
and
- 15 (h) the cost of erecting and maintaining  
buildings or structures for the safe  
custody, storage or exhibition of any  
relic.
- (iv) by inserting in paragraph (a) of subsection  
three of the same section after the words  
20 "nature reserve" the words "or aboriginal  
area";
- (h) by inserting in paragraph (c) of section thirty-eight Sec. 38.  
after the word "permission" the words "or issues (Charges  
any permit"; and fees.)
- 25 (i) by inserting in subsection eight of section forty after Sec. 40.  
the word "sites" the words ", aboriginal areas"; (Advisory  
Committee  
of Archi-  
tects.)
- (j) by inserting in subsection one of section forty-one Sec. 41.  
after the word "site" the words ", aboriginal area"; (Driver to  
give his  
name and  
address when  
required.)
- 30 (k) by inserting in subsection one of section forty-two Sec. 42.  
after the word "site" the words ", aboriginal area"; (Seizure of  
motor  
vehicles.)  
(1)

*National Parks and Wildlife (Amendment).*

- (l) by inserting in subsection four of section forty-four after the word "site" the words ", aboriginal area"; (Penalties.) Sec. 44.
- (m) by inserting in section forty-seven after the word "site" the words ", aboriginal area"; Sec. 47. (Evidence of offence.)
- 5 (n) by inserting next after paragraph (k) of subsection two of section forty-nine the following new paragraphs :— Sec. 49. (Regulations.)
- (k1) the management and control of any aboriginal area and the prohibition or regulation of the entry therein of any person or class of persons ;
- 10 (k2) the preservation or protection of, or prevention of damage to any relic in any national park, state park, historic site, nature reserve or aboriginal area.
- 15

5. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

- (a) (i) by inserting in the First Part of the Second Schedule next after the heading "NATIONAL PARKS" the following new headings and descriptions :— Second Schedule.
- 20

*Barrington Tops National Park.*

25 All that piece or parcel of land containing about 34,178 acres situate in the Counties of Durham and Gloucester, Parishes of Allyn, Irralong, Boonabilla, Beean Beean, Womboin, Wawgan and Evans and being the area (in two parts) shown by red edge on plan catalogued Ms. 8168 Md. R. in the Department of Lands exclusive of freehold lands being portions 6, 7 and 12 Parish of Beean Beean and public roads R24884 and R28133-1603.

30

*Cocopara*



---

*National Parks and Wildlife (Amendment).*

---

*Cocopara National Park.*

5 All that piece or parcel of land containing about 20,580 acres situate in the County of Cooper, Parishes of Bingar, Binya and Stanley and being the area shown by red edge on plan catalogued Ms. 3404 Hy. R. in the Department of Lands, exclusive of public roads.

10 (ii) by inserting in the same Part next after the description of *Dharug National Park* the following new heading and description :—

*Kanangra-Boyd National Park.*

15 All that piece or parcel of land containing about 98,180 acres situate in the County of Westmoreland, Parishes of Gangerang, Konangaroo, Thurat, Banshea, Tartarus, Drogheda, Merlin and Colong being the area shown by red edge exclusive of blue and yellow colour on plan catalogued Ms. 4353 Oe. R. in the Department of Lands.

20 (iii) by inserting in the same Part next after the description of *Kinchega National Park* the following new heading and description :—

*Morton National Park.*

25 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; and

30  
35 All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarra 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 and  
40 all that piece or parcel of land containing 20 acres 3 roods 9 perches situate in the County of Camden,

Parish

---

*National Parks and Wildlife (Amendment).*

---

Parish of Burrawang and being portions 307 and 308 shown on plan catalogued C 3992-2041 in the Department of Lands; and

5 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; and

10 All those pieces or parcels of land containing about 552 acres situate in the County of Camden, Parish of Yarrunga and being portions 12, 95, 96, 97, 98, 142, 155, 156, 157 and 319; reserved roads within portions 95, 96, 98 and 142; bed of part of Yarrunga Creek fronting portions 142, 155, 96, 95 and 156; road separating portions 156, 155 and 142 from Yarrunga Creek (reservation is limited to the surface and the soil below thereof to a depth of 50 feet) and about 277 acres 2 roods situate in the County of Camden, Parish of Burrawang and being portions 217, 218, 230, 234 and 257; roads north of portion 217 and within portions 217, 218 and 230 and 2 acres situate in the County of Camden, Parish of Meryla and being portion 73 and 2 roods situate in the County of Camden, Parish of Burrawang and being lots 2 and 3 in plan annexed to Dealing No. D225927 lodged at the Registrar General's Department and being the area shown by red edge on plan catalogued Ms. 5270 Gbn., in the Department of Lands; and

35 All that piece or parcel of land containing about 40 acres situate in the County of Camden, Parish of Bundanoon and being portion 30 shown on plan catalogued C 15-2041 in the Department of Lands; and

40 All that piece or parcel of land containing about 589 acres 3 roods situate in the County of Camden, Parish of Bundanoon and being portion 2, closed road north-west and west of portion 2 and the westernmost reserved road within portion 2 shown on plan catalogued C 1558-2041 in the Department of Lands.

*National Parks and Wildlife (Amendment).*

- (iv) by omitting from the Second Part of the same Schedule the heading "STATE PARK" and by inserting in lieu thereof the following headings and new description :—

5

## STATE PARKS.

*Macquarie Pass State Park.*

10

All that piece or parcel of land containing about 2,629 acres situate in the County of Camden, Parishes of Calderwood and Jamberoo and being the area shown by red edge on plan catalogued Ms. 21710 Sy. R. in the Department of Lands.

- (b) (i) by omitting from the First Part of the Third <sup>Third</sup> Schedule the description of Morton National Park ;

15

- (ii) by omitting from the Second Part of the same Schedule the description of Barangary State Park ;

- (iii) by omitting from the same Part the description of Bundanoon State Park ;

20

- (iv) by omitting from the same Part the description of Gloucester Tops State Park ;

25

- (v) by omitting from the Third Part of the same Schedule the description of Vaucluse House historic site and by inserting in lieu thereof the following description :—

30

All that piece or parcel of land containing 22 acres 3 roods 10  $\frac{4}{5}$ th perches situate in the County of Cumberland, Parish of Alexandria and being the areas marked "A" and "B" (in two parts) on plan catalogued Ms. 3217 Sy. in the Department of Lands; and

35

All that piece or parcel of land containing 47 acres 2 roods 11  $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shown by red edge on plan catalogued Ms. 3621 Sy. R., in the Department of Lands exclusive of an area of 2 acres 1 rood 8 perches dedicated for public hospital 8th April, 1914; and

All

---

*National Parks and Wildlife (Amendment).*

---

All that piece or parcel of land containing 3 roods 32½ perches situate in the County of Cumberland, Parish of Alexandria and being the area shaded red on plan catalogued No. 4516 Sy., in the Department of Lands.

5

6. (1) On the commencement of section five of this Act— Cessation of certain trusteeships.

10 (a) any person who, immediately before that commencement, held office as trustee of Reserve 68000 for Public Recreation and Preservation of Caves shall cease to hold that office in respect of that part of that Reserve included within Kanangra-Boyd National Park;

15 (b) any person who, immediately before that commencement, held office as trustee of Nielsen-Vaucluse Park shall cease to hold that office and—

20 (i) all moneys, liquidated and unliquidated claims which immediately before that commencement were vested in or belonged to the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the trustees of Vaucluse House historic site;

25 (ii) all suits, actions and proceedings pending immediately before such commencement, at the suit of or against the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the trustees of Vaucluse House historic site;

30

(iii)

---

*National Parks and Wildlife (Amendment).*

---

- 5 (iii) all contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof and in force immediately before such commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the trustees of Vaucluse House historic site;
- 10
- 15 (iv) the trustees of Vaucluse House historic site may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the trustees of Nielsen-Vaucluse Park might have done had they not ceased to be trustees of Nielsen-Vaucluse Park after such commencement;
- 20
- 25 (v) the trustees of Vaucluse House historic site may enforce and realise any security or charge existing immediately before such commencement in favour of the trustees of Nielsen-Vaucluse Park in respect of any such moneys and claims as if such security or charge were existing in favour of the trustees of Vaucluse House historic site;
- 30 (vi) all debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees relating to Nielsen-Vaucluse Park or any part thereof shall be debts due and moneys payable by and claims recoverable against the trustees of Vaucluse House historic site.

(2) Subsection one of section eighteen of the National Parks and Wildlife Act, 1967, as amended by this Act, shall not apply to or in respect of any person who, immediately before the commencement of section five of this Act, held office as trustee of Nielsen-Vaucluse Park.

---

*National Parks and Wildlife (Amendment).*

---

7. (1) The permanent reservation under the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 3 roods 27½ perches situate in the County of Cumberland, Parish of Bulgo and being portion 30 shown on plan catalogued C 9700-2030 in the Department of Lands is hereby revoked and that land is hereby revested in K. A. Prescott Pty. Limited, the company entitled thereto immediately before the resumption of that land under and in pursuance of the Public Works Act, 1912, notification whereof was published in the Government Gazette of the twentieth day of March, one thousand nine hundred and sixty-four, and is so revested for such estate and interest as was, and with and subject to such rights as were, subsisting in respect of that land immediately before that resumption, and subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption as if the resumption had not taken place and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption which but for this Act may have been recoverable or payable.

Partial  
rescission of  
resumption.

(2) The Registrar General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in relation to the resumption referred to in subsection one of this section, in so far as the entry or notification relates to the land referred to in that subsection, and for the purpose of any dealing with that land any such entry or notification shall be deemed never to have been made.

(3) Compensation shall not be, and shall be deemed never to have been, payable pursuant to the Public Works Act, 1912, in respect of the resumption referred to in subsection one of this section in so far as it affected the land referred to in that subsection or in respect of any loss or damage whatsoever arising in any way as a consequence of that resumption or revesting by this Act of that land.

8.

---

*National Parks and Wildlife (Amendment).*

---

8. The permanent reservation by the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 4 acres 3 roods 22 perches situate in the County of Gowen, Parish of Caraghnan and being portion 7 on plan catalogued 5 G 2879-1797 in the Department of Lands, is hereby revoked. Revocation of permanent reservation of certain land.

9. The dedication as nature reserve under the Fauna Protection Act, 1948, of all that piece or parcel of land containing about 4 acres 2 roods situate in the County of Cooper, Parish of Narrandera shown on plan catalogued 10 Ms. 3397 Hy. in the Department of Lands, is hereby revoked. Revocation of dedication of certain land.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[25c]

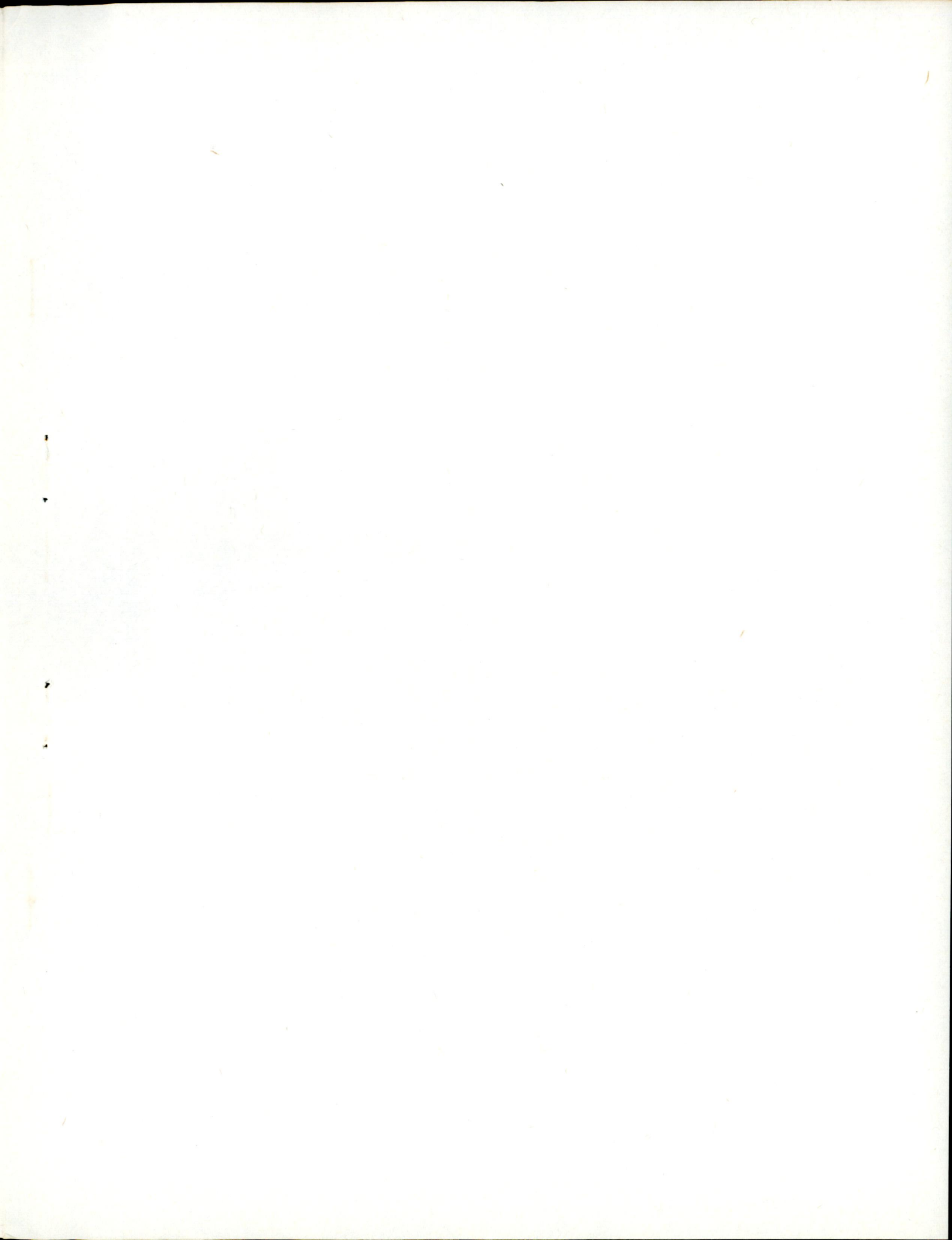
National Bank and Trust Company

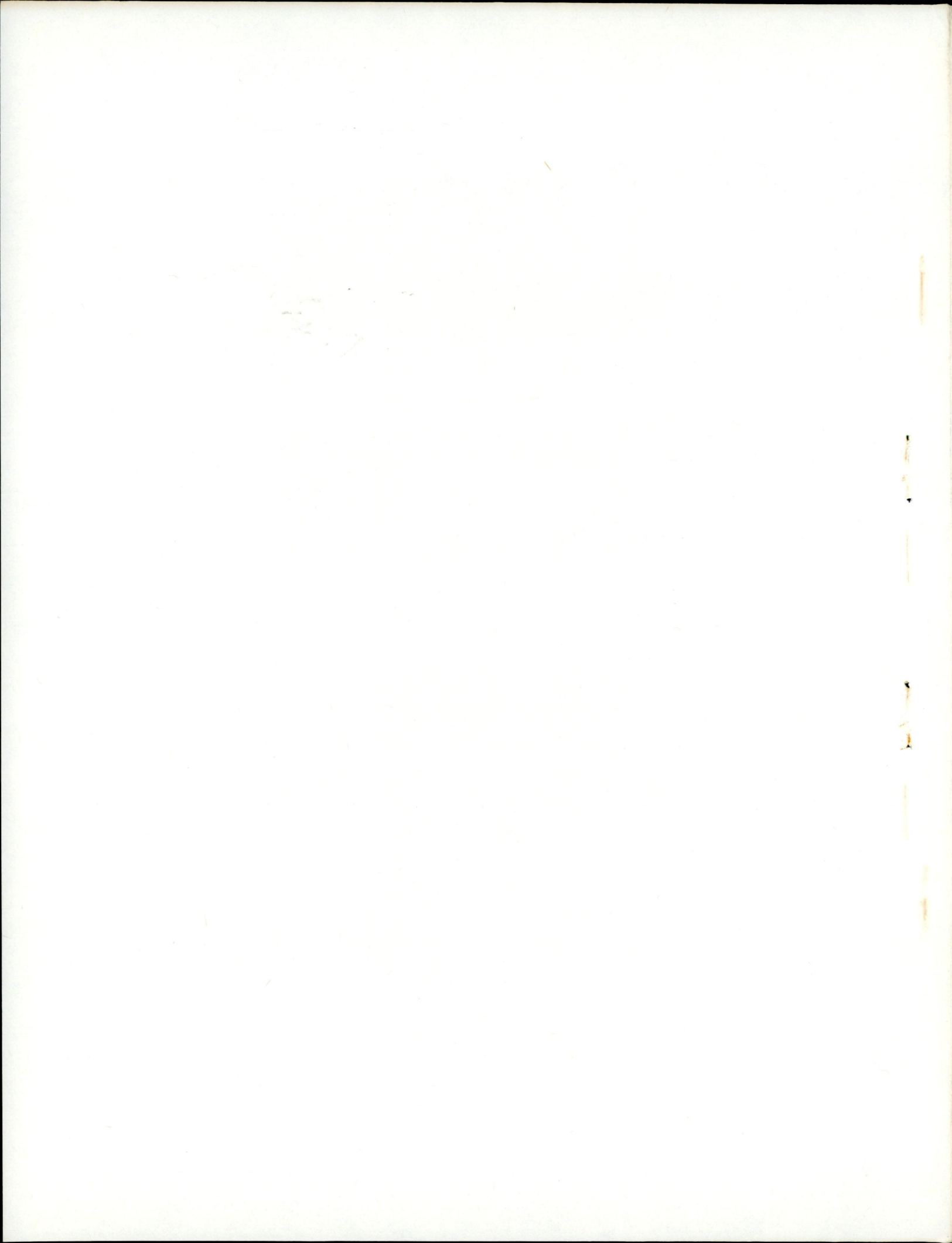
8. The partnership was dissolved by the National Bank and Trust Company under the provisions of the National Bank and Trust Company Act, 1907, of all the assets of said partnership in the County of Columbia, District of Columbia and the portion of the same which are now in the possession of the National Bank and Trust Company in the District of Columbia.

9. The partnership was dissolved under the terms of the National Bank and Trust Company Act, 1907, of all the assets of said partnership in the County of Columbia, District of Columbia and the portion of the same which are now in the possession of the National Bank and Trust Company in the District of Columbia.

10. M. J. J. in the Department of the Bank is hereby revoked.







*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, 11 November, 1969.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

*Clerk of the Parliaments.*

*Legislative Council Chamber,  
Sydney, November, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. , 1969.**

An Act to establish additional national parks and an additional state park; to incorporate certain state parks in certain national parks; ~~to confer certain powers on the Minister with respect to the erection and use of certain buildings and other structures;~~ to make further provisions with respect to pounds and the impounding of animals; to provide for the preservation of certain anthropological, archaeological and aboriginal relics; for these and other purposes to amend the National Parks and Wildlife Act, 1967; and for purposes connected therewith.

BE

*National Parks and Wildlife (Amendment).*

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

1. (1) This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1969". Short title and commencement.

(2) Sections three and four of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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

(a) by inserting next after section eleven the following new section :— New sec. 11A.

15 11A. A local committee for— Dissolution of local committee.

(a) a national park that becomes part of some other national park ;

(b) a state park that becomes part of a national park or of some other state park ; or

20 (c) a historic site that becomes part of a national park or of a state park or of some other historic site,

25 shall be deemed to have been dissolved, but a member thereof shall, subject to this Act, be eligible for appointment to any other local committee.

30 (b) by omitting from section fifteen the words "commencement of" wherever occurring and by inserting in lieu thereof the words "reservation thereof as national park, state park or historic site, as the case may be, by"; Sec. 15. (Lands in Second and Third Schedules to be national parks, state parks and historic sites.)

(c)

*National Parks and Wildlife (Amendment).*

- (c) (i) by omitting from section seventeen the words Sec. 17.  
 "Upon the commencement of this Act the" and (Care, control and management of areas in the Second Schedule.)  
 by inserting in lieu thereof the word "The";
- 5 (ii) by omitting from the same section the word  
 "park" wherever occurring and by inserting in  
 lieu thereof the word "parks";
- (iii) by omitting from the same section the words  
 "shall be" and by inserting in lieu thereof the  
 words "are hereby";
- 10 (d) (i) by omitting from subsection one of section Sec. 18.  
 eighteen the words "this Act" where firstly (Care, control and management of areas in the Third Schedule.)  
 occurring and by inserting in lieu thereof the  
 words "section two of the National Parks and  
 Wildlife (Amendment) Act, 1969";
- 15 (ii) by inserting in the same subsection after the  
 word "Act" where secondly occurring the  
 words ", as enacted immediately before that  
 commencement,";
- 20 (iii) by inserting next after the same subsection the  
 following new subsection :—
- (1A) Where a description in the Third  
 Schedule to this Act is amended to include any  
 land (including any amendment made by the  
 National Parks and Wildlife (Amendment)  
 25 Act, 1969) any person who, immediately  
 before the commencement of that amendment,  
 held office as trustee of that land, or any part  
 thereof, shall hold office as trustee of the  
 national park, state park or historic site  
 30 described until replaced pursuant to this Act.
- (iv) by inserting in subsection two of the same  
 section after the word "one" the word, figure  
 and letter "or 1A";

(e)

*National Parks and Wildlife (Amendment).*

(e) by inserting next after subsection two of section twenty-one the following new subsection :—

Sec. 21.  
(National parks, state parks or historic sites not to be revoked except by Act of Parliament.)

(3) The following provisions shall apply to and in respect of Macquarie Pass State Park :—

5 (a) The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, (in this subsection referred to as the "Commission") may continue and complete surveys and investigations for  
10 determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Macquarie Pass  
15 State Park.

(b) The site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission.

20 (c) The Minister may from time to time grant to the Commission such easements and licenses over lands within Macquarie Pass State Park for pipelines, power lines and other purposes as may be necessary for or  
25 in connection with the use and operation of the dam and ancillary works.

(f) (i) by omitting paragraph (a) of subsection two of section twenty-four and by inserting in lieu thereof the following new paragraph :—

Sec. 24.  
(Restrictions on mining.)

30 (a) An authority over, or lease of, land within a national park, state park or historic site, being an authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, granted after the commencement of section two of the National Parks and Wildlife  
35 (Amendment) Act, 1969, shall have no force or effect unless, before the authority or lease

was

---

*National Parks and Wildlife (Amendment).*

---

was granted, notice of the application therefor was laid before both Houses of Parliament and—

- 5 (i) no notice was given in either House of Parliament within fifteen sitting days after notice of the application was laid before it of a motion that the application be refused; or
- 10 (ii) where notice of such a motion has been so given, the motion pursuant thereto has been withdrawn or defeated.
- 15 (ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—
- 20 (c) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an authority or lease specified in the certificate shall be conclusive evidence of compliance with those requirements.
- 25 (g) (i) by inserting in subsection four of section Sec. 29. twenty-nine after the words "Drainage Board" (Plan of the words "or the Hunter District Water management.) the words "or the Hunter District Water Board";
- (ii) by omitting from the same subsection the words "such Board" and by inserting in lieu thereof the words "either Board";
- 30 (iii) by omitting from paragraph (a) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(iv)

*National Parks and Wildlife (Amendment).*

5 (iv) by omitting from paragraph (b) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(h) by inserting next after section thirty the following <sup>New sec. 30A</sup> new section :—

10 30A. (1) This section applies to leases and <sup>Variation of leases, licenses, etc.</sup> licenses granted under section thirty of this Act after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969.

15 (2) The Minister in respect of any lease or license to which this section applies may impose terms and conditions regulating, controlling or prohibiting the construction, erection, occupation, operation or use of any building, structure, installation, engineering work, road, bridge, earthwork, plant, equipment, amusement device, fixture or  
20 improvement upon the land the subject of any such lease or license.

(3) Terms and conditions referred to in subsection two of this section—

25 (a) may include terms and conditions relating to—

(i) site, design, methods of construction and any matters which a council under the Local Government Act, 1919, may take into consideration



*National Parks and Wildlife (Amendment).*

in exercising its powers, authorities, duties and functions under that Act; and

5

(ii) the limitation of exclusive occupation or use to specified persons, periods and purposes;

(b) shall have the like effect and be binding on the parties to any such lease or license as if they were incorporated therein; and

10

(c) may be imposed at the time of the grant of the lease or license, or at any time during its currency.

15

(4) Any provision of any lease or license relating to the granting, withholding or refusing of consent, whether subject to terms and conditions or not, shall be deemed to have been varied or revoked to the extent necessary to enable terms and conditions imposed pursuant to this section to be given full effect and operation.

20

(5) No compensation shall be payable in respect of any exercise by the Minister of a power conferred upon him by this section.

**3. The National Parks and Wildlife Act, 1967, is further amended—**

Further amendment of Act No. 35, 1967.

25

(a) by omitting section forty-three and by inserting in lieu thereof the following section :—

Subst. sec. 43.

30

43. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, state park, historic site, aboriginal area or nature reserve, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of land under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of

Impounding.

35

of

---

*National Parks and Wildlife (Amendment).*

---

5 of that Act shall, mutatis mutandis, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection one of this section, Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

- 10 (a) there had been omitted therefrom—
- (i) section four hundred and twenty-three;
  - (ii) section 425A;
  - 15 (iii) subsections two and three of section four hundred and twenty-six;
  - (iv) sections four hundred and twenty-seven to four hundred and twenty-nine, both inclusive;
  - (v) subsection two of section four hundred and thirty;
  - 20 (vi) subsections one and two of section four hundred and thirty-one;
  - (vii) section four hundred and thirty-nine;
  - 25 (viii) section four hundred and forty-one; and
  - (ix) section four hundred and forty-two;
- (b) the words “at large in any public place or” had been omitted from subsection one of section four hundred and twenty-six;
- 30 (c) “prescribed” meant prescribed by, or by regulations made under, this Act;
- (d) a reference to the mayor or president of a council were a reference to the Director;
- 35 and
- (e)

---

*National Parks and Wildlife (Amendment).*

---

(e) a direction for the payment of moneys to a council, or to the General Fund of a council were a direction for payment of the moneys to the National Parks and Wildlife Fund.

5 (3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, state park, historic site, aboriginal area or nature reserve.

10 (4) The Director, in relation to a national park, state park, historic site, aboriginal area or nature reserve, shall have and may exercise the powers conferred, by the provisions of section fifteen of the Impounding Act, 1898, and subsection one of  
15 section four hundred and twenty-nine of the Local Government Act, 1919, on an occupant in relation to his land, but may, in lieu of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid,  
20 or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national  
25 park, state park, historic site, aboriginal area or nature reserve the same powers as are conferred by section four hundred and thirty-eight of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

30 (6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, state park, historic site, aboriginal area or nature reserve, being a  
35 pound that will be available for use for impounding animals trespassing on a national park, state park, historic site, aboriginal area or nature reserve.

(7)

---

*National Parks and Wildlife (Amendment).*

---

5 (7) Where an animal trespassing on a national park, state park, historic site, aboriginal area or nature reserve is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Govern-  
10 ment Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(b) by inserting next after paragraph (z) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regula-  
tions.)

15 (aa) the management and maintenance of pounds within a national park, state park, historic site, aboriginal area or nature reserve;

20 (bb) the procedure for the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve and for their subsequent disposal, sale or destruction;

25 (cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve;

30 (dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of animals impounded within a national park, state park, historic site, aboriginal area or nature reserve.

*National Parks and Wildlife (Amendment).*

4. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

(a) by inserting next after the matter relating to Part IV in section two the following new matter :— Sec. 2. (Division into Parts.)

5 PART IVA.—RELICS—ss. 33A–33L.

(b) (i) by inserting next before the definition of “Community service” in subsection one of section three the following new definition :— Sec. 3. (Definitions.)

10 “Aboriginal area” means land dedicated, pursuant to this Act, as an aboriginal area.

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

15 “Protected archaeological area” means land declared, pursuant to this Act, to be a protected archaeological area.

(iii) by inserting next after the definition of “Regulations” in the same section the following new definition :—

20 “Relic” means any deposit, object or material evidence (not being a handi-craft made for sale) relating to indigenous and non-European habitation of the area that comprises the State of New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

30 (c) by inserting in paragraph (c) of subsection four of section six after the word “significance” the words “, and areas in which relics are situated”; Sec. 6. (Powers and functions of National Parks and Wildlife Service.)

(d)

*National Parks and Wildlife (Amendment).*

- (d) by inserting in paragraph (c) of subsection three of section twenty-nine after the word "object" the words ", and any relic,"; Sec. 29. (Plan of management.)
- 5 (e) by inserting next after section thirty-three the following new Part :— New Part IVA.

## PART IVA.

## RELICS.

10 33A. (1) There shall be an Aboriginal Relics Advisory Committee which shall consist of eight members appointed by the Minister. Of the eight members so appointed—

- (i) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;
- 15 (ii) one shall be an archaeologist or anthropologist of the Australian Museum;
- (iii) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;
- 20 (iv) one shall be a person nominated by the National Trust of Australia (New South Wales);
- (v) one shall be an officer of the Department of Mines;
- 25 (vi) one shall be an officer of the National Parks and Wildlife Service.

(2) A member appointed pursuant to subsection one of 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 instrument of his appointment.

30

---

*National Parks and Wildlife (Amendment).*

---

(3) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection one, five or six of this section.

5 (4) A member of the Aboriginal Relics Advisory Committee shall be deemed to have vacated his office if he—

(a) dies;

10 (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;

15 (d) ceases to hold a qualification by virtue of which he was appointed;

(e) is removed from office by the Minister.

20 (5) On the occurrence of a vacancy in the office of a member of the Aboriginal Relics Advisory Committee, the Minister may appoint to the vacant office a person qualified under subsection one of this section in the same manner as the person who vacated office and a person so appointed shall hold office for the remainder of the term of office of his predecessor.

25 (6) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Relics Advisory Committee, a person qualified under subsection one of this section in the same manner as the person for whom he is the alternate member.

30 (7) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Relics Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

35 (8)

---

*National Parks and Wildlife (Amendment).*

---

5 (8) The procedure for the calling of meetings of the Aboriginal Relics Advisory Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Aboriginal Relics Advisory Committee.

10 (9) Each member of the Aboriginal Relics Advisory Committee shall be entitled to receive such travelling or other expenses, and each such member who is not an officer of the Public Service shall be entitled to receive such fees, as the Minister may determine.

15 (10) The Aboriginal Relics Advisory Committee shall advise the Minister and the Director upon any matter relating to the preservation, control of excavation, removal and custody of relics.

20 33B. (1) The Governor may, on the recommendation of the Director and with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by order published in the Gazette, declare any unoccupied Crown lands specified in the order to be dedicated as an aboriginal area and any such land shall, while the order remains in force, be deemed to have been  
25 dedicated for the purpose of preserving, protecting and preventing damage to relics therein.

(2) The care, control and management of aboriginal areas is hereby vested in the Director.

30 (3) The National Parks and Wildlife Service shall carry out such work and activities as the Minister may direct either generally or in any particular case for the preservation and protection of, and prevention of damage to, relics in an aboriginal area.



*National Parks and Wildlife (Amendment).*

5 33C. The Director shall be responsible for the proper care and protection of any relic in a national park, state park, historic site, nature reserve or aboriginal area and, subject to section 33F of this Act, for the proper restoration of a national park, state park, historic site, nature reserve or aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Protection of certain relics and restoration of certain areas.

10 33D. (1) Subject to this section, a relic that immediately before the commencement of this Act—

Certain relics to be Crown property.

(a) was not the property of the Crown; and

15 (b) was not in the possession of any person, and any relic that is abandoned after that commencement by a person other than the Crown, shall be deemed to be, and always to have been, the property of the Crown.

20 (2) For the purposes of subsection one of this section, a person shall not be deemed to have had possession of a relic that was not originally real property only by reason of the fact that it was in or on land owned or occupied by him.

25 (3) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(4) No compensation shall be payable in respect of the vesting of a relic by this section.

30 33E. A person, other than the Director, who—

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

Offences relating to relics.

(b)

---

*National Parks and Wildlife (Amendment).*

---

- 5 (b) takes possession of a relic that is in a national park, state park, historic site, nature reserve or aboriginal area;
- (c) removes a relic from a national park, state park, historic site, nature reserve or aboriginal area; or
- 10 (d) erects or maintains, in a national park, state park, historic site, nature reserve or aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

15 except in accordance with the terms and conditions of an unrevoked permit issued to him under section 33F of this Act, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, shall be guilty of an offence against this Act.

20 33F. (1) Subject to section 33G of this Act, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in paragraph (a), (b), (c) or (d) of section 33E of this Act. <sup>Permits relating to relics.</sup>

25 (2) Terms and conditions imposed by the Director under subsection one of this section may include terms and conditions relating to the proper restoration of land disturbed or excavated.

30 (3) A failure to comply with a term or condition authorised by subsection two of this section shall be deemed to be a contravention of section 33E of this Act.

- (4) The Director may, at any time—
- (a) revoke a permit referred to in subsection one of this section; or
- 35 (b) vary the terms and conditions of such a permit.

33G.

*National Parks and Wildlife (Amendment).*

5 33G. (1) Nothing in section 33F of this Act shall be construed as authorising the Director to permit a relic to be removed from a national park, state park, historic site, nature reserve or aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum. The Trustees of the Australian Museum to have custody of certain relics.

10 (2) A relic (other than a relic in a national park, state park, historic site, nature reserve or aboriginal area) that is the property of the Crown shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

15 (3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, state park, historic site or aboriginal area and, where a relic is so deposited or exhibited, section 33E of this Act shall not apply to The Trustees of the Australian Museum in relation to that relic.

20

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

25

30 33H. The Director may, by agreement with a person having the ownership or possession of a relic that is not the property of the Crown, take such action as he thinks is practicable for the preservation or exhibition of the relic. Preservation or exhibition of certain relics.

35 33I. (1) Subject to this section, the Minister may, by order published in the Gazette, declare that land described in the order, being land on which a relic is situated, is a protected archaeological area. Protected archaeological areas

---

*National Parks and Wildlife (Amendment).*

---

(2) An order under subsection one of this section—

- (a) shall not be made in respect of unoccupied Crown land;
- 5 (b) may be made only on the recommendation of the Director and—
  - 10 (i) where the land is Crown land, with the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier;
  - (ii) where the land is not Crown land, with the consent of the owner and any occupier; and
- 15 (c) shall be revoked at the request of any person whose consent would, if the land were, for the time being, not a protected archaeological area, be required for its declaration as such an area.

20 33J. (1) Subject to this section, the Director may, in relation to land declared to be a protected archaeological area— Control of protected archaeological area.

- 25 (a) give directions prohibiting or regulating the entry on and use of the land by specified persons or classes of persons or all persons other than specified persons or classes of persons; and
- 30 (b) appoint honorary wardens to manage and control the land in accordance with those directions.

(2) The Director—

- (a) shall not exercise the powers conferred on him by subsection one of this section without the consent of the person whose consent,  
if

---

*National Parks and Wildlife (Amendment).*

---

if the land were, for the time being, not a protected archaeological area, would be required for its declaration as such an area; and

- 5 (b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction or appointment.

10 (3) A person who enters, remains on or uses, contrary to a direction given under this section, land to which the direction relates, shall be guilty of an offence against this Act.

15 33K. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic, shall be guilty of an offence against this Act. Destruction, etc., of relics.

(2) It shall be a defence to a prosecution for an offence under subsection one of this section if the offender proves—

20 (a) that preservation of the relic in the condition in which it was before being destroyed, defaced or damaged would unreasonably have restricted the use, in a manner that, but for subsection one of this section, would have been lawful, of land in or on which  
25 the relic was situated; and

(b) either—

30 (i) that the Director was notified, before the destruction, defacing or damaging of the relic, that it was proposed to use the land in that manner; or

(ii) that such a notification was impracticable in the circumstances.

*National Parks and Wildlife (Amendment).*

33L. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof—

Notification  
of sites of  
relics.

5

(a) within a reasonable time after the commencement of this section, if he was aware of that location immediately before that commencement; or

10

(b) in any other case, within a reasonable time after he first becomes aware of that location,

shall be guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

15

(f) (i) by inserting in subparagraph (i) of paragraph (b) of subsection one of section thirty-five after the word "licenses" the word ", permits";

Sec. 35.  
(Payments  
into the  
Fund.)

(ii) by inserting in the same subparagraph after the word "site" the words ", aboriginal area";

20

(iii) by omitting from subparagraph (v) of the same paragraph the word "and" where secondly occurring;

(iv) by inserting in subparagraph (vi) of the same paragraph after the word "Act;" the word "and";

25

(v) by inserting next after the same subparagraph the following new subparagraph:—

(vii) all fees collected under this Act or the regulations in connection with pounds or impounding;

30

(vi) by inserting in paragraph (d) of the same subsection after the word "site" wherever occurring the words ", aboriginal area";

(g)

*National Parks and Wildlife (Amendment).*

- (g) (i) by inserting in paragraph (e) of subsection two of section thirty-six after the word "site" whenever occurring the words ", aboriginal area"; Sec. 36. (Payments out of the Fund.)
- 5 (ii) by omitting from the same paragraph the word "and";
- (iii) by omitting from paragraph (f) of the same subsection the word "insurance." and by inserting in lieu thereof the following words:—
- 10 insurance;
- (g) all moneys allocated by the Minister for expenditure on an aboriginal area; and
- 15 (h) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic.
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "nature reserve" the words "or aboriginal area";
- 20 (h) by inserting in paragraph (c) of section thirty-eight after the word "permission" the words "or issues any permit"; Sec. 38. (Charges and fees.)
- 25 (i) by inserting in subsection eight of section forty after the word "sites" the words ", aboriginal areas"; Sec. 40. (Advisory Committee of Architects.)
- (j) by inserting in subsection one of section forty-one after the word "site" the words ", aboriginal area"; Sec. 41. (Driver to give his name and address when required.)
- 30 (k) by inserting in subsection one of section forty-two after the word "site" the words ", aboriginal area"; Sec. 42. (Seizure of motor vehicles.)
- (l)

---

*National Parks and Wildlife (Amendment).*


---

- (l) by inserting in subsection four of section forty-four after the word "site" the words ", aboriginal area"; (Penalties.) Sec. 44.
- (m) by inserting in section forty-seven after the word "site" the words ", aboriginal area"; Sec. 47. (Evidence of offence.)
- 5 (n) by inserting next after paragraph (k) of subsection two of section forty-nine the following new paragraphs :— Sec. 49. (Regulations.)
- 10 (k1) the management and control of any aboriginal area and the prohibition or regulation of the entry therein of any person or class of persons;
- 15 (k2) the preservation or protection of, or prevention of damage to any relic in any national park, state park, historic site, nature reserve or aboriginal area.

5. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

- 20 (a) (i) by inserting in the First Part of the Second Schedule next after the heading "NATIONAL PARKS" the following new headings and descriptions :— Second Schedule.

*Barrington Tops National Park.*

25 All that piece or parcel of land containing about 34,178 acres situate in the Counties of Durham and Gloucester, Parishes of Allyn, Irralong, Boonabilla, Began Began, Womboin, Wawgan and Evans and being the area (in two parts) shown by red edge on plan catalogued Ms. 8168 Md. R. in the Department of Lands exclusive of freehold lands being portions 6, 7 and 12 Parish of Began Began and public roads R24884 and R28133-1603.

30

*Cocopara*



*National Parks and Wildlife (Amendment).**Cocopara National Park.*

5 All that piece or parcel of land containing about 20,580 acres situate in the County of Cooper, Parishes of Bingar, Binya and Stanley and being the area shown by red edge on plan catalogued Ms. 3404 Hy. R. in the Department of Lands, exclusive of public roads.

10 (ii) by inserting in the same Part next after the description of *Dharug National Park* the following new heading and description :—

*Kanangra-Boyd National Park.*

15 All that piece or parcel of land containing about 98,180 acres situate in the County of Westmoreland, Parishes of Gangerang, Konangaroo, Thurat, Banshea, Tartarus, Drogheda, Merlin and Colong being the area shown by red edge exclusive of blue and yellow colour on plan catalogued Ms. 4353 Oe. R. in the Department of Lands.

20 (iii) by inserting in the same Part next after the description of *Kinchega National Park* the following new heading and description :—

*Morton National Park.*

25 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; and

30

35 All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrowa 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 and

40 all that piece or parcel of land containing 20 acres 3 roods 9 perches situate in the County of Camden,

Parish

---

*National Parks and Wildlife (Amendment).*

---

Parish of Burrawang and being portions 307 and 308 shown on plan catalogued C 3992-2041 in the Department of Lands; and

5 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; and

10 All those pieces or parcels of land containing about 552 acres situate in the County of Camden, Parish of Yarrunga and being portions 12, 95, 96, 97, 98, 142, 155, 156, 157 and 319; reserved roads within portions 95, 96, 98 and 142; bed of part of Yarrunga Creek fronting portions 142, 155, 96, 95 and 156; road separating portions 156, 155 and 142 from Yarrunga Creek (reservation is limited to the surface and the soil below thereof to a depth of 50 feet) and about 277 acres 2 roods situate in the County of Camden, Parish of Burrawang and being portions 217, 218, 230, 234 and 257; roads north of portion 217 and within portions 217, 218 and 230 and 2 acres situate in the County of Camden, Parish of Meryla and being portion 73 and 2 roods situate in the County of Camden, Parish of Burrawang and being lots 2 and 3 in plan annexed to Dealing No. D225927 lodged at the Registrar General's Department and being the area shown by red edge on plan catalogued Ms. 5270 Gbn., in the Department of Lands; and

35 All that piece or parcel of land containing about 40 acres situate in the County of Camden, Parish of Bundanoon and being portion 30 shown on plan catalogued C 15-2041 in the Department of Lands; and

40 All that piece or parcel of land containing about 589 acres 3 roods situate in the County of Camden, Parish of Bundanoon and being portion 2, closed road north-west and west of portion 2 and the westernmost reserved road within portion 2 shown on plan catalogued C 1558-2041 in the Department of Lands.

*National Parks and Wildlife (Amendment).*

- (iv) by omitting from the Second Part of the same Schedule the heading "STATE PARK" and by inserting in lieu thereof the following headings and new description :—

5

## STATE PARKS.

*Macquarie Pass State Park.*

10

All that piece or parcel of land containing about 2,629 acres situate in the County of Camden, Parishes of Calderwood and Jamberoo and being the area shown by red edge on plan catalogued Ms. 21710 Sy. R. in the Department of Lands.

- (b) (i) by omitting from the First Part of the Third Schedule the description of Morton National Park;

15

- (ii) by omitting from the Second Part of the same Schedule the description of Barangary State Park;

- (iii) by omitting from the same Part the description of Bundanoon State Park;

20

- (iv) by omitting from the same Part the description of Gloucester Tops State Park;

25

- (v) by omitting from the Third Part of the same Schedule the description of Vaocluse House historic site and by inserting in lieu thereof the following description :—

30

All that piece or parcel of land containing 22 acres 3 roods 10  $\frac{4}{5}$ th perches situate in the County of Cumberland, Parish of Alexandria and being the areas marked "A" and "B" (in two parts) on plan catalogued Ms. 3217 Sy. in the Department of Lands; and

35

All that piece or parcel of land containing 47 acres 2 roods 11  $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shown by red edge on plan catalogued Ms. 3621 Sy. R., in the Department of Lands exclusive of an area of 2 acres 1 rood 8 perches dedicated for public hospital 8th April, 1914; and

All

*National Parks and Wildlife (Amendment).*

All that piece or parcel of land containing 3 roods 32½ perches situate in the County of Cumberland, Parish of Alexandria and being the area shaded red on plan catalogued No. 4516 Sy., in the Department of Lands.

5

6. (1) On the commencement of section five of this Act— Cessation of certain trusteeships.

10 (a) any person who, immediately before that commencement, held office as trustee of Reserve 68000 for Public Recreation and Preservation of Caves shall cease to hold that office in respect of that part of that Reserve included within Kanangra-Boyd National Park;

15 (b) any person who, immediately before that commencement, held office as trustee of Nielsen-Vaucluse Park shall cease to hold that office and—

20 (i) all moneys, liquidated and unliquidated claims which immediately before that commencement were vested in or belonged to the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the trustees of Vaucluse House historic site;

25 (ii) all suits, actions and proceedings pending immediately before such commencement, at the suit of or against the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the trustees of Vaucluse House historic site;

30

(iii)

---

*National Parks and Wildlife (Amendment).*

---

- 5 (iii) all contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof and in force immediately before such commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the trustees of Vaucluse House historic site;
- 10
- 15 (iv) the trustees of Vaucluse House historic site may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the trustees of Nielsen-Vaucluse Park might have done had they not ceased to be trustees of Nielsen-Vaucluse Park after such commencement;
- 20
- 25 (v) the trustees of Vaucluse House historic site may enforce and realise any security or charge existing immediately before such commencement in favour of the trustees of Nielsen-Vaucluse Park in respect of any such moneys and claims as if such security or charge were existing in favour of the trustees of Vaucluse House historic site;
- 30 (vi) all debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees relating to Nielsen-Vaucluse Park or any part thereof shall be debts due and moneys payable by and claims recoverable against the trustees of Vaucluse House historic site.

(2) Subsection one of section eighteen of the National  
35 Parks and Wildlife Act, 1967, as amended by this Act, shall not apply to or in respect of any person who, immediately before the commencement of section five of this Act, held office as trustee of Nielsen-Vaucluse Park.

---

*National Parks and Wildlife (Amendment).*

---

7. (1) The permanent reservation under the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 3 roods 27½ perches situate in the County of Cumberland, Parish of Bulgo and being portion 30 shown on plan catalogued C 9700-2030 in the Department of Lands is hereby revoked and that land is hereby revested in K. A. Prescott Pty. Limited, the company entitled thereto immediately before the resumption of that land under and in pursuance of the Public Works Act, 1912, notification whereof was published in the Government Gazette of the twentieth day of March, one thousand nine hundred and sixty-four, and is so revested for such estate and interest as was, and with and subject to such rights as were, subsisting in respect of that land immediately before that resumption, and subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption as if the resumption had not taken place and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption which but for this Act may have been recoverable or payable.

(2) The Registrar General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in relation to the resumption referred to in subsection one of this section, in so far as the entry or notification relates to the land referred to in that subsection, and for the purpose of any dealing with that land any such entry or notification shall be deemed never to have been made.

(3) Compensation shall not be, and shall be deemed never to have been, payable pursuant to the Public Works Act, 1912, in respect of the resumption referred to in subsection one of this section in so far as it affected the land referred to in that subsection or in respect of any loss or damage whatsoever arising in any way as a consequence of that resumption or revesting by this Act of that land.

8.

---

*National Parks and Wildlife (Amendment).*

---

8. The permanent reservation by the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 4 acres 3 roods 22 perches situate in the County of Gowen, Parish of Caraghnan and being portion 7 on plan catalogued 5 G 2879-1797 in the Department of Lands, is hereby revoked. Revocation of permanent reservation of certain land.

9. The dedication as nature reserve under the Fauna Protection Act, 1948, of all that piece or parcel of land containing about 4 acres 2 roods situate in the County of Cooper, Parish of Narrandera shown on plan catalogued 10 Ms. 3397 Hy. in the Department of Lands, is hereby revoked. Revocation of dedication of certain land.

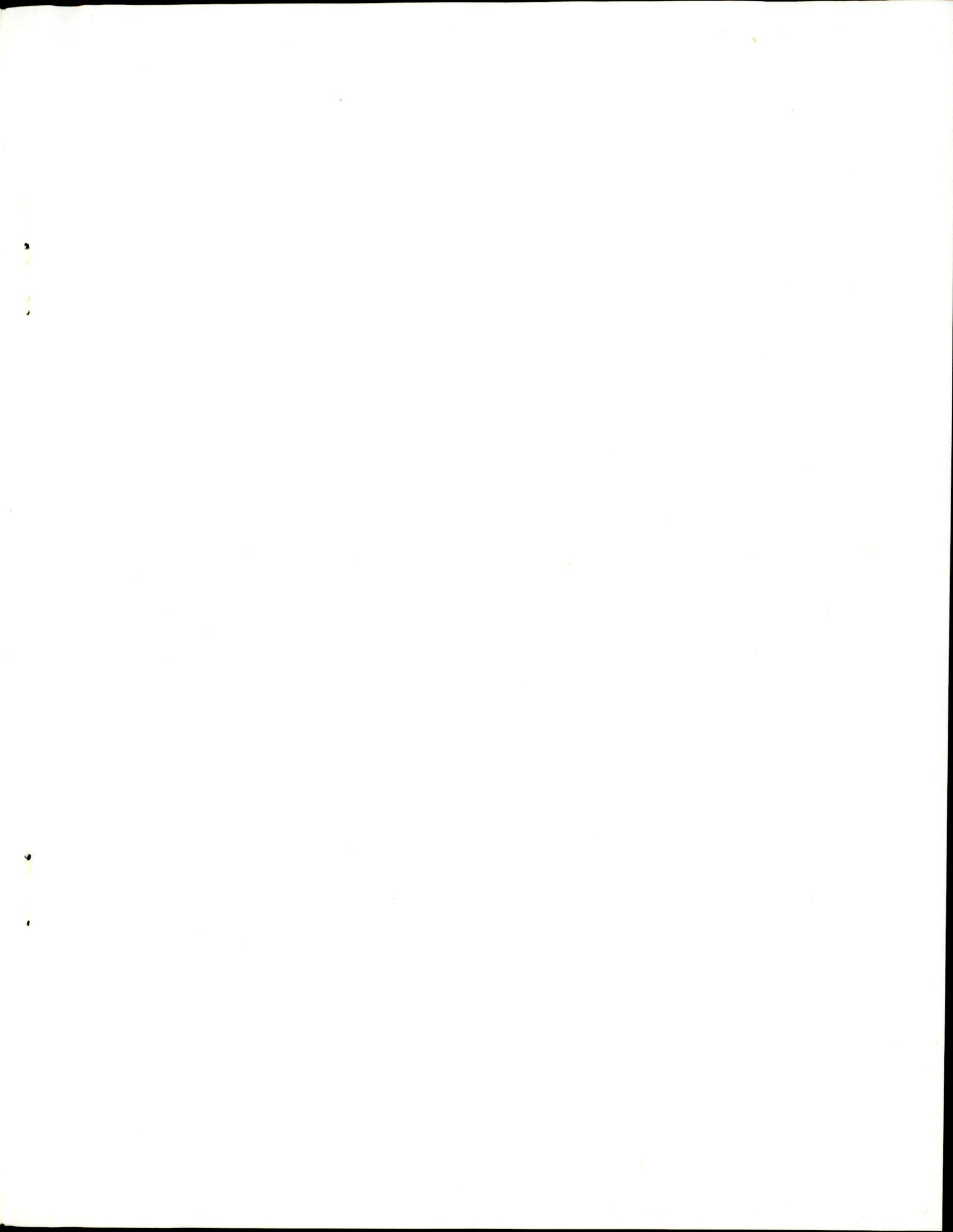
---

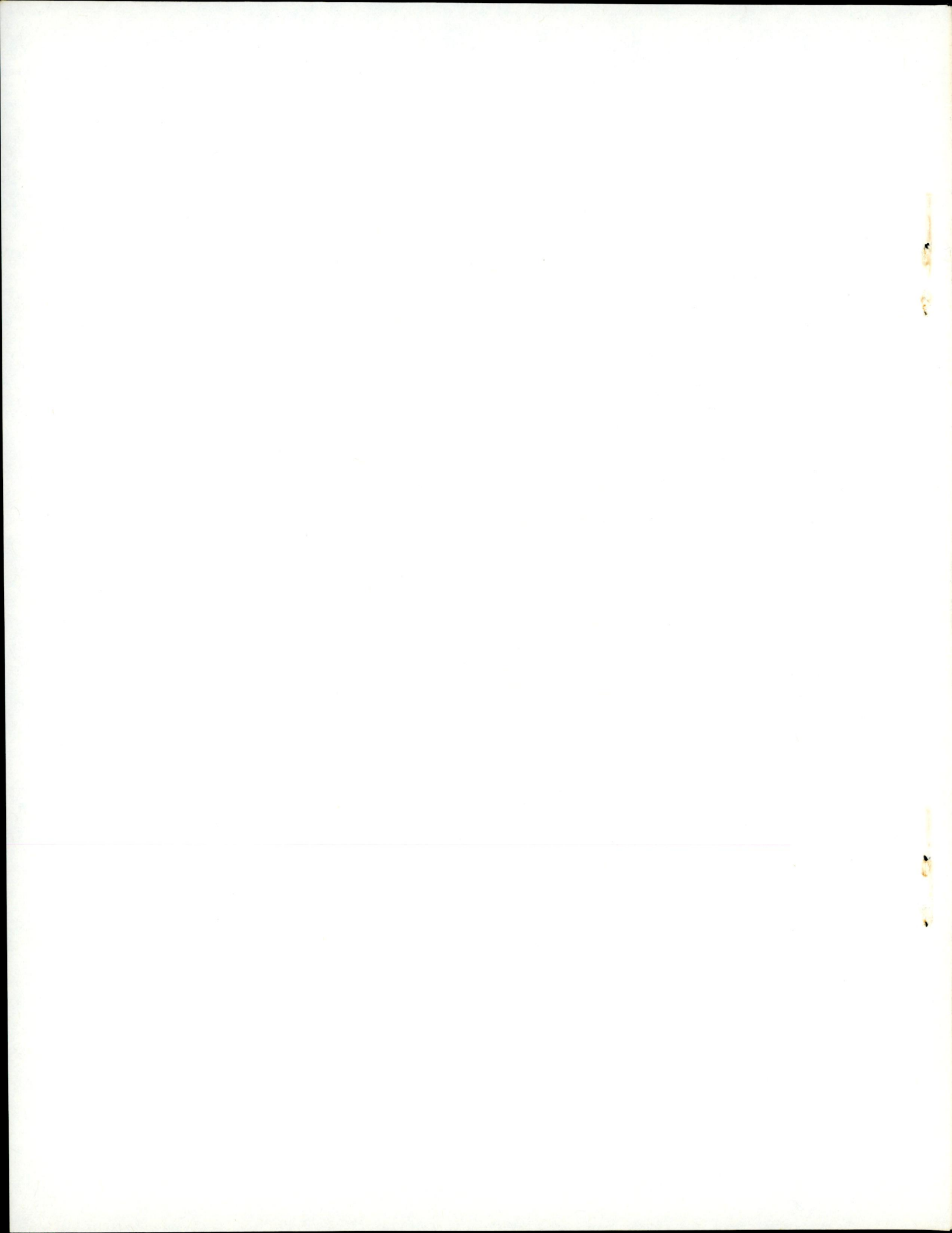
BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969









*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, 11 November, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No.       , 1969.**

An Act to establish additional national parks and an additional state park; to incorporate certain state parks in certain national parks; to confer certain powers on the Minister with respect to the erection and use of certain buildings and other structures; to make further provisions with respect to pounds and the impounding of animals; to provide for the preservation of certain anthropological, archaeological and aboriginal relics; for these and other purposes to amend the National Parks and Wildlife Act, 1967; and for purposes connected therewith.

BE

*National Parks and Wildlife (Amendment).*

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

1. (1) This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1969". Short title and commencement.

(2) Sections three and four of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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

(a) by inserting next after section eleven the following new section :— New sec. 11A.

15 11A. A local committee for— Dissolution of local committee.

(a) a national park that becomes part of some other national park;

(b) a state park that becomes part of a national park or of some other state park; or

20 (c) a historic site that becomes part of a national park or of a state park or of some other historic site,

shall be deemed to have been dissolved, but a member thereof shall, subject to this Act, be eligible for appointment to any other local committee.

25 (b) by omitting from section fifteen the words "commencement of" wherever occurring and by inserting in lieu thereof the words "reservation thereof as national park, state park or historic site, as the case may be, by"; Sec. 15. (Lands in Second and Third Schedules to be national parks, state parks and historic sites.)

30 (c)

*National Parks and Wildlife (Amendment).*

- (c) (i) by omitting from section seventeen the words "Upon the commencement of this Act the" and by inserting in lieu thereof the word "The"; Sec. 17. (Care, control and management of areas in the Second Schedule.)
- 5 (ii) by omitting from the same section the word "park" wherever occurring and by inserting in lieu thereof the word "parks";
- (iii) by omitting from the same section the words "shall be" and by inserting in lieu thereof the words "are hereby";
- 10 (d) (i) by omitting from subsection one of section eighteen the words "this Act" where firstly occurring and by inserting in lieu thereof the words "section two of the National Parks and Wildlife (Amendment) Act, 1969"; Sec. 18. (Care, control and management of areas in the Third Schedule.)
- 15 (ii) by inserting in the same subsection after the word "Act" where secondly occurring the words ", as enacted immediately before that commencement,";
- 20 (iii) by inserting next after the same subsection the following new subsection :—
- (1A) Where a description in the Third Schedule to this Act is amended to include any land (including any amendment made by the National Parks and Wildlife (Amendment) Act, 1969) any person who, immediately before the commencement of that amendment, held office as trustee of that land, or any part thereof, shall hold office as trustee of the national park, state park or historic site described until replaced pursuant to this Act.
- 25
- 30 (iv) by inserting in subsection two of the same section after the word "one" the word, figure and letter "or 1A";

(e)

*National Parks and Wildlife (Amendment).*

(e) by inserting next after subsection two of section twenty-one the following new subsection :—

Sec. 21.  
(National parks, state parks or historic sites not to be revoked except by Act of Parliament.)

(3) The following provisions shall apply to and in respect of Macquarie Pass State Park :—

5

(a) The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, (in this subsection referred to as the "Commission") may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Macquarie Pass State Park.

10

(b) The site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission.

15

20

(c) The Minister may from time to time grant to the Commission such easements and licenses over lands within Macquarie Pass State 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 ancillary works.

25

(f) (i) by omitting paragraph (a) of subsection two of section twenty-four and by inserting in lieu thereof the following new paragraph :—

Sec. 24.  
(Restrictions on mining.)

30

(a) An authority over, or lease of, land within a national park, state park or historic site, being an authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, granted after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969, shall have no force or effect unless, before the authority or lease

35

was

---

*National Parks and Wildlife (Amendment).*

---

was granted, notice of the application therefor was laid before both Houses of Parliament and—

5 (i) no notice was given in either House of Parliament within fifteen sitting days after notice of the application was laid before it of a motion that the application be refused; or

10 (ii) where notice of such a motion has been so given, the motion pursuant thereto has been withdrawn or defeated.

15 (ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

20 (c) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an authority or lease specified in the certificate shall be conclusive evidence of compliance with those requirements.

25 (g) (i) by inserting in subsection four of section Sec. 29. twenty-nine after the words "Drainage Board" (Plan of management.) the words "or the Hunter District Water Board";

(ii) by omitting from the same subsection the words "such Board" and by inserting in lieu thereof the words "either Board";

30 (iii) by omitting from paragraph (a) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(iv)

---

*National Parks and Wildlife (Amendment).*

---

5 (iv) by omitting from paragraph (b) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(h) by inserting next after section thirty the following <sup>New sec.</sup>  
new section :— <sub>30A.</sub>

10 30A. (1) This section applies to leases and <sup>Variation</sup>  
licenses granted under section thirty of this Act <sup>of leases,</sup>  
after the commencement of section two of the <sup>licenses,</sup>  
National Parks and Wildlife (Amendment) Act, <sup>etc.</sup>  
1969.

15 (2) The Minister in respect of any lease  
or license to which this section applies may impose  
terms and conditions regulating, controlling or  
prohibiting the construction, erection, occupation,  
operation or use of any building, structure, installa-  
20 tion, engineering work, road, bridge, earthwork,  
plant, equipment, amusement device, fixture or  
improvement upon the land the subject of any such  
lease or license.

(3) Terms and conditions referred to in  
subsection two of this section—

25 (a) may include terms and conditions relating  
to—

(i) site, design, methods of construction  
and any matters which a council  
under the Local Government Act,  
1919, may take into consideration

in



*National Parks and Wildlife (Amendment).*

in exercising its powers, authorities,  
duties and functions under that Act;  
and

5 (ii) the limitation of exclusive occupa-  
tion or use to specified persons,  
periods and purposes;

(b) shall have the like effect and be binding on  
the parties to any such lease or license as if  
they were incorporated therein; and

10 (c) may be imposed at the time of the grant of  
the lease or license, or at any time during  
its currency.

15 (4) Any provision of any lease or license  
relating to the granting, withholding or refusing of  
consent, whether subject to terms and conditions or  
not, shall be deemed to have been varied or revoked  
to the extent necessary to enable terms and condi-  
tions imposed pursuant to this section to be given  
full effect and operation.

20 (5) No compensation shall be payable in  
respect of any exercise by the Minister of a power  
conferred upon him by this section.

3. The National Parks and Wildlife Act, 1967, is further  
amended—

25 (a) by omitting section forty-three and by inserting in  
lieu thereof the following section :—

Further  
amendment  
of Act No.  
35, 1967.  
Subst.  
sec. 43.

30 43. (1) Subject to this section, the Director shall  
have and may exercise and discharge, in respect of a  
national park, state park, historic site, aboriginal  
area or nature reserve, the same powers, authorities,  
duties and functions in relation to pounds, impound-  
ing and related matters as are conferred or imposed  
on a council in respect of land under its control in  
its local government area by the Local Govern-  
ment Act, 1919, and the provisions of Part XVIII  
35 of

---

*National Parks and Wildlife (Amendment).*

---

of that Act shall, mutatis mutandis, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection one of this section, Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) there had been omitted therefrom—

(i) section four hundred and twenty-three;

(ii) section 425A;

(iii) subsections two and three of section four hundred and twenty-six;

(iv) sections four hundred and twenty-seven to four hundred and twenty-nine, both inclusive;

(v) subsection two of section four hundred and thirty;

(vi) subsections one and two of section four hundred and thirty-one;

(vii) section four hundred and thirty-nine;

(viii) section four hundred and forty-one; and

(ix) section four hundred and forty-two;

(b) the words “at large in any public place or” had been omitted from subsection one of section four hundred and twenty-six;

(c) “prescribed” meant prescribed by, or by regulations made under, this Act;

(d) a reference to the mayor or president of a council were a reference to the Director; and

(e)

---

*National Parks and Wildlife (Amendment).*

---

(e) a direction for the payment of moneys to a council, or to the General Fund of a council were a direction for payment of the moneys to the National Parks and Wildlife Fund.

5 (3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, state park, historic site, aboriginal area or nature reserve.

10 (4) The Director, in relation to a national park, state park, historic site, aboriginal area or nature reserve, shall have and may exercise the powers conferred, by the provisions of section fifteen of the Impounding Act, 1898, and subsection one of  
15 section four hundred and twenty-nine of the Local Government Act, 1919, on an occupant in relation to his land, but may, in lieu of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid,  
20 or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national  
25 park, state park, historic site, aboriginal area or nature reserve the same powers as are conferred by section four hundred and thirty-eight of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

30 (6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, state park, historic site, aboriginal area or nature reserve, being  
35 a pound that will be available for use for impounding animals trespassing on a national park, state park, historic site, aboriginal area or nature reserve.

(7)

---

*National Parks and Wildlife (Amendment).*

---

5 (7) Where an animal trespassing on a national park, state park, historic site, aboriginal area or nature reserve is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Govern-  
10 ment Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(b) by inserting next after paragraph (z) of subsection two of section forty-nine the following new paragraphs : — Sec. 49. (Regulations.)

15 (aa) the management and maintenance of pounds within a national park, state park, historic site, aboriginal area or nature reserve ;

20 (bb) the procedure for the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve and for their subsequent disposal, sale or destruction ;

25 (cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve ;

30 (dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of animals impounded within a national park, state park, historic site, aboriginal area or nature reserve.

*National Parks and Wildlife (Amendment).*

4. The National Parks and Wildlife Act, 1967, is further amended—

Further amendment of Act No. 35, 1967.

- (a) by inserting next after the matter relating to Part IV in section two the following new matter :—

Sec. 2.  
(Division into Parts.)

5

PART IVA.—RELICS—SS. 33A–33L.

- (b) (i) by inserting next before the definition of “Community service” in subsection one of section three the following new definition :—

Sec. 3.  
(Definitions.)

10

“Aboriginal area” means land dedicated, pursuant to this Act, as an aboriginal area.

- (ii) by inserting next after the definition of “Nature reserve” in the same section the following new definition :—

15

“Protected archaeological area” means land declared, pursuant to this Act, to be a protected archaeological area.

- (iii) by inserting next after the definition of “Regulations” in the same section the following new definition :—

20

“Relic” means any deposit, object or material evidence (not being a handi-craft made for sale) relating to indigenous and non-European habitation of the area that comprises the State of New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

25

- (c) by inserting in paragraph (c) of subsection four of section six after the word “significance” the words “, and areas in which relics are situated” ;

Sec. 6.  
(Powers and functions of National Parks and Wildlife Service.)

30

(d)

*National Parks and Wildlife (Amendment).*

- (d) by inserting in paragraph (c) of subsection three of section twenty-nine after the word "object" the words ", and any relic,"; Sec. 29. (Plan of management.)
- 5 (e) by inserting next after section thirty-three the following new Part :— New Part IVA.

## PART IVA.

## RELICS.

10 33A. (1) There shall be an Aboriginal Relics Advisory Committee which shall consist of eight members appointed by the Minister. Of the eight members so appointed—

- (i) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;
- 15 (ii) one shall be an archaeologist or anthropologist of the Australian Museum;
- (iii) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;
- 20 (iv) one shall be a person nominated by the National Trust of Australia (New South Wales);
- (v) one shall be an officer of the Department of Mines;
- 25 (vi) one shall be an officer of the National Parks and Wildlife Service.

(2) A member appointed pursuant to subsection one of 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 instrument of his appointment.

30

(3)

---

*National Parks and Wildlife (Amendment).*

---

(3) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection one, five or six of this section.

5 (4) A member of the Aboriginal Relics Advisory Committee shall be deemed to have vacated his office if he—

(a) dies;

10 (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;

15 (d) ceases to hold a qualification by virtue of which he was appointed;

(e) is removed from office by the Minister.

20 (5) On the occurrence of a vacancy in the office of a member of the Aboriginal Relics Advisory Committee, the Minister may appoint to the vacant office a person qualified under subsection one of this section in the same manner as the person who vacated office and a person so appointed shall hold office for the remainder of the term of office of his predecessor.

25 (6) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Relics Advisory Committee, a person qualified under subsection one of this section in the same manner as the person for whom he is the alternate member.

30 (7) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Relics Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

35

(8)

---

*National Parks and Wildlife (Amendment).*

---

5 (8) The procedure for the calling of meetings of the Aboriginal Relics Advisory Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Aboriginal Relics Advisory Committee.

10 (9) Each member of the Aboriginal Relics Advisory Committee shall be entitled to receive such travelling or other expenses, and each such member who is not an officer of the Public Service shall be entitled to receive such fees, as the Minister may determine.

15 (10) The Aboriginal Relics Advisory Committee shall advise the Minister and the Director upon any matter relating to the preservation, control of excavation, removal and custody of relics.

20 33B. (1) The Governor may, on the recommendation of the Director and with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by order published in the Gazette, declare any unoccupied Crown lands specified in the order to be dedicated as an aboriginal area and any such land shall, while the order remains in force, be deemed to have been dedicated for the purpose of preserving, protecting and preventing damage to relics therein.

(2) The care, control and management of aboriginal areas is hereby vested in the Director.

30 (3) The National Parks and Wildlife Service shall carry out such work and activities as the Minister may direct either generally or in any particular case for the preservation and protection of, and prevention of damage to, relics in an aboriginal area.

33c.



---

*National Parks and Wildlife (Amendment).*

---

5 33C. The Director shall be responsible for the proper care and protection of any relic in a national park, state park, historic site, nature reserve or aboriginal area and, subject to section 33F of this Act, for the proper restoration of a national park, state park, historic site, nature reserve or aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Protection of certain relics and restoration of certain areas.

10 33D. (1) Subject to this section, a relic that immediately before the commencement of this Act—

Certain relics to be Crown property.

- (a) was not the property of the Crown; and
- (b) was not in the possession of any person, and any relic that is abandoned after that commencement by a person other than the Crown, shall be deemed to be, and always to have been, the property of the Crown.

20 (2) For the purposes of subsection one of this section, a person shall not be deemed to have had possession of a relic that was not originally real property only by reason of the fact that it was in or on land owned or occupied by him.

25 (3) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(4) No compensation shall be payable in respect of the vesting of a relic by this section.

30 33E. A person, other than the Director, who—

- (a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

Offences relating to relics.

(b)

---

*National Parks and Wildlife (Amendment).*

---

- (b) takes possession of a relic that is in a national park, state park, historic site, nature reserve or aboriginal area;
- 5 (c) removes a relic from a national park, state park, historic site, nature reserve or aboriginal area; or
- 10 (d) erects or maintains, in a national park, state park, historic site, nature reserve or aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

15 except in accordance with the terms and conditions of an unrevoked permit issued to him under section 33F of this Act, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, shall be guilty of an offence against this Act.

20 33F. (1) Subject to section 33G of this Act, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in paragraph (a), (b), (c) or (d) of section 33E of this Act. <sup>Permits relating to relics.</sup>

25 (2) Terms and conditions imposed by the Director under subsection one of this section may include terms and conditions relating to the proper restoration of land disturbed or excavated.

30 (3) A failure to comply with a term or condition authorised by subsection two of this section shall be deemed to be a contravention of section 33E of this Act.

- (4) The Director may, at any time—
- (a) revoke a permit referred to in subsection one of this section; or
  - 35 (b) vary the terms and conditions of such a permit.

33G.

*National Parks and Wildlife (Amendment).*

5 33G. (1) Nothing in section 33F of this Act shall be construed as authorising the Director to permit a relic to be removed from a national park, state park, historic site, nature reserve or aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum. The Trustees of the Australian Museum to have custody of certain relics.

10 (2) A relic (other than a relic in a national park, state park, historic site, nature reserve or aboriginal area) that is the property of the Crown shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

15 (3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, state park, historic site or aboriginal area and, where a relic is so deposited or exhibited, section 33E of this Act shall not apply to The Trustees of the Australian Museum in relation to that relic.

20

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

25

30 33H. The Director may, by agreement with a person having the ownership or possession of a relic that is not the property of the Crown, take such action as he thinks is practicable for the preservation or exhibition of the relic. Preservation or exhibition of certain relics.

35 33I. (1) Subject to this section, the Minister may, by order published in the Gazette, declare that land described in the order, being land on which a relic is situated, is a protected archaeological area. Protected archaeological areas.

---

*National Parks and Wildlife (Amendment).*

---

(2) An order under subsection one of this section—

- (a) shall not be made in respect of unoccupied Crown land;
- 5 (b) may be made only on the recommendation of the Director and—
  - 10 (i) where the land is Crown land, with the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier;
  - (ii) where the land is not Crown land, with the consent of the owner and any occupier; and
- 15 (c) shall be revoked at the request of any person whose consent would, if the land were, for the time being, not a protected archaeological area, be required for its declaration as such an area.

20 33J. (1) Subject to this section, the Director may, in relation to land declared to be a protected archaeological area— Control of protected archaeological area.

- 25 (a) give directions prohibiting or regulating the entry on and use of the land by specified persons or classes of persons or all persons other than specified persons or classes of persons; and
- 30 (b) appoint honorary wardens to manage and control the land in accordance with those directions.

(2) The Director—

- (a) shall not exercise the powers conferred on him by subsection one of this section without the consent of the person whose consent,  
if

---

*National Parks and Wildlife (Amendment).*

---

if the land were, for the time being, not a protected archaeological area, would be required for its declaration as such an area; and

5 (b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction or appointment.

10 (3) A person who enters, remains on or uses, contrary to a direction given under this section, land to which the direction relates, shall be guilty of an offence against this Act.

15 33K. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic, shall be guilty of an offence against this Act. Destruction, etc., of relics.

(2) It shall be a defence to a prosecution for an offence under subsection one of this section if the offender proves—

20 (a) that preservation of the relic in the condition in which it was before being destroyed, defaced or damaged would unreasonably have restricted the use, in a manner that, but for subsection one of this section, would have been lawful, of land in or on which the relic was situated; and

25 (b) either—  
30 (i) that the Director was notified, before the destruction, defacing or damaging of the relic, that it was proposed to use the land in that manner; or  
(ii) that such a notification was impracticable in the circumstances.

*National Parks and Wildlife (Amendment).*

33L. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof—

Notification  
of sites of  
relics.

5

(a) within a reasonable time after the commencement of this section, if he was aware of that location immediately before that commencement; or

10

(b) in any other case, within a reasonable time after he first becomes aware of that location,

shall be guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

15

(f) (i) by inserting in subparagraph (i) of paragraph (b) of subsection one of section thirty-five after the word "licenses" the word ", permits";

Sec. 35.

(Payments  
into the  
Fund.)

(ii) by inserting in the same subparagraph after the word "site" the words ", aboriginal area";

20

(iii) by omitting from subparagraph (v) of the same paragraph the word "and" where secondly occurring;

25

(iv) by inserting in subparagraph (vi) of the same paragraph after the word "Act;" the word "and";

(v) by inserting next after the same subparagraph the following new subparagraph:—

30

(vii) all fees collected under this Act or the regulations in connection with pounds or impounding;

(vi) by inserting in paragraph (d) of the same subsection after the word "site" wherever occurring the words ", aboriginal area";

(g)

*National Parks and Wildlife (Amendment).*

- (g) (i) by inserting in paragraph (e) of subsection two of section thirty-six after the word "site" wherever occurring the words ", aboriginal area"; Sec. 36. (Payments out of the Fund.)
- 5 (ii) by omitting from the same paragraph the word "and";
- (iii) by omitting from paragraph (f) of the same subsection the word "insurance." and by inserting in lieu thereof the following words :—
- 10 insurance ;
- (g) all moneys allocated by the Minister for expenditure on an aboriginal area ; and
- 15 (h) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic.
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "nature reserve" the words "or aboriginal area";
- 20 (h) by inserting in paragraph (c) of section thirty-eight after the word "permission" the words "or issues any permit"; Sec. 38. (Charges and fees.)
- 25 (i) by inserting in subsection eight of section forty after the word "sites" the words ", aboriginal areas"; Sec. 40. (Advisory Committee of Architects.)
- (j) by inserting in subsection one of section forty-one after the word "site" the words ", aboriginal area"; Sec. 41. (Driver to give his name and address when required.)
- 30 (k) by inserting in subsection one of section forty-two after the word "site" the words ", aboriginal area"; Sec. 42. (Seizure of motor vehicles.)
- (l)

*National Parks and Wildlife (Amendment).*

- (l) by inserting in subsection four of section forty-four after the word "site" the words ", aboriginal area"; (Penalties.) Sec. 44.
- (m) by inserting in section forty-seven after the word "site" the words ", aboriginal area"; Sec. 47. (Evidence of offence.)
- 5 (n) by inserting next after paragraph (k) of subsection two of section forty-nine the following new paragraphs :— Sec. 49. (Regulations.)
- 10 (k1) the management and control of any aboriginal area and the prohibition or regulation of the entry therein of any person or class of persons;
- 15 (k2) the preservation or protection of, or prevention of damage to any relic in any national park, state park, historic site, nature reserve or aboriginal area.

5. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

- 20 (a) (i) by inserting in the First Part of the Second Schedule next after the heading "NATIONAL PARKS" the following new headings and descriptions :— Second Schedule.

*Barrington Tops National Park.*

25 All that piece or parcel of land containing about 34,178 acres situate in the Counties of Durham and Gloucester, Parishes of Allyn, Irralong, Boonabilla, Been Been, Womboin, Wawgan and Evans and being the area (in two parts) shown by red edge on plan catalogued Ms. 8168 Md. R. in the Department of Lands exclusive of freehold lands being portions 6, 7 and 12 Parish of Been Been and public roads R24884 and R28133-1603.

30

*Cocopara*



---

*National Parks and Wildlife (Amendment).*

---

*Cocopara National Park.*

5 All that piece or parcel of land containing about 20,580 acres situate in the County of Cooper, Parishes of Bingar, Binya and Stanley and being the area shown by red edge on plan catalogued Ms. 3404 Hy. R. in the Department of Lands, exclusive of public roads.

- 10 (ii) by inserting in the same Part next after the description of *Dharug National Park* the following new heading and description :—

*Kanangra-Boyd National Park.*

15 All that piece or parcel of land containing about 98,180 acres situate in the County of Westmoreland, Parishes of Gangerang, Konangaroo, Thurat, Banshea, Tartarus, Drogheda, Merlin and Colong being the area shown by red edge exclusive of blue and yellow colour on plan catalogued Ms. 4353 Oe. R. in the Department of Lands.

- 20 (iii) by inserting in the same Part next after the description of *Kinchega National Park* the following new heading and description :—

*Morton National Park.*

25 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; and

30 All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarra 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 and

35 all that piece or parcel of land containing 20 acres 3 roods 9 perches situate in the County of Camden,

40

Parish

---

*National Parks and Wildlife (Amendment).*

---

Parish of Burrawang and being portions 307 and 308 shown on plan catalogued C 3992-2041 in the Department of Lands; and

5 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; and

10 All those pieces or parcels of land containing about 552 acres situate in the County of Camden, Parish of Yarrunga and being portions 12, 95, 96, 97, 98, 142, 155, 156, 157 and 319; reserved roads within portions 95, 96, 98 and 142; bed of part of Yarrunga Creek fronting portions 142, 155, 96, 15  
15 95 and 156; road separating portions 156, 155 and 142 from Yarrunga Creek (reservation is limited to the surface and the soil below thereof to a depth of 50 feet) and about 277 acres 2 roods situate in the County of Camden, Parish of Burrawang and being portions 217, 218, 230, 234 and 257; roads north of portion 217 and within portions 217, 218 and 230 and 2 acres situate in the County of Camden, Parish of Meryla and being portion 73 and 2 roods situate in the County of Camden, Parish of Burrawang and being lots 2 and 3 in plan annexed to Dealing No. D225927 lodged at the Registrar General's Department and being the area shown by red edge on plan catalogued Ms. 5270 Gbn., in the Department of Lands; and

20  
25  
30  
35 All that piece or parcel of land containing about 40 acres situate in the County of Camden, Parish of Bundanoon and being portion 30 shown on plan catalogued C 15-2041 in the Department of Lands; and

40 All that piece or parcel of land containing about 589 acres 3 roods situate in the County of Camden, Parish of Bundanoon and being portion 2, closed road north-west and west of portion 2 and the westernmost reserved road within portion 2 shown on plan catalogued C 1558-2041 in the Department of Lands.

(iv)

---

*National Parks and Wildlife (Amendment).*

---

- (iv) by omitting from the Second Part of the same Schedule the heading "STATE PARK" and by inserting in lieu thereof the following headings and new description :—

5

## STATE PARKS.

*Macquarie Pass State Park.*

10 All that piece or parcel of land containing about 2,629 acres situate in the County of Camden, Parishes of Calderwood and Jamberoo and being the area shown by red edge on plan catalogued Ms. 21710 Sy. R. in the Department of Lands.

- (b) (i) by omitting from the First Part of the Third <sup>Third</sup> Schedule the description of Morton National <sup>Schedule.</sup> Park ;

15

- (ii) by omitting from the Second Part of the same Schedule the description of Barangary State Park ;

- (iii) by omitting from the same Part the description of Bundanoon State Park ;

20

- (iv) by omitting from the same Part the description of Gloucester Tops State Park ;

25

- (v) by omitting from the Third Part of the same Schedule the description of Vaucluse House historic site and by inserting in lieu thereof the following description :—

30

All that piece or parcel of land containing 22 acres 3 roods 10  $\frac{4}{5}$ th perches situate in the County of Cumberland, Parish of Alexandria and being the areas marked "A" and "B" (in two parts) on plan catalogued Ms. 3217 Sy. in the Department of Lands; and

35

All that piece or parcel of land containing 47 acres 2 roods 11  $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shown by red edge on plan catalogued Ms. 3621 Sy. R., in the Department of Lands exclusive of an area of 2 acres 1 rood 8 perches dedicated for public hospital 8th April, 1914; and

All

---

*National Parks and Wildlife (Amendment).*

---

5

All that piece or parcel of land containing 3 roods 32½ perches situate in the County of Cumberland, Parish of Alexandria and being the area shaded red on plan catalogued No. 4516 Sy., in the Department of Lands.

6. (1) On the commencement of section five of this Act— Cessation of certain trusteeships.

10

(a) any person who, immediately before that commencement, held office as trustee of Reserve 68000 for Public Recreation and Preservation of Caves shall cease to hold that office in respect of that part of that Reserve included within Kanangra-Boyd National Park;

15

(b) any person who, immediately before that commencement, held office as trustee of Nielsen-Vaucluse Park shall cease to hold that office and—

20

(i) all moneys, liquidated and unliquidated claims which immediately before that commencement were vested in or belonged to the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the trustees of Vaucluse House historic site;

25

30

(ii) all suits, actions and proceedings pending immediately before such commencement, at the suit of or against the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the trustees of Vaucluse House historic site;

(iii)

---

*National Parks and Wildlife (Amendment).*

---

- 5 (iii) all contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof and in force immediately before such commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the trustees of Vaucluse House historic site;
- 10 (iv) the trustees of Vaucluse House historic site may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the trustees of Nielsen-Vaucluse Park might have done had they not ceased to be trustees of Nielsen-Vaucluse Park after such commencement;
- 15 (v) the trustees of Vaucluse House historic site may enforce and realise any security or charge existing immediately before such commencement in favour of the trustees of Nielsen-Vaucluse Park in respect of any such moneys and claims as if such security or charge were existing in favour of the trustees of Vaucluse House historic site;
- 20 (vi) all debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees relating to Nielsen-Vaucluse Park or any part thereof shall be debts due and moneys payable by and claims recoverable against the trustees of Vaucluse House historic site.
- 25
- 30

(2) Subsection one of section eighteen of the National  
35 Parks and Wildlife Act, 1967, as amended by this Act, shall not apply to or in respect of any person who, immediately before the commencement of section five of this Act, held office as trustee of Nielsen-Vaucluse Park.

---

*National Parks and Wildlife (Amendment).*

---

7. (1) The permanent reservation under the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 3 roods 27½ perches situate in the County of Cumberland, Parish of Bulgo and being portion 30 shown on plan catalogued C 9700-2030 in the Department of Lands is hereby revoked and that land is hereby revested in K. A. Prescott Pty. Limited, the company entitled thereto immediately before the resumption of that land under and in pursuance of the Public Works Act, 1912, notification whereof was published in the Government Gazette of the twentieth day of March, one thousand nine hundred and sixty-four, and is so revested for such estate and interest as was, and with and subject to such rights as were, subsisting in respect of that land immediately before that resumption, and subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption as if the resumption had not taken place and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption which but for this Act may have been recoverable or payable.

Partial  
rescission of  
resumption.

(2) The Registrar General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in relation to the resumption referred to in subsection one of this section, in so far as the entry or notification relates to the land referred to in that subsection, and for the purpose of any dealing with that land any such entry or notification shall be deemed never to have been made.

(3) Compensation shall not be, and shall be deemed never to have been, payable pursuant to the Public Works Act, 1912, in respect of the resumption referred to in subsection one of this section in so far as it affected the land referred to in that subsection or in respect of any loss or damage whatsoever arising in any way as a consequence of that resumption or revesting by this Act of that land.

8.

---

*National Parks and Wildlife (Amendment).*

---

8. The permanent reservation by the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 4 acres 3 roods 22 perches situate in the County of Gowen, Parish of Caraghnan and being portion 7 on plan catalogued 5 G 2879-1797 in the Department of Lands, is hereby revoked. Revocation of permanent reservation of certain land.

9. The dedication as nature reserve under the Fauna Protection Act, 1948, of all that piece or parcel of land containing about 4 acres 2 roods situate in the County of Cooper, Parish of Narrandera shown on plan catalogued 10 Ms. 3397 Hy. in the Department of Lands, is hereby revoked. Revocation of dedication of certain land.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[25c]

1917

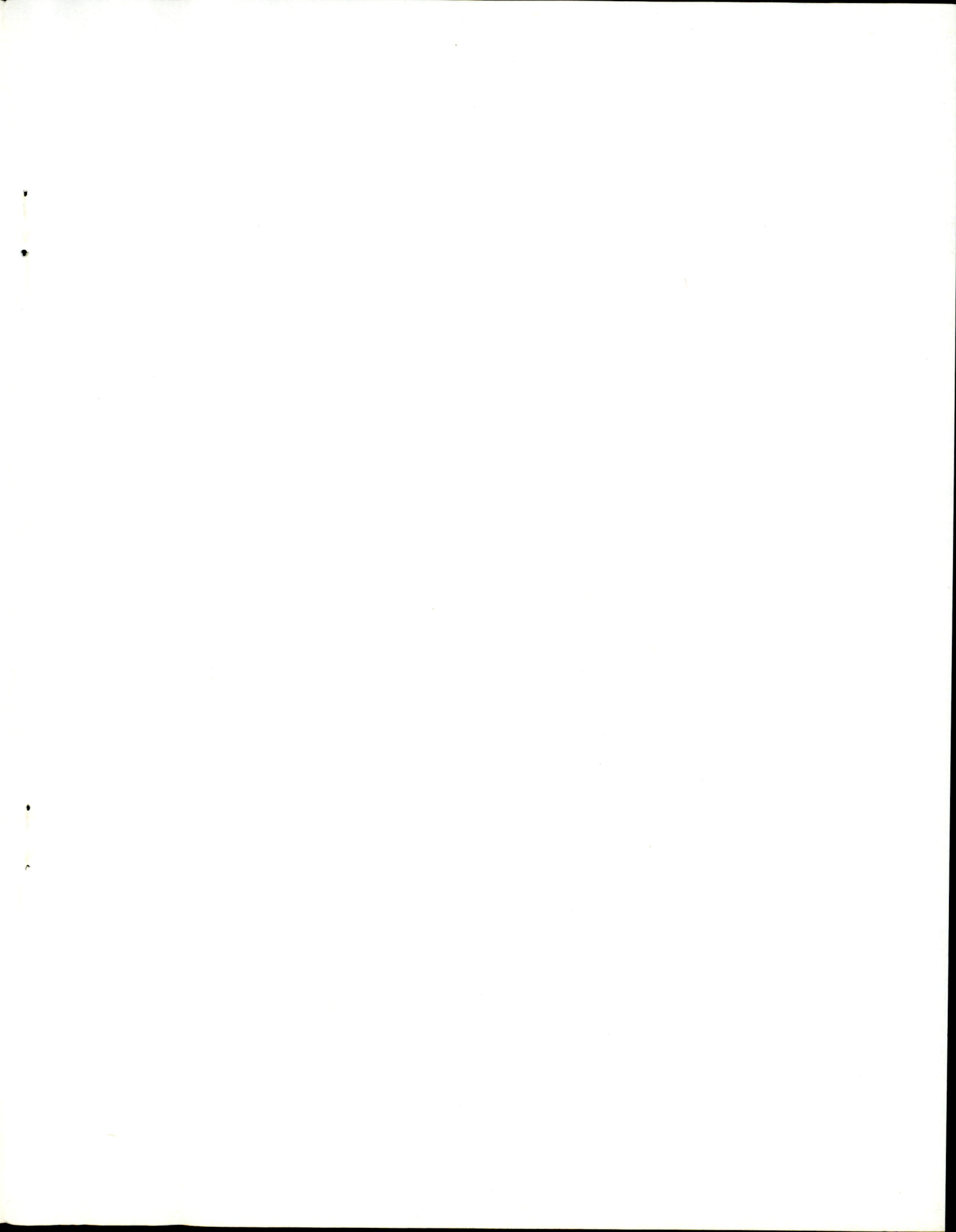
Received of the Treasurer of the  
Board of Education the sum of  
\$100.00 for the year ending  
June 30, 1917.

Witness my hand and seal of  
office this 15th day of July,  
1917.

John J. [Name],  
Superintendent of Schools

1917







No. , 1969.

---

## A BILL

To establish additional national parks and an additional state park; to incorporate certain state parks in certain national parks; to confer certain powers on the Minister with respect to the erection and use of certain buildings and other structures; to make further provisions with respect to pounds and the impounding of animals; to provide for the preservation of certain anthropological, archaeological and aboriginal relics; for these and other purposes to amend the National Parks and Wildlife Act, 1967; and for purposes connected therewith.

[MR WADDY *on behalf of* MR LEWIS—25 September, 1969.]

---

BE

*National Parks and Wildlife (Amendment).*

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

1. (1) This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1969".

Short title and commencement.

(2) Sections three and four of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The National Parks and Wildlife Act, 1967, is amended—

Amendment of Act No. 35, 1967.

(a) by inserting next after section eleven the following new section :—

New sec. 11A.

15 11A. A local committee for—

Dissolution of local committee.

(a) a national park that becomes part of some other national park ;

(b) a state park that becomes part of a national park or of some other state park ; or

20 (c) a historic site that becomes part of a national park or of a state park or of some other historic site,

shall be deemed to have been dissolved, but a member thereof shall, subject to this Act, be eligible for appointment to any other local committee.

25

(b) by omitting from section fifteen the words "commencement of" wherever occurring and by inserting in lieu thereof the words "reservation thereof as national park, state park or historic site, as the case may be, by";

Sec. 15. (Lands in Second and Third Schedules to be national parks, state parks and historic sites.)

30

(c)

---

*National Parks and Wildlife (Amendment).*


---

- (c) (i) by omitting from section seventeen the words Sec. 17.  
 "Upon the commencement of this Act the" and (Care, control and management of areas in the Second Schedule.)  
 by inserting in lieu thereof the word "The";
- 5 (ii) by omitting from the same section the word  
 "park" wherever occurring and by inserting in  
 lieu thereof the word "parks";
- (iii) by omitting from the same section the words  
 "shall be" and by inserting in lieu thereof the  
 words "are hereby";
- 10 (d) (i) by omitting from subsection one of section Sec. 18.  
 eighteen the words "this Act" where firstly (Care, control and management of areas in the Third Schedule.)  
 occurring and by inserting in lieu thereof the  
 words "section two of the National Parks and  
 Wildlife (Amendment) Act, 1969";
- 15 (ii) by inserting in the same subsection after the  
 word "Act" where secondly occurring the  
 words ", as enacted immediately before that  
 commencement,";
- 20 (iii) by inserting next after the same subsection the  
 following new subsection :—
- (1A) Where a description in the Third  
 Schedule to this Act is amended to include any  
 land (including any amendment made by the  
 National Parks and Wildlife (Amendment)  
 Act, 1969) any person who, immediately  
 25 before the commencement of that amendment,  
 held office as trustee of that land, or any part  
 thereof, shall hold office as trustee of the  
 national park, state park or historic site  
 30 described until replaced pursuant to this Act.
- (iv) by inserting in subsection two of the same  
 section after the word "one" the word, figure  
 and letter "or 1A";

(e)

*National Parks and Wildlife (Amendment).*

(e) by inserting next after subsection two of section twenty-one the following new subsection :—

Sec. 21.  
(National parks, state parks or historic sites not to be revoked except by Act of Parliament.)

(3) The following provisions shall apply to and in respect of Macquarie Pass State Park :—

5 (a) The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, (in this subsection referred to as the "Commission") may continue and complete surveys and investigations for  
10 determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated  
15 wholly or partly within Macquarie Pass State Park.

(b) The site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission.

20 (c) The Minister may from time to time grant to the Commission such easements and licenses over lands within Macquarie Pass State Park for pipelines, power lines and other purposes as may be necessary for or  
25 in connection with the use and operation of the dam and ancillary works.

(f) (i) by omitting paragraph (a) of subsection two of section twenty-four and by inserting in lieu thereof the following new paragraph :—

Sec. 24.  
(Restrictions on mining.)

30 (a) An authority over, or lease of, land within a national park, state park or historic site, being an authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, granted after the commencement of section two of the National Parks and Wildlife  
35 (Amendment) Act, 1969, shall have no force or effect unless, before the authority or lease

was

---

*National Parks and Wildlife (Amendment).*

---

was granted, notice of the application therefor was laid before both Houses of Parliament and—

- 5 (i) no notice was given in either House of Parliament within fifteen sitting days after notice of the application was laid before it of a motion that the application be refused; or
- 10 (ii) where notice of such a motion has been so given, the motion pursuant thereto has been withdrawn or defeated.
- 15 (ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—
- 20 (c) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an authority or lease specified in the certificate shall be conclusive evidence of compliance with those requirements.
- 25 (g) (i) by inserting in subsection four of section Sec. 29. twenty-nine after the words "Drainage Board" (Plan of the words "or the Hunter District Water management.) Board";
- (ii) by omitting from the same subsection the words "such Board" and by inserting in lieu thereof the words "either Board";
- 30 (iii) by omitting from paragraph (a) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(iv)

---

*National Parks and Wildlife (Amendment).*

---

5 (iv) by omitting from paragraph (b) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(h) by inserting next after section thirty the following new section :— New sec.  
30A.

30A. (1) This section applies to—

10 (a) authorities, permits, leases, licenses and occupancies to which section twenty-two of this Act applies; and Variation  
of leases,  
licenses,  
etc.

15 (b) leases and licenses to which section thirty of this Act applies, whether such leases and licenses were granted before or after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969.

20 (2) The Minister in respect of any authority, permit, lease, license or occupancy to which this section applies may impose terms and conditions regulating, controlling or prohibiting the construction, erection, occupation, operation or use of any building, structure, installation, engineering work, road, bridge, earthwork, plant, equipment, amusement device, fixture or improvement upon the land the subject of any such authority, permit, lease, license or occupancy.

25 (3) Terms and conditions referred to in subsection two of this section—

30 (a) may include terms and conditions relating to—

35 (i) site, design, methods of construction and any matters which a council under the Local Government Act, 1919, may take into consideration  
**in**



*National Parks and Wildlife (Amendment).*

in exercising its powers, authorities, duties and functions under that Act; and

5 (ii) the limitation of exclusive occupation or use to specified persons, periods and purposes;

(b) shall have the like effect and be binding on the parties to any such authority, permit, lease, license or occupancy as if they were incorporated therein; and

10 (c) may be imposed at the time of, or after the grant of, the authority, permit, lease, license or occupancy.

15 (4) Any provision of any authority, permit, lease, license or occupancy, relating to the granting, withholding or refusing of consent, whether subject to terms and conditions or not, shall be deemed to have been varied or revoked to the extent necessary to enable terms and conditions

20 imposed pursuant to this section to be given full effect and operation.  
(5) No compensation shall be payable in respect of any exercise by the Minister of a power conferred upon him by this section.

25 3. The National Parks and Wildlife Act, 1967, is further amended—

Further amendment of Act No. 35, 1967. Subst. sec. 43.

(a) by omitting section forty-three and by inserting in lieu thereof the following section :—

30 43. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, state park, historic site, aboriginal area or nature reserve, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of land under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of

---

*National Parks and Wildlife (Amendment).*

---

5 of that Act shall, mutatis mutandis, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection one of this section, Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

10 (a) there had been omitted therefrom—

(i) section four hundred and twenty-three;

(ii) section 425A;

15 (iii) subsections two and three of section four hundred and twenty-six;

(iv) sections four hundred and twenty-seven to four hundred and twenty-nine, both inclusive;

20 (v) subsection two of section four hundred and thirty;

(vi) subsections one and two of section four hundred and thirty-one;

(vii) section four hundred and thirty-nine;

25 (viii) section four hundred and forty-one; and

(ix) section four hundred and forty-two;

(b) the words “at large in any public place or” had been omitted from subsection one of section four hundred and twenty-six;

30 (c) “prescribed” meant prescribed by, or by regulations made under, this Act;

(d) a reference to the mayor or president of a council were a reference to the Director; and

35

(e)

---

*National Parks and Wildlife (Amendment).*

---

(e) a direction for the payment of moneys to a council, or to the General Fund of a council were a direction for payment of the moneys to the National Parks and Wildlife Fund.

5 (3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, state park, historic site, aboriginal area or nature reserve.

10 (4) The Director, in relation to a national park, state park, historic site, aboriginal area or nature reserve, shall have and may exercise the powers conferred, by the provisions of section fifteen of the Impounding Act, 1898, and subsection one of  
15 section four hundred and twenty-nine of the Local Government Act, 1919, on an occupant in relation to his land, but may, in lieu of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid,  
20 or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

25 (5) A person authorised by the Director for the purpose shall have, in relation to a national park, state park, historic site, aboriginal area or nature reserve the same powers as are conferred by section four hundred and thirty-eight of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

30 (6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, state park, historic site, aboriginal area or nature reserve, being a  
35 pound that will be available for use for impounding animals trespassing on a national park, state park, historic site, aboriginal area or nature reserve.

(7)

---

*National Parks and Wildlife (Amendment).*

---

5 (7) Where an animal trespassing on a national park, state park, historic site, aboriginal area or nature reserve is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Govern-  
10 ment Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(b) by inserting next after paragraph (z) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regulations.)

- 15 (aa) the management and maintenance of pounds within a national park, state park, historic site, aboriginal area or nature reserve;
- 20 (bb) the procedure for the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve and for their subsequent disposal, sale or destruction;
- 25 (cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve;
- 30 (dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of animals impounded within a national park, state park, historic site, aboriginal area or nature reserve.

*National Parks and Wildlife (Amendment).*

4. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

(a) by inserting next after the matter relating to Part IV in section two the following new matter :— Sec. 2. (Division into Parts.)

5 PART IVA.—RELICS—ss. 33A–33L.

(b) (i) by inserting next before the definition of “Community service” in subsection one of section three the following new definition :— Sec. 3. (Definitions.)

10 “Aboriginal area” means land dedicated, pursuant to this Act, as an aboriginal area.

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

15 “Protected archaeological area” means land declared, pursuant to this Act, to be a protected archaeological area.

(iii) by inserting next after the definition of “Regulations” in the same section the following new definition :—

20 “Relic” means any deposit, object or material evidence (not being a handi-craft made for sale) relating to indigenous and non-European habitation of the area that comprises the State of New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

30 (c) by inserting in paragraph (c) of subsection four of section six after the word “significance” the words “, and areas in which relics are situated”; Sec. 6. (Powers and functions of National Parks and Wildlife Service.)

(d)

*National Parks and Wildlife (Amendment).*

- (d) by inserting in paragraph (c) of subsection three of section twenty-nine after the word "object" the words ", and any relic,"; Sec. 29. (Plan of management.)
- 5 (e) by inserting next after section thirty-three the following new Part :— New Part IVA.

## PART IVA.

## RELICS.

10 33A. (1) There shall be an Aboriginal Relics Advisory Committee which shall consist of eight members appointed by the Minister. Of the eight members so appointed—

- (i) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;
- 15 (ii) one shall be an archaeologist or anthropologist of the Australian Museum;
- (iii) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;
- 20 (iv) one shall be a person nominated by the National Trust of Australia (New South Wales);
- (v) one shall be an officer of the Department of Mines;
- 25 (vi) one shall be an officer of the National Parks and Wildlife Service.

(2) A member appointed pursuant to subsection one of 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 instrument of his appointment.

30

(3)

---

*National Parks and Wildlife (Amendment).*

---

(3) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection one, five or six of this section.

5 (4) A member of the Aboriginal Relics Advisory Committee shall be deemed to have vacated his office if he—

- (a) dies;
- 10 (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;
- 15 (d) ceases to hold a qualification by virtue of which he was appointed;
- (e) is removed from office by the Minister.

20 (5) On the occurrence of a vacancy in the office of a member of the Aboriginal Relics Advisory Committee, the Minister may appoint to the vacant office a person qualified under subsection one of this section in the same manner as the person who vacated office and a person so appointed shall hold office for the remainder of the term of office of his predecessor.

25 (6) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Relics Advisory Committee, a person qualified under subsection one of this section in the same manner as the person for whom he is the alternate member.

30

35 (7) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Relics Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

(8)

---

*National Parks and Wildlife (Amendment).*

---

5 (8) The procedure for the calling of meetings of the Aboriginal Relics Advisory Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Aboriginal Relics Advisory Committee.

10 (9) Each member of the Aboriginal Relics Advisory Committee shall be entitled to receive such travelling or other expenses, and each such member who is not an officer of the Public Service shall be entitled to receive such fees, as the Minister may determine.

15 (10) The Aboriginal Relics Advisory Committee shall advise the Minister and the Director upon any matter relating to the preservation, control of excavation, removal and custody of relics.

20 33B. (1) The Governor may, on the recommendation of the Director and with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by order published in the Gazette, declare any unoccupied Crown lands specified in the order to be dedicated as an aboriginal area and any such land shall, while the order remains in force, be deemed to have been  
25 dedicated for the purpose of preserving, protecting and preventing damage to relics therein.

(2) The care, control and management of aboriginal areas is hereby vested in the Director.

30 (3) The National Parks and Wildlife Service shall carry out such work and activities as the Minister may direct either generally or in any particular case for the preservation and protection of, and prevention of damage to, relics in an aboriginal area.

33c.



---

*National Parks and Wildlife (Amendment).*

---

5 33C. The Director shall be responsible for the proper care and protection of any relic in a national park, state park, historic site, nature reserve or aboriginal area and, subject to section 33F of this Act, for the proper restoration of a national park, state park, historic site, nature reserve or aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Protection of certain relics and restoration of certain areas.

10 33D. (1) Subject to this section, a relic that, immediately before the commencement of this Act—

Certain relics to be Crown property.

(a) was not the property of the Crown; and  
(b) was not in the possession of any person, and any relic that is abandoned after that commencement by a person other than the Crown, shall be deemed to be, and always to have been, the property of the Crown.

20 (2) For the purposes of subsection one of this section, a person shall not be deemed to have had possession of a relic that was not originally real property only by reason of the fact that it was in or on land owned or occupied by him.

25 (3) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(4) No compensation shall be payable in respect of the vesting of a relic by this section.

30 33E. A person, other than the Director, who—

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

Offences relating to relics.

(b)

---

*National Parks and Wildlife (Amendment).*

---

- (b) takes possession of a relic that is in a national park, state park, historic site, nature reserve or aboriginal area;
- 5 (c) removes a relic from a national park, state park, historic site, nature reserve or aboriginal area; or
- 10 (d) erects or maintains, in a national park, state park, historic site, nature reserve or aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic.

15 except in accordance with the terms and conditions of an unrevoked permit issued to him under section 33F of this Act, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, shall be guilty of an offence against this Act.

20 33F. (1) Subject to section 33G of this Act, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in paragraph (a), (b), (c) or (d) of section 33E of this Act. <sup>Permits relating to relics.</sup>

25 (2) Terms and conditions imposed by the Director under subsection one of this section may include terms and conditions relating to the proper restoration of land disturbed or excavated.

30 (3) A failure to comply with a term or condition authorised by subsection two of this section shall be deemed to be a contravention of section 33E of this Act.

- (4) The Director may, at any time—
  - (a) revoke a permit referred to in subsection one of this section; or
  - 35 (b) vary the terms and conditions of such a permit.

33G.

*National Parks and Wildlife (Amendment).*

5 33G. (1) Nothing in section 33F of this Act shall be construed as authorising the Director to permit a relic to be removed from a national park, state park, historic site, nature reserve or aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum. The Trustees of the Australian Museum to have custody of certain relics.

10 (2) A relic (other than a relic in a national park, state park, historic site, nature reserve or aboriginal area) that is the property of the Crown shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

15 (3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, state park, historic site or aboriginal area and, where a relic is so deposited or exhibited, section 33E of this Act shall not apply to The Trustees of the Australian Museum in relation to that relic. 20

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902. 25

30 33H. The Director may, by agreement with a person having the ownership or possession of a relic that is not the property of the Crown, take such action as he thinks is practicable for the preservation or exhibition of the relic. Preservation or exhibition of certain relics.

35 33I. (1) Subject to this section, the Minister may, by order published in the Gazette, declare that land described in the order, being land on which a relic is situated, is a protected archaeological area. Protected archaeological areas.

---

*National Parks and Wildlife (Amendment).*

---

(2) An order under subsection one of this section—

- (a) shall not be made in respect of unoccupied Crown land;
- 5 (b) may be made only on the recommendation of the Director and—
  - (i) where the land is Crown land, with the consent of the occupier;
  - 10 (ii) where the land is not Crown land and is occupied by the owner, with the consent of the owner; or
  - 15 (iii) where the land is not Crown land and is not occupied by the owner, with the consent of the owner and the occupier; and
- (c) shall be revoked at the request of any person whose consent would, if the land were, for the time being, not a protected archaeological area, be required for its declaration as such an area.
- 20

33J. (1) Subject to this section, the Director may, in relation to land declared to be a protected archaeological area—

Control of protected archaeological area.

- 25 (a) give directions prohibiting or regulating the entry on and use of the land by specified persons or classes of persons or all persons other than specified persons or classes of persons; and
- 30 (b) appoint honorary wardens to manage and control the land in accordance with those directions.

(2) The Director—

- 35 (a) shall not exercise the powers conferred on him by subsection one of this section without the consent of the person whose consent,  
if

---

*National Parks and Wildlife (Amendment).*

---

if the land were, for the time being, not a protected archaeological area, would be required for its declaration as such an area ; and

- 5 (b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction or appointment.

10 (3) A person who enters, remains on or uses, contrary to a direction given under this section, land to which the direction relates, shall be guilty of an offence against this Act.

15 33K. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic, shall be guilty of an offence against this Act. Destruction, etc., of relics.

(2) It shall be a defence to a prosecution for an offence under subsection one of this section if the offender proves—

20 (a) that preservation of the relic in the condition in which it was before being destroyed, defaced or damaged would unreasonably have restricted the use, in a manner that, but for subsection one of this section, would have been lawful, of land in or on which  
25 the relic was situated ; and

(b) either—

30 (i) that the Director was notified, before the destruction, defacing or damaging of the relic, that it was proposed to use the land in that manner ; or

(ii) that such a notification was impracticable in the circumstances.

*National Parks and Wildlife (Amendment).*

5 33L. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof—

Notification  
of sites of  
relics.

- (a) within a reasonable time after the commencement of this section, if he was aware of that location immediately before that commencement; or
- 10 (b) in any other case, within a reasonable time after he first becomes aware of that location,

shall be guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

- 15 (f) (i) by inserting in subparagraph (i) of paragraph (b) of subsection one of section thirty-five after the word "licenses" the word " , permits";
- (ii) by inserting in the same subparagraph after the word "site" the words " , aboriginal area";
- 20 (iii) by omitting from subparagraph (v) of the same paragraph the word "and" where secondly occurring;
- (iv) by inserting in subparagraph (vi) of the same paragraph after the word "Act;" the word "and";
- 25 (v) by inserting next after the same subparagraph the following new subparagraph :—
- (vii) all fees collected under this Act or the regulations in connection with pounds or impounding;
- 30 (vi) by inserting in paragraph (d) of the same subsection after the word "site" wherever occurring the words " , aboriginal area";

(g)

*National Parks and Wildlife (Amendment).*

- (g) (i) by inserting in paragraph (e) of subsection two of section thirty-six after the word "site" wherever occurring the words ", aboriginal area"; Sec. 36. (Payments out of the Fund.)
- 5 (ii) by omitting from the same paragraph the word "and";
- (iii) by omitting from paragraph (f) of the same subsection the word "insurance." and by inserting in lieu thereof the following words :—
- 10 insurance ;
- (g) all moneys allocated by the Minister for expenditure on an aboriginal area ; and
- 15 (h) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic.
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "nature reserve" the words "or aboriginal area";
- 20
- (h) by inserting in paragraph (c) of section thirty-eight after the word "permission" the words "or issues any permit"; Sec. 38. (Charges and fees.)
- 25 (i) by inserting in subsection eight of section forty after the word "sites" the words ", aboriginal areas"; Sec. 40. (Advisory Committee of Architects.)
- (j) by inserting in subsection one of section forty-one after the word "site" the words ", aboriginal area"; Sec. 41. (Driver to give his name and address when required.)
- 30 (k) by inserting in subsection one of section forty-two after the word "site" the words ", aboriginal area"; Sec. 42. (Seizure of motor vehicles.)
- (1)

*National Parks and Wildlife (Amendment).*

- (l) by inserting in subsection four of section forty-four after the word "site" the words ", aboriginal area"; (Penalties.) Sec. 44.
- (m) by inserting in section forty-seven after the word "site" the words ", aboriginal area"; Sec. 47. (Evidence of offence.)
- 5 (n) by inserting next after paragraph (k) of subsection two of section forty-nine the following new paragraphs :— Sec. 49. (Regulations.)
- 10 (k1) the management and control of any aboriginal area and the prohibition or regulation of the entry therein of any person or class of persons;
- 15 (k2) the preservation or protection of, or prevention of damage to any relic in any national park, state park, historic site, nature reserve or aboriginal area.

5. The National Parks and Wildlife Act, 1967, is further amended—

Further amendment of Act No. 35, 1967.

- 20 (a) (i) by inserting in the First Part of the Second Schedule next after the heading "NATIONAL PARKS" the following new headings and descriptions :— Second Schedule.

*Barrington Tops National Park.*

25 All that piece or parcel of land containing about 34,178 acres situate in the Counties of Durham and Gloucester, Parishes of Allyn, Irralong, Boonabilla, Began Began, Womboin, Wawgan and Evans and being the area (in two parts) shown by red edge on plan catalogued Ms. 8168 Md. R. in the Department of Lands exclusive of freehold lands being portions 6, 7 and 12 Parish of Began Began and public roads R24884 and R28133-1603.

30

*Cocopara*



---

*National Parks and Wildlife (Amendment).*

---

*Cocopara National Park.*

5 All that piece or parcel of land containing about 20,580 acres situate in the County of Cooper, Parishes of Bingar, Binya and Stanley and being the area shown by red edge on plan catalogued Ms. 3404 Hy. R. in the Department of Lands, exclusive of public roads.

(ii) by inserting in the same Part next after the description of *Dharug National Park* the following new heading and description :—

*Kanangra-Boyd National Park.*

15 All that piece or parcel of land containing about 90,000 acres situate in the County of Westmoreland, Parishes of Gangerang, Konangaroo, Thurat, Banshea, Tartarus, Drogheda, Merlin and Colong being the area shown by purple edge exclusive of red and yellow colour on plan catalogued Ms. 4232 Oe. R. in the Department of Lands.

(iii) by inserting in the same Part next after the description of *Kinchega National Park* the following new heading and description :—

*Morton National Park.*

25 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; and

30 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 and all that piece or parcel of land containing 20 acres 3 roods 9 perches situate in the County of Camden,

Parish

*National Parks and Wildlife (Amendment).*

Parish of Burrawang and being portions 307 and 308 shown on plan catalogued C 3992-2041 in the Department of Lands; and

5 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; and

10 All that piece or parcel of land containing about 40 acres situate in the County of Camden, Parish of Bundanoon and being portion 30 shown on plan catalogued C 15-2041 in the Department of Lands; and

15 All that piece or parcel of land containing about 589 acres 3 perches situate in the County of Camden, Parish of Bundanoon and being portion 2, closed road north-west and west of portion 2 and the westernmost reserved road within portion 2 shown on plan catalogued C 1558-2041 in the Department of Lands.

20

(iv) by omitting from the Second Part of the same Schedule the heading "STATE PARK" and by inserting in lieu thereof the following headings and new description :—

25

## STATE PARKS.

*Macquarie Pass State Park.*

30 All that piece or parcel of land containing about 2,629 acres situate in the County of Camden, Parishes of Calderwood and Jamberoo and being the area shown by red edge on plan catalogued Ms. 21710 Sy. R. in the Department of Lands.

(b) (i) by omitting from the First Part of the Third <sup>Third</sup> Schedule the description of Morton National <sup>Schedule.</sup> Park ;

35

(ii) by omitting from the Second Part of the same Schedule the description of Barangary State Park ;

(iii)

*National Parks and Wildlife (Amendment).*

- (iii) by omitting from the same Part the description of Bundanoon State Park ;
- (iv) by omitting from the same Part the description of Gloucester Tops State Park ;
- 5 (v) by omitting from the Third Part of the same Schedule the description of Vaocluse House historic site and by inserting in lieu thereof the following description :—

10 All that piece or parcel of land containing 22 acres 3 roods 10  $\frac{4}{5}$ th perches situate in the County of Cumberland, Parish of Alexandria and being the areas marked "A" and "B" (in two parts) on plan catalogued Ms. 3217 Sy. in the Department of Lands; and

15 All that piece or parcel of land containing 47 acres 2 roods 11 $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shown by red edge on plan catalogued Ms. 3621 Sy. R., in the Department of Lands exclusive of an area of 2 acres 1 rood 8 perches dedicated for public hospital 8th April, 1914; and

20 All that piece or parcel of land containing 3 roods 32 $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shaded red on plan catalogued No. 4516 Sy., in the Department of Lands.

25 **6.** (1) On the commencement of section five of this Act—

30 (a) any person who, immediately before that commencement, held office as trustee of Reserve 68000 for Public Recreation and Preservation of Caves shall cease to hold that office in respect of that part of that Reserve included within Kanangra-Boyd National Park ;

35 (b) any person who, immediately before that commencement, held office as trustee of Nielsen-Vaocluse Park shall cease to hold that office and—

40 (i) all moneys, liquidated and unliquidated claims which immediately before that commencement were vested in or belonged to

---

*National Parks and Wildlife (Amendment).*

---

- 5 the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the trustees of Vaucluse House historic site;
- 10 (ii) all suits, actions and proceedings pending immediately before such commencement, at the suit of or against the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the trustees of Vaucluse House historic site;
- 15 (iii) all contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof and in force immediately before such commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the trustees of Vaucluse House historic site;
- 20
- 25 (iv) the trustees of Vaucluse House historic site may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the trustees of Nielsen-Vaucluse Park might have done had they not ceased to be trustees of Nielsen-Vaucluse Park after such commencement;
- 30
- 35 (v) the trustees of Vaucluse House historic site may enforce and realise any security or charge existing immediately before such commencement in favour of the trustees of Nielsen-Vaucluse Park in respect of any such moneys

*National Parks and Wildlife (Amendment).*

moneys and claims as if such security or charge were existing in favour of the trustees of Vaucluse House historic site;

- 5 (vi) all debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees relating to Nielsen-Vaucluse Park or any part thereof shall be debts due and moneys payable by and claims recoverable against the trustees of Vaucluse House historic site.
- 10

(2) Subsection one of section eighteen of the National Parks and Wildlife Act, 1967, as amended by this Act, shall not apply to or in respect of any person who, immediately before the commencement of section five of this Act, held office as trustee of Nielsen-Vaucluse Park.

15

7. (1) The permanent reservation under the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 3 roods 27½ perches situate in the County of Cumberland, Parish of Bulgo and being portion 30 shown on plan catalogued C 9700-2030 in the Department of Lands is hereby revoked and that land is hereby revested in K. A. Prescott Pty. Limited, the company entitled thereto immediately before the resumption of that land under and in pursuance of the Public Works Act, 1912, notification whereof was published in the Government Gazette of the twentieth day of March, one thousand nine hundred and sixty-four, and is so revested for such estate and interest as was, and with and subject to such rights as were, subsisting in respect of that land immediately before that resumption, and subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption as if the resumption had not taken place and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption which but for this Act may have been recoverable or payable.

20

25

30

35

(2)

---

*National Parks and Wildlife (Amendment).*

---

(2) The Registrar General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in relation to the resumption referred to in subsection one of this section, in so far as the entry or notification relates to the land referred to in that subsection, and for the purpose of any dealing with that land any such entry or notification shall be deemed never to have been made.

(3) Compensation shall not be, and shall be deemed never to have been, payable pursuant to the Public Works Act, 1912, in respect of the resumption referred to in subsection one of this section in so far as it affected the land referred to in that subsection or in respect of any loss or damage whatsoever arising in any way as a consequence of that resumption or reversioning by this Act of that land.

8. The permanent reservation by the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 4 acres 3 roods 22 perches situate in the County of Gowen, Parish of Caraghnan and being portion 7 on plan catalogued G 2879-1797 in the Department of Lands, is hereby revoked.

Revocation  
of  
permanent  
reservation  
of certain  
land.

9. The dedication as nature reserve under the Fauna Protection Act, 1948, of all that piece or parcel of land containing about 4 acres 2 roods situate in the County of Cooper, Parish of Narrandera shown on plan catalogued Ms. 3397 Hy. in the Department of Lands, is hereby revoked.

Revocation  
of dedica-  
tion of  
certain land.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969  
[25c]

*PROOF*

## NATIONAL PARKS AND WILDLIFE (AMENDMENT) BILL, 1969

---

### EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to dispense with the necessity for laying before both Houses of Parliament notice of an application under the Mining Act, 1906, or the Petroleum Act, 1955, for an authority over, or lease of, land within a national park, state park or historic site where the application is to be refused;
- (b) to enable the Minister to impose terms and conditions in respect of the erection and use of buildings and other structures on land within national parks, state parks or historic sites occupied under a lease or other tenure, whenever granted;
- (c) to authorise the Director, National Parks and Wildlife Service, with the approval of the Minister, to contribute to the cost of opening, enlarging or maintaining public pounds in the vicinity of national parks, state parks, historic sites, aboriginal areas and nature reserves;
- (d) to authorise the Director, National Parks and Wildlife Service, to open, manage and maintain pounds exclusively for use for impounding animals trespassing within national parks, state parks, historic sites, aboriginal areas and nature reserves and to enlarge his powers in relation to the impounding of animals;
- (e) to provide for the preservation, custody and exhibition of anthropological, archaeological and aboriginal relics of non-European habitation of New South Wales;
- (f) to constitute an Aboriginal Relics Advisory Committee;
- (g) to establish Barrington Tops National Park, Cocopara National Park, Kanangra-Boyd National Park and Macquarie Pass State Park;
- (h) to incorporate Gloucester Tops State Park in Barrington Tops National Park, Barangary and Bundanoon State Parks in Morton National Park and Nielsen-Vaucluse Park in Vaucluse House historic site;
- (i) to excise certain small areas from Royal National Park, Warrumbungle National Park and Narrandera Nature Reserve No. 42;
- (j) to make provisions consequential upon and ancillary to the foregoing.

1900



*PROOF*

No. , 1969.

---

---

## A BILL

To establish additional national parks and an additional state park; to incorporate certain state parks in certain national parks; to confer certain powers on the Minister with respect to the erection and use of certain buildings and other structures; to make further provisions with respect to pounds and the impounding of animals; to provide for the preservation of certain anthropological, archaeological and aboriginal relics; for these and other purposes to amend the National Parks and Wildlife Act, 1967; and for purposes connected therewith.

[MR WADDY *on behalf of* MR LEWIS—25 September, 1969.]

---

---

BE

*National Parks and Wildlife (Amendment).*

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

1. (1) This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1969". Short title and commencement.

(2) Sections three and four of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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

(a) by inserting next after section eleven the following new section :— New sec. 11A.

15 11A. A local committee for— Dissolution of local committee.

(a) a national park that becomes part of some other national park ;

(b) a state park that becomes part of a national park or of some other state park ; or

20 (c) a historic site that becomes part of a national park or of a state park or of some other historic site,

shall be deemed to have been dissolved, but a member thereof shall, subject to this Act, be eligible for appointment to any other local committee.

25

(b) by omitting from section fifteen the words "commencement of" wherever occurring and by inserting in lieu thereof the words "reservation thereof as national park, state park or historic site, as the case may be, by"; Sec. 15. (Lands in Second and Third Schedules to be national parks, state parks and historic sites.)

30

(c)

*National Parks and Wildlife (Amendment).*

- (c) (i) by omitting from section seventeen the words "Upon the commencement of this Act the" and by inserting in lieu thereof the word "The"; Sec. 17. (Care, control and management of areas in the Second Schedule.)
- 5 (ii) by omitting from the same section the word "park" wherever occurring and by inserting in lieu thereof the word "parks";
- (iii) by omitting from the same section the words "shall be" and by inserting in lieu thereof the words "are hereby";
- 10 (d) (i) by omitting from subsection one of section eighteen the words "this Act" where firstly occurring and by inserting in lieu thereof the words "section two of the National Parks and Wildlife (Amendment) Act, 1969"; Sec. 18. (Care, control and management of areas in the Third Schedule.)
- 15 (ii) by inserting in the same subsection after the word "Act" where secondly occurring the words ", as enacted immediately before that commencement,";
- 20 (iii) by inserting next after the same subsection the following new subsection :—
- (1A) Where a description in the Third Schedule to this Act is amended to include any land (including any amendment made by the National Parks and Wildlife (Amendment) Act, 1969) any person who, immediately before the commencement of that amendment, held office as trustee of that land, or any part thereof, shall hold office as trustee of the national park, state park or historic site described until replaced pursuant to this Act.
- 25
- 30 (iv) by inserting in subsection two of the same section after the word "one" the word, figure and letter "or 1A";

(e)

*National Parks and Wildlife (Amendment).*

(e) by inserting next after subsection two of section twenty-one the following new subsection :—

Sec. 21.  
(National parks, state parks or historic sites not to be revoked except by Act of Parliament.)

(3) The following provisions shall apply to and in respect of Macquarie Pass State Park :—

5

(a) The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, (in this subsection referred to as the "Commission") may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Macquarie Pass State Park.

10

(b) The site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission.

15

(c) The Minister may from time to time grant to the Commission such easements and licenses over lands within Macquarie Pass State 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 ancillary works.

20

25

(f) (i) by omitting paragraph (a) of subsection two of section twenty-four and by inserting in lieu thereof the following new paragraph :—

Sec. 24.  
(Restrictions on mining.)

30

(a) An authority over, or lease of, land within a national park, state park or historic site, being an authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, granted after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969, shall have no force or effect unless, before the authority or lease

35

was

*National Parks and Wildlife (Amendment).*

was granted, notice of the application therefor was laid before both Houses of Parliament and—

- 5 (i) no notice was given in either House of Parliament within fifteen sitting days after notice of the application was laid before it of a motion that the application be refused; or
- 10 (ii) where notice of such a motion has been so given, the motion pursuant thereto has been withdrawn or defeated.
- 15 (ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—
- 20 (c) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an authority or lease specified in the certificate shall be conclusive evidence of compliance with those requirements.
- 25 (g) (i) by inserting in subsection four of section Sec. 29. twenty-nine after the words "Drainage Board" (Plan of the words "or the Hunter District Water management.) the words "or the Hunter District Water Board";
- (ii) by omitting from the same subsection the words "such Board" and by inserting in lieu thereof the words "either Board";
- 30 (iii) by omitting from paragraph (a) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(iv)

---

*National Parks and Wildlife (Amendment).*

---

5 (iv) by omitting from paragraph (b) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(h) by inserting next after section thirty the following new section :— New sec. 30A.

30A. (1) This section applies to—

10 (a) authorities, permits, leases, licenses and occupancies to which section twenty-two of this Act applies; and Variation of leases, licenses, etc.

15 (b) leases and licenses to which section thirty of this Act applies, whether such leases and licenses were granted before or after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969.

20 (2) The Minister in respect of any authority, permit, lease, license or occupancy to which this section applies may impose terms and conditions regulating, controlling or prohibiting the construction, erection, occupation, operation or use of any building, structure, installation, engineering work, road, bridge, earthwork, plant, equipment, amusement device, fixture or improvement upon the land the subject of any such authority, permit, lease, license or occupancy.

(3) Terms and conditions referred to in subsection two of this section—

25 (a) may include terms and conditions relating to—

35 (i) site, design, methods of construction and any matters which a council under the Local Government Act, 1919, may take into consideration in

*National Parks and Wildlife (Amendment).*

in exercising its powers, authorities, duties and functions under that Act; and

5 (ii) the limitation of exclusive occupation or use to specified persons, periods and purposes;

(b) shall have the like effect and be binding on the parties to any such authority, permit, lease, license or occupancy as if they were incorporated therein; and

10 (c) may be imposed at the time of, or after the grant of, the authority, permit, lease, license or occupancy.

15 (4) Any provision of any authority, permit, lease, license or occupancy, relating to the granting, withholding or refusing of consent, whether subject to terms and conditions or not, shall be deemed to have been varied or revoked to the extent necessary to enable terms and conditions

20 imposed pursuant to this section to be given full effect and operation.  
(5) No compensation shall be payable in respect of any exercise by the Minister of a power conferred upon him by this section.

25 3. The National Parks and Wildlife Act, 1967, is further amended—

Further amendment of Act No. 35, 1967. Subst. sec. 43.

(a) by omitting section forty-three and by inserting in lieu thereof the following section :—

30 43. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, state park, historic site, aboriginal area or nature reserve, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of land under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of

Impounding.

---

*National Parks and Wildlife (Amendment).*

---

of that Act shall, mutatis mutandis, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2) For the purposes of subsection one of this section, Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) there had been omitted therefrom—

(i) section four hundred and twenty-three;

(ii) section 425A;

(iii) subsections two and three of section four hundred and twenty-six;

(iv) sections four hundred and twenty-seven to four hundred and twenty-nine, both inclusive;

(v) subsection two of section four hundred and thirty;

(vi) subsections one and two of section four hundred and thirty-one;

(vii) section four hundred and thirty-nine;

(viii) section four hundred and forty-one; and

(ix) section four hundred and forty-two;

(b) the words “at large in any public place or” had been omitted from subsection one of section four hundred and twenty-six;

(c) “prescribed” meant prescribed by, or by regulations made under, this Act;

(d) a reference to the mayor or president of a council were a reference to the Director; and

(e)



---

*National Parks and Wildlife (Amendment).*

---

(e) a direction for the payment of moneys to a council, or to the General Fund of a council were a direction for payment of the moneys to the National Parks and Wildlife Fund.

5 (3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, state park, historic site, aboriginal area or nature reserve.

10 (4) The Director, in relation to a national park, state park, historic site, aboriginal area or nature reserve, shall have and may exercise the powers conferred, by the provisions of section fifteen of the Impounding Act, 1898, and subsection one of section four hundred and twenty-nine of the Local Government Act, 1919, on an occupant in relation to his land, but may, in lieu of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

20 (5) A person authorised by the Director for the purpose shall have, in relation to a national park, state park, historic site, aboriginal area or nature reserve the same powers as are conferred by section four hundred and thirty-eight of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

30 (6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, state park, historic site, aboriginal area or nature reserve, being a pound that will be available for use for impounding animals trespassing on a national park, state park, historic site, aboriginal area or nature reserve.

(7)

---

*National Parks and Wildlife (Amendment).*

---

5 (7) Where an animal trespassing on a national park, state park, historic site, aboriginal area or nature reserve is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Govern-  
10 ment Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(b) by inserting next after paragraph (z) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regulations.)

15 (aa) the management and maintenance of pounds within a national park, state park, historic site, aboriginal area or nature reserve;

20 (bb) the procedure for the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve and for their subsequent disposal, sale or destruction;

25 (cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve;

30 (dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of animals impounded within a national park, state park, historic site, aboriginal area or nature reserve.

*National Parks and Wildlife (Amendment).*

4. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

(a) by inserting next after the matter relating to Part IV in section two the following new matter :— Sec. 2. (Division into Parts.)

5 PART IVA.—RELICS—ss. 33A–33L.

(b) (i) by inserting next before the definition of “Community service” in subsection one of section three the following new definition :— Sec. 3. (Definitions.)

10 “Aboriginal area” means land dedicated, pursuant to this Act, as an aboriginal area.

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

15 “Protected archaeological area” means land declared, pursuant to this Act, to be a protected archaeological area.

(iii) by inserting next after the definition of “Regulations” in the same section the following new definition :—

20 “Relic” means any deposit, object or material evidence (not being a handi-craft made for sale) relating to indigenous and non-European habitation of the area that comprises the State of New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

30 (c) by inserting in paragraph (c) of subsection four of section six after the word “significance” the words “, and areas in which relics are situated”; Sec. 6. (Powers and functions of National Parks and Wildlife Service.)

(d)

*National Parks and Wildlife (Amendment).*

(d) by inserting in paragraph (c) of subsection three Sec. 29.  
of section twenty-nine after the word "object" the (Plan of  
words ", and any relic."; management.)

5 (e) by inserting next after section thirty-three the New Part  
following new Part :— IVA.

## PART IVA.

## RELICS.

10 33A. (1) There shall be an Aboriginal Relics  
Advisory Committee which shall consist of eight  
members appointed by the Minister. Of the eight  
members so appointed—

- (i) one shall be an archaeologist or anthropolo-  
gist on the staff of a university functioning  
within New South Wales;
- 15 (ii) one shall be an archaeologist or anthropolo-  
gist of the Australian Museum;
- (iii) one shall be a member of the Anthro-  
pological Society of New South Wales  
nominated by that Society;
- 20 (iv) one shall be a person nominated by the  
National Trust of Australia (New South  
Wales);
- (v) one shall be an officer of the Department of  
Mines;
- 25 (vi) one shall be an officer of the National Parks  
and Wildlife Service.

30 (2) A member appointed pursuant to sub-  
section one of 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 instrument  
of his appointment.

(3)

---

*National Parks and Wildlife (Amendment).*

---

(3) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection one, five or six of this section.

5 (4) A member of the Aboriginal Relics Advisory Committee shall be deemed to have vacated his office if he—

(a) dies;

10 (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;

15 (d) ceases to hold a qualification by virtue of which he was appointed;

(e) is removed from office by the Minister.

20 (5) On the occurrence of a vacancy in the office of a member of the Aboriginal Relics Advisory Committee, the Minister may appoint to the vacant office a person qualified under subsection one of this section in the same manner as the person who vacated office and a person so appointed shall hold office for the remainder of the term of office of his predecessor.

25 (6) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Relics Advisory Committee, a person qualified under subsection one of this section in the same manner as the person for whom he is the alternate member.

30

(7) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Relics Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

35

(8)

---

*National Parks and Wildlife (Amendment).*

---

5 (8) The procedure for the calling of meetings of the Aboriginal Relics Advisory Committee and the conduct of business at those meetings shall, subject to any regulations made in relation thereto, be as determined by the Aboriginal Relics Advisory Committee.

10 (9) Each member of the Aboriginal Relics Advisory Committee shall be entitled to receive such travelling or other expenses, and each such member who is not an officer of the Public Service shall be entitled to receive such fees, as the Minister may determine.

15 (10) The Aboriginal Relics Advisory Committee shall advise the Minister and the Director upon any matter relating to the preservation, control of excavation, removal and custody of relics.

20 33B. (1) The Governor may, on the recommendation of the Director and with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by order published in the Gazette, declare any unoccupied Crown lands specified in the order to be dedicated as an aboriginal area and any such land shall, while the order remains in force, be deemed to have been dedicated for the purpose of preserving, protecting and preventing damage to relics therein.

(2) The care, control and management of aboriginal areas is hereby vested in the Director.

30 (3) The National Parks and Wildlife Service shall carry out such work and activities as the Minister may direct either generally or in any particular case for the preservation and protection of, and prevention of damage to, relics in an aboriginal area.

33C.

*National Parks and Wildlife (Amendment).*

5 33C. The Director shall be responsible for the proper care and protection of any relic in a national park, state park, historic site, nature reserve or aboriginal area and, subject to section 33F of this Act, for the proper restoration of a national park, state park, historic site, nature reserve or aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Protection of certain relics and restoration of certain areas.

10 33D. (1) Subject to this section, a relic that, immediately before the commencement of this Act—

Certain relics to be Crown property.

- 15 (a) was not the property of the Crown; and  
(b) was not in the possession of any person, and any relic that is abandoned after that commencement by a person other than the Crown, shall be deemed to be, and always to have been, the property of the Crown.

20 (2) For the purposes of subsection one of this section, a person shall not be deemed to have had possession of a relic that was not originally real property only by reason of the fact that it was in or on land owned or occupied by him.

25 (3) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(4) No compensation shall be payable in respect of the vesting of a relic by this section.

30 33E. A person, other than the Director, who—  
(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

Offences relating to relics.

(b)

---

*National Parks and Wildlife (Amendment).*

---

- (b) takes possession of a relic that is in a national park, state park, historic site, nature reserve or aboriginal area;
- 5 (c) removes a relic from a national park, state park, historic site, nature reserve or aboriginal area; or
- 10 (d) erects or maintains, in a national park, state park, historic site, nature reserve or aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic.

15 except in accordance with the terms and conditions of an unrevoked permit issued to him under section 33F of this Act, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, shall be guilty of an offence against this Act.

20 33F. (1) Subject to section 33G of this Act, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in paragraph (a), (b), (c) or (d) of section 33E of this Act. <sup>Permits relating to relics.</sup>

25 (2) Terms and conditions imposed by the Director under subsection one of this section may include terms and conditions relating to the proper restoration of land disturbed or excavated.

30 (3) A failure to comply with a term or condition authorised by subsection two of this section shall be deemed to be a contravention of section 33E of this Act.

- (4) The Director may, at any time—
- (a) revoke a permit referred to in subsection one of this section; or
- 35 (b) vary the terms and conditions of such a permit.

33G.



*National Parks and Wildlife (Amendment).*

5 33G. (1) Nothing in section 33F of this Act shall be construed as authorising the Director to permit a relic to be removed from a national park, state park, historic site, nature reserve or aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum. The Trustees of the Australian Museum to have custody of certain relics.

10 (2) A relic (other than a relic in a national park, state park, historic site, nature reserve or aboriginal area) that is the property of the Crown shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

15 (3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, state park, historic site or aboriginal area and, where a relic is so deposited or exhibited, section 33E of this Act shall not apply to The Trustees of the Australian Museum in relation to that relic.

20 (4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

30 33H. The Director may, by agreement with a person having the ownership or possession of a relic that is not the property of the Crown, take such action as he thinks is practicable for the preservation or exhibition of the relic. Preservation or exhibition of certain relics.

35 33I. (1) Subject to this section, the Minister may, by order published in the Gazette, declare that land described in the order, being land on which a relic is situated, is a protected archaeological area. Protected archaeological areas.

---

*National Parks and Wildlife (Amendment).*

---

(2) An order under subsection one of this section—

- (a) shall not be made in respect of unoccupied Crown land;
- 5 (b) may be made only on the recommendation of the Director and—
  - (i) where the land is Crown land, with the consent of the occupier;
  - 10 (ii) where the land is not Crown land and is occupied by the owner, with the consent of the owner; or
  - (iii) where the land is not Crown land and is not occupied by the owner, with the consent of the owner and the occupier; and
  - 15
- (c) shall be revoked at the request of any person whose consent would, if the land were, for the time being, not a protected archaeological area, be required for its declaration as such an area.
- 20

33J. (1) Subject to this section, the Director may, in relation to land declared to be a protected archaeological area— Control of protected archaeological area.

- 25 (a) give directions prohibiting or regulating the entry on and use of the land by specified persons or classes of persons or all persons other than specified persons or classes of persons; and
- 30 (b) appoint honorary wardens to manage and control the land in accordance with those directions.

(2) The Director—

- 35 (a) shall not exercise the powers conferred on him by subsection one of this section without the consent of the person whose consent, if

---

*National Parks and Wildlife (Amendment).*

---

if the land were, for the time being, not a protected archaeological area, would be required for its declaration as such an area; and

- 5 (b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction or appointment.

10 (3) A person who enters, remains on or uses, contrary to a direction given under this section, land to which the direction relates, shall be guilty of an offence against this Act.

15 33K. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic, shall be guilty of an offence against this Act. Destruction, etc., of relics.

(2) It shall be a defence to a prosecution for an offence under subsection one of this section if the offender proves—

20 (a) that preservation of the relic in the condition in which it was before being destroyed, defaced or damaged would unreasonably have restricted the use, in a manner that, but for subsection one of this section, would have been lawful, of land in or on which  
25 the relic was situated; and

(b) either—

- 30 (i) that the Director was notified, before the destruction, defacing or damaging of the relic, that it was proposed to use the land in that manner; or  
(ii) that such a notification was impracticable in the circumstances.

*National Parks and Wildlife (Amendment).*

- 33L. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof—
- 5
- (a) within a reasonable time after the commencement of this section, if he was aware of that location immediately before that commencement; or
- 10
- (b) in any other case, within a reasonable time after he first becomes aware of that location,
- shall be guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.
- 15
- (f) (i) by inserting in subparagraph (i) of paragraph Sec. 35.  
(b) of subsection one of section thirty-five (Payments into the Fund.)  
after the word "licenses" the word ", permits";
- (ii) by inserting in the same subparagraph after the word "site" the words ", aboriginal area";
- 20
- (iii) by omitting from subparagraph (v) of the same paragraph the word "and" where secondly occurring;
- (iv) by inserting in subparagraph (vi) of the same paragraph after the word "Act;" the word "and";
- 25
- (v) by inserting next after the same subparagraph the following new subparagraph :—
- (vii) all fees collected under this Act or the regulations in connection with pounds or impounding;
- 30
- (vi) by inserting in paragraph (d) of the same subsection after the word "site" wherever occurring the words ", aboriginal area";
- (g)

*National Parks and Wildlife (Amendment).*

- (g) (i) by inserting in paragraph (e) of subsection two of section thirty-six after the word "site" wherever occurring the words ", aboriginal area"; (Payments out of the Fund.)
- 5 (ii) by omitting from the same paragraph the word "and";
- (iii) by omitting from paragraph (f) of the same subsection the word "insurance." and by inserting in lieu thereof the following words :—
- 10 insurance ;
- (g) all moneys allocated by the Minister for expenditure on an aboriginal area ; and
- 15 (h) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic.
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "nature reserve" the words "or aboriginal area";
- 20 (h) by inserting in paragraph (c) of section thirty-eight after the word "permission" the words "or issues any permit"; (Charges and fees.)
- 25 (i) by inserting in subsection eight of section forty after the word "sites" the words ", aboriginal areas"; (Advisory Committee of Architects.)
- (j) by inserting in subsection one of section forty-one after the word "site" the words ", aboriginal area"; (Driver to give his name and address when required.)
- 30 (k) by inserting in subsection one of section forty-two after the word "site" the words ", aboriginal area"; (Seizure of motor vehicles.)
- (l)

---

*National Parks and Wildlife (Amendment).*

---

- (l) by inserting in subsection four of section forty-four after the word "site" the words ", aboriginal area"; (Penalties.) Sec. 44.
- (m) by inserting in section forty-seven after the word "site" the words ", aboriginal area"; Sec. 47.  
(Evidence of offence.)
- 5 (n) by inserting next after paragraph (k) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regulations.)
- 10 (k1) the management and control of any aboriginal area and the prohibition or regulation of the entry therein of any person or class of persons;
- 15 (k2) the preservation or protection of, or prevention of damage to any relic in any national park, state park, historic site, nature reserve or aboriginal area.

5. The National Parks and Wildlife Act, 1967, is further amended— Further amendment of Act No. 35, 1967.

- 20 (a) (i) by inserting in the First Part of the Second Schedule next after the heading "NATIONAL PARKS" the following new headings and descriptions :— Second Schedule.

*Barrington Tops National Park.*

25 All that piece or parcel of land containing about 34,178 acres situate in the Counties of Durham and Gloucester, Parishes of Allyn, Irralong, Boonabilla, Began Began, Womboin, Wawgan and Evans and being the area (in two parts) shown by red edge on plan catalogued Ms. 8168 Md. R. in the Department of Lands exclusive of freehold lands being portions 6, 7 and 12 Parish of Began Began and public roads R24884 and R28133-1603.

30

*Cocopara*

*National Parks and Wildlife (Amendment).**Cocopara National Park.*

5 All that piece or parcel of land containing about 20,580 acres situate in the County of Cooper, Parishes of Bingar, Binya and Stanley and being the area shown by red edge on plan catalogued Ms. 3404 Hy. R. in the Department of Lands, exclusive of public roads.

10 (ii) by inserting in the same Part next after the description of *Dharug National Park* the following new heading and description :—

*Kanangra-Boyd National Park.*

15 All that piece or parcel of land containing about 90,000 acres situate in the County of Westmoreland, Parishes of Gangerang, Konangaroo, Thurat, Banshea, Tartarus, Drogheda, Merlin and Colong being the area shown by purple edge exclusive of red and yellow colour on plan catalogued Ms. 4232 Oe. R. in the Department of Lands.

20 (iii) by inserting in the same Part next after the description of *Kinchega National Park* the following new heading and description :—

*Morton National Park.*

25 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; and

30

35 All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrowa 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 and all that piece or parcel of land containing 20 acres 3 roods 9 perches situate in the County of Camden,

40

Parish

*National Parks and Wildlife (Amendment).*

Parish of Burrawang and being portions 307 and 308 shown on plan catalogued C 3992-2041 in the Department of Lands; and

5 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; and

10 All that piece or parcel of land containing about 40 acres situate in the County of Camden, Parish of Bundanoon and being portion 30 shown on plan catalogued C 15-2041 in the Department of Lands; and

15 All that piece or parcel of land containing about 589 acres 3 perches situate in the County of Camden, Parish of Bundanoon and being portion 2, closed road north-west and west of portion 2 and the westernmost reserved road within portion 2 shown on plan catalogued C 1558-2041 in the Department of Lands.

20

(iv) by omitting from the Second Part of the same Schedule the heading "STATE PARK" and by inserting in lieu thereof the following headings and new description :—

25

## STATE PARKS.

*Macquarie Pass State Park.*

30 All that piece or parcel of land containing about 2,629 acres situate in the County of Camden, Parishes of Calderwood and Jamberoo and being the area shown by red edge on plan catalogued Ms. 21710 Sy. R. in the Department of Lands.

(b) (i) by omitting from the First Part of the Third <sup>Third</sup> Schedule the description of Morton National <sup>Schedule.</sup> Park;

35

(ii) by omitting from the Second Part of the same Schedule the description of Barangary State Park;

(iii)



*National Parks and Wildlife (Amendment).*

- (iii) by omitting from the same Part the description of Bundanoon State Park ;
- (iv) by omitting from the same Part the description of Gloucester Tops State Park ;
- 5 (v) by omitting from the Third Part of the same Schedule the description of Vaocluse House historic site and by inserting in lieu thereof the following description :—

10 All that piece or parcel of land containing 22 acres 3 roods 10  $\frac{4}{5}$ th perches situate in the County of Cumberland, Parish of Alexandria and being the areas marked "A" and "B" (in two parts) on plan catalogued Ms. 3217 Sy. in the Department of Lands; and

15 All that piece or parcel of land containing 47 acres 2 roods 11  $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shown by red edge on plan catalogued Ms. 3621 Sy. R., in the Department of Lands exclusive of an area of 2 acres 1 rood 8 perches dedicated for public hospital 8th April, 1914; and

20

25 All that piece or parcel of land containing 3 roods 32  $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shaded red on plan catalogued No. 4516 Sy., in the Department of Lands.

6. (1) On the commencement of section five of this Act— Cessation of certain trusteeships.

30 (a) any person who, immediately before that commencement, held office as trustee of Reserve 68000 for Public Recreation and Preservation of Caves shall cease to hold that office in respect of that part of that Reserve included within Kanangra-Boyd National Park ;

35 (b) any person who, immediately before that commencement, held office as trustee of Nielsen-Vaocluse Park shall cease to hold that office and—

40 (i) all moneys, liquidated and unliquidated claims which immediately before that commencement were vested in or belonged to

---

*National Parks and Wildlife (Amendment).*

---

- 5 the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the trustees of Vaucluse House historic site;
- 10 (ii) all suits, actions and proceedings pending immediately before such commencement, at the suit of or against the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the trustees of Vaucluse House historic site;
- 15 (iii) all contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof and in force immediately before such commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the trustees of Vaucluse House historic site;
- 20
- 25 (iv) the trustees of Vaucluse House historic site may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the trustees of Nielsen-Vaucluse Park might have done had they not ceased to be trustees of Nielsen-Vaucluse Park after such commencement;
- 30
- 35 (v) the trustees of Vaucluse House historic site may enforce and realise any security or charge existing immediately before such commencement in favour of the trustees of Nielsen-Vaucluse Park in respect of any such moneys

---

*National Parks and Wildlife (Amendment).*

---

moneys and claims as if such security or charge were existing in favour of the trustees of Vaocluse House historic site;

- 5 (vi) all debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees relating to Nielsen-Vaocluse Park or any part thereof shall be debts due and moneys payable by and claims recoverable against the trustees  
15 of Vaocluse House historic site.

(2) Subsection one of section eighteen of the National Parks and Wildlife Act, 1967, as amended by this Act, shall not apply to or in respect of any person who, immediately before the commencement of section five of this Act, held  
15 office as trustee of Nielsen-Vaocluse Park.

7. (1) The permanent reservation under the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 3 roods 27½ perches situate in the County of Cumberland, Parish of Bulgo and being portion 30 shown on  
20 plan catalogued C 9700-2030 in the Department of Lands is hereby revoked and that land is hereby revested in K. A. Prescott Pty. Limited, the company entitled thereto immediately before the resumption of that land under and in  
25 pursuance of the Public Works Act, 1912, notification whereof was published in the Government Gazette of the twentieth day of March, one thousand nine hundred and sixty-four, and is so revested for such estate and interest as was, and with and subject to such rights as were, subsisting in respect  
30 of that land immediately before that resumption, and subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption as if the resumption had not taken place and shall also be subject to any interests in or equities binding on the compensation moneys created  
35 since the resumption which but for this Act may have been recoverable or payable.

Partial  
rescission of  
resumption.

(2)

---

*National Parks and Wildlife (Amendment).*

---

(2) The Registrar General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in relation to the resumption referred to in subsection one of this section, in so far as the entry or notification relates to the land referred to in that subsection, and for the purpose of any dealing with that land any such entry or notification shall be deemed never to have been made.

(3) Compensation shall not be, and shall be deemed never to have been, payable pursuant to the Public Works Act, 1912, in respect of the resumption referred to in subsection one of this section in so far as it affected the land referred to in that subsection or in respect of any loss or damage whatsoever arising in any way as a consequence of that resumption or reversioning by this Act of that land.

8. The permanent reservation by the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 4 acres 3 roods 22 perches situate in the County of Gowen, Parish of Caraghnan and being portion 7 on plan catalogued G 2879-1797 in the Department of Lands, is hereby revoked.

Revocation  
of  
permanent  
reservation  
of certain  
land.

9. The dedication as nature reserve under the Fauna Protection Act, 1948, of all that piece or parcel of land containing about 4 acres 2 roods situate in the County of Cooper, Parish of Narrandera shown on plan catalogued Ms. 3397 Hy. in the Department of Lands, is hereby revoked.

Revocation  
of dedica-  
tion of  
certain land.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1969

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. 78, 1969.

An Act to establish additional national parks and an additional state park; to incorporate certain state parks in certain national parks; to make further provisions with respect to pounds and the impounding of animals; to provide for the preservation of certain anthropological, archaeological and aboriginal relics; for these and other purposes to amend the National Parks and Wildlife Act, 1967; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE

---

*National Parks and Wildlife (Amendment).*

---

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

Short title and commencement.

1. (1) This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1969".

(2) Sections three and four of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 35, 1967.

2. The National Parks and Wildlife Act, 1967, is amended—

New sec. 11A.

(a) by inserting next after section eleven the following new section :—

Dissolution of local committee.

11A. A local committee for—

- (a) a national park that becomes part of some other national park ;
- (b) a state park that becomes part of a national park or of some other state park ; or
- (c) a historic site that becomes part of a national park or of a state park or of some other historic site,

shall be deemed to have been dissolved, but a member thereof shall, subject to this Act, be eligible for appointment to any other local committee.

Sec. 15.  
(Lands in Second and Third Schedules to be national parks, state parks and historic sites.)

(b) by omitting from section fifteen the words "commencement of" wherever occurring and by inserting in lieu thereof the words "reservation thereof as national park, state park or historic site, as the case may be, by";

(c)

---

*National Parks and Wildlife (Amendment).*


---

- (c) (i) by omitting from section seventeen the words "Upon the commencement of this Act the" and by inserting in lieu thereof the word "The"; Sec. 17. (Care, control and management of areas in the Second Schedule.)
- (ii) by omitting from the same section the word "park" wherever occurring and by inserting in lieu thereof the word "parks";
- (iii) by omitting from the same section the words "shall be" and by inserting in lieu thereof the words "are hereby";
- (d) (i) by omitting from subsection one of section eighteen the words "this Act" where firstly occurring and by inserting in lieu thereof the words "section two of the National Parks and Wildlife (Amendment) Act, 1969"; Sec. 18. (Care, control and management of areas in the Third Schedule.)
- (ii) by inserting in the same subsection after the word "Act" where secondly occurring the words ", as enacted immediately before that commencement,";
- (iii) by inserting next after the same subsection the following new subsection :—
- (1A) Where a description in the Third Schedule to this Act is amended to include any land (including any amendment made by the National Parks and Wildlife (Amendment) Act, 1969) any person who, immediately before the commencement of that amendment, held office as trustee of that land, or any part thereof, shall hold office as trustee of the national park, state park or historic site described until replaced pursuant to this Act.
- (iv) by inserting in subsection two of the same section after the word "one" the word, figure and letter "or 1A";

(e)

---

*National Parks and Wildlife (Amendment).*

---

Sec. 21.  
(National parks, state parks or historic sites not to be revoked except by Act of Parliament.)

(e) by inserting next after subsection two of section twenty-one the following new subsection :—

(3) The following provisions shall apply to and in respect of Macquarie Pass State Park :—

(a) The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, (in this subsection referred to as the "Commission") may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Macquarie Pass State Park.

(b) The site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission.

(c) The Minister may from time to time grant to the Commission such easements and licenses over lands within Macquarie Pass State 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 ancillary works.

Sec. 24.  
(Restrictions on mining.)

(f) (i) by omitting paragraph (a) of subsection two of section twenty-four and by inserting in lieu thereof the following new paragraph :—

(a) An authority over, or lease of, land within a national park, state park or historic site, being an authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, granted after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969, shall have no force or effect unless, before the authority or lease

was



---

*National Parks and Wildlife (Amendment).*

---

was granted, notice of the application therefor was laid before both Houses of Parliament and—

- (i) no notice was given in either House of Parliament within fifteen sitting days after notice of the application was laid before it of a motion that the application be refused; or
- (ii) where notice of such a motion has been so given, the motion pursuant thereto has been withdrawn or defeated.

(ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—

(c) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an authority or lease specified in the certificate shall be conclusive evidence of compliance with those requirements.

- (g) (i) by inserting in subsection four of section Sec. 29. twenty-nine after the words “Drainage Board” (Plan of the words “or the Hunter District Water management.) Board”;
- (ii) by omitting from the same subsection the words “such Board” and by inserting in lieu thereof the words “either Board”;

(iii)

---

*National Parks and Wildlife (Amendment).*

---

- (iii) by omitting from paragraph (a) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";
  
- (iv) by omitting from paragraph (b) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure".

Further amendment of Act No. 35, 1967.

**3.** The National Parks and Wildlife Act, 1967, is further amended—

Subst. sec. 43.

- (a) by omitting section forty-three and by inserting in lieu thereof the following section :—

Impounding.

43. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, state park, historic site, aboriginal area or nature reserve, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of land under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of that Act shall, mutatis mutandis, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

---

*National Parks and Wildlife (Amendment).*

---

(2) For the purposes of subsection one of this section, Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

- (a) there had been omitted therefrom—
  - (i) section four hundred and twenty-three;
  - (ii) section 425A;
  - (iii) subsections two and three of section four hundred and twenty-six;
  - (iv) sections four hundred and twenty-seven to four hundred and twenty-nine, both inclusive;
  - (v) subsection two of section four hundred and thirty;
  - (vi) subsections one and two of section four hundred and thirty-one;
  - (vii) section four hundred and thirty-nine;
  - (viii) section four hundred and forty-one;  
and
  - (ix) section four hundred and forty-two;
- (b) the words “at large in any public place or” had been omitted from subsection one of section four hundred and twenty-six;
- (c) “prescribed” meant prescribed by, or by regulations made under, this Act;
- (d) a reference to the mayor or president of a council were a reference to the Director;  
and

(e)

---

*National Parks and Wildlife (Amendment).*

---

(e) a direction for the payment of moneys to a council, or to the General Fund of a council were a direction for payment of the moneys to the National Parks and Wildlife Fund.

(3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, state park, historic site, aboriginal area or nature reserve.

(4) The Director, in relation to a national park, state park, historic site, aboriginal area or nature reserve, shall have and may exercise the powers conferred, by the provisions of section fifteen of the Impounding Act, 1898, and subsection one of section four hundred and twenty-nine of the Local Government Act, 1919, on an occupant in relation to his land, but may, in lieu of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national park, state park, historic site, aboriginal area or nature reserve the same powers as are conferred by section four hundred and thirty-eight of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

(6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, state park, historic site, aboriginal area or nature reserve, being a pound that will be available for use for impounding animals trespassing on a national park, state park, historic site, aboriginal area or nature reserve.

(7)

---

*National Parks and Wildlife (Amendment).*

---

(7) Where an animal trespassing on a national park, state park, historic site, aboriginal area or nature reserve is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Government Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

- (b) by inserting next after paragraph (z) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regulations.)
- (aa) the management and maintenance of pounds within a national park, state park, historic site, aboriginal area or nature reserve;
  - (bb) the procedure for the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve and for their subsequent disposal, sale or destruction;
  - (cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve;
  - (dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of animals impounded within a national park, state park, historic site, aboriginal area or nature reserve.

---

*National Parks and Wildlife (Amendment).*

---

Further amendment of Act No. 35, 1967.

4. The National Parks and Wildlife Act, 1967, is further amended—

Sec. 2.  
(Division into Parts.)

(a) by inserting next after the matter relating to Part IV in section two the following new matter :—

PART IVA.—RELICS—*ss.* 33A–33L.

Sec. 3.  
(Definitions.)

(b) (i) by inserting next before the definition of “Community service” in subsection one of section three the following new definition :—

“Aboriginal area” means land dedicated, pursuant to this Act, as an aboriginal area.

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

“Protected archaeological area” means land declared, pursuant to this Act, to be a protected archaeological area.

(iii) by inserting next after the definition of “Regulations” in the same section the following new definition :—

“Relic” means any deposit, object or material evidence (not being a hand-craft made for sale) relating to indigenous and non-European habitation of the area that comprises the State of New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

Sec. 6.  
(Powers and functions of National Parks and Wildlife Service.)

(c) by inserting in paragraph (c) of subsection four of section six after the word “significance” the words “, and areas in which relics are situated”;

(d)

---

*National Parks and Wildlife (Amendment).*


---

- (d) by inserting in paragraph (c) of subsection three of section twenty-nine after the word "object" the words ", and any relic,"; Sec. 29.  
(Plan of management.)
- (e) by inserting next after section thirty-three the following new Part :— New Part  
IVA.

## PART IVA.

## RELICS.

33A. (1) There shall be an Aboriginal Relics Advisory Committee which shall consist of eight members appointed by the Minister. Of the eight members so appointed—

- (i) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;
- (ii) one shall be an archaeologist or anthropologist of the Australian Museum;
- (iii) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;
- (iv) one shall be a person nominated by the National Trust of Australia (New South Wales);
- (v) one shall be an officer of the Department of Mines;
- (vi) one shall be an officer of the National Parks and Wildlife Service.

(2) A member appointed pursuant to subsection one of 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 instrument of his appointment.

---

*National Parks and Wildlife (Amendment).*

---

(3) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection one, five or six of this section.

(4) A member of the Aboriginal Relics Advisory Committee 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) ceases to hold a qualification by virtue of which he was appointed;
- (e) is removed from office by the Minister.

(5) On the occurrence of a vacancy in the office of a member of the Aboriginal Relics Advisory Committee, the Minister may appoint to the vacant office a person qualified under subsection one of this section in the same manner as the person who vacated office and a person so appointed shall hold office for the remainder of the term of office of his predecessor.

(6) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Relics Advisory Committee, a person qualified under subsection one of this section in the same manner as the person for whom he is the alternate member.

(7) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Relics Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

(8)



---

*National Parks and Wildlife (Amendment).*

---

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

(9) Each member of the Aboriginal Relics Advisory Committee shall be entitled to receive such travelling or other expenses, and each such member who is not an officer of the Public Service shall be entitled to receive such fees, as the Minister may determine.

(10) The Aboriginal Relics Advisory Committee shall advise the Minister and the Director upon any matter relating to the preservation, control of excavation, removal and custody of relics.

33B. (1) The Governor may, on the recommendation of the Director and with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by order published in the Gazette, declare any unoccupied Crown lands specified in the order to be dedicated as an aboriginal area and any such land shall, while the order remains in force, be deemed to have been dedicated for the purpose of preserving, protecting and preventing damage to relics therein.

(2) The care, control and management of aboriginal areas is hereby vested in the Director.

(3) The National Parks and Wildlife Service shall carry out such work and activities as the Minister may direct either generally or in any particular case for the preservation and protection of, and prevention of damage to, relics in an aboriginal area.

---

*National Parks and Wildlife (Amendment).*


---

Protection of certain relics and restoration of certain areas.

33C. The Director shall be responsible for the proper care and protection of any relic in a national park, state park, historic site, nature reserve or aboriginal area and, subject to section 33F of this Act, for the proper restoration of a national park, state park, historic site, nature reserve or aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Certain relics to be Crown property.

33D. (1) Subject to this section, a relic that, immediately before the commencement of this Act—

- (a) was not the property of the Crown; and
  - (b) was not in the possession of any person,
- and any relic that is abandoned after that commencement by a person other than the Crown, shall be deemed to be, and always to have been, the property of the Crown.

(2) For the purposes of subsection one of this section, a person shall not be deemed to have had possession of a relic that was not originally real property only by reason of the fact that it was in or on land owned or occupied by him.

(3) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(4) No compensation shall be payable in respect of the vesting of a relic by this section.

Offences relating to relics.

33E. A person, other than the Director, who—

- (a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

(b)

---

*National Parks and Wildlife (Amendment).*


---

- (b) takes possession of a relic that is in a national park, state park, historic site, nature reserve or aboriginal area;
- (c) removes a relic from a national park, state park, historic site, nature reserve or aboriginal area; or
- (d) erects or maintains, in a national park, state park, historic site, nature reserve or aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

except in accordance with the terms and conditions of an unrevoked permit issued to him under section 33F of this Act, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, shall be guilty of an offence against this Act.

33F. (1) Subject to section 33G of this Act, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in paragraph (a), (b), (c) or (d) of section 33E of this Act. <sup>Permits relating to relics.</sup>

(2) Terms and conditions imposed by the Director under subsection one of this section may include terms and conditions relating to the proper restoration of land disturbed or excavated.

(3) A failure to comply with a term or condition authorised by subsection two of this section shall be deemed to be a contravention of section 33E of this Act.

(4) The Director may, at any time—

- (a) revoke a permit referred to in subsection one of this section; or
- (b) vary the terms and conditions of such a permit.

33G.

---

*National Parks and Wildlife (Amendment).*


---

The Trustees of the Australian Museum to have custody of certain relics.

33G. (1) Nothing in section 33F of this Act shall be construed as authorising the Director to permit a relic to be removed from a national park, state park, historic site, nature reserve or aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum.

(2) A relic (other than a relic in a national park, state park, historic site, nature reserve or aboriginal area) that is the property of the Crown shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

(3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, state park, historic site or aboriginal area and, where a relic is so deposited or exhibited, section 33E of this Act shall not apply to The Trustees of the Australian Museum in relation to that relic.

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

Preservation or exhibition of certain relics.

33H. The Director may, by agreement with a person having the ownership or possession of a relic that is not the property of the Crown, take such action as he thinks is practicable for the preservation or exhibition of the relic.

Protected archaeological areas

33I. (1) Subject to this section, the Minister may, by order published in the Gazette, declare that land described in the order, being land on which a relic is situated, is a protected archaeological area.

(2)

---

*National Parks and Wildlife (Amendment).*


---

(2) An order under subsection one of this section—

- (a) shall not be made in respect of unoccupied Crown land;
- (b) may be made only on the recommendation of the Director and—
  - (i) where the land is Crown land, with the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier;
  - (ii) where the land is not Crown land, with the consent of the owner and any occupier; and
- (c) shall be revoked at the request of any person whose consent would, if the land were, for the time being, not a protected archaeological area, be required for its declaration as such an area.

33J. (1) Subject to this section, the Director may, in relation to land declared to be a protected archaeological area—

Control of protected archaeological area.

- (a) give directions prohibiting or regulating the entry on and use of the land by specified persons or classes of persons or all persons other than specified persons or classes of persons; and
- (b) appoint honorary wardens to manage and control the land in accordance with those directions.

(2) The Director—

- (a) shall not exercise the powers conferred on him by subsection one of this section without the consent of the person whose consent,

---

*National Parks and Wildlife (Amendment).*


---

if the land were, for the time being, not a protected archaeological area, would be required for its declaration as such an area; and

- (b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction or appointment.

(3) A person who enters, remains on or uses, contrary to a direction given under this section, land to which the direction relates, shall be guilty of an offence against this Act.

Destruction, etc., of relics.

33K. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic, shall be guilty of an offence against this Act.

(2) It shall be a defence to a prosecution for an offence under subsection one of this section if the offender proves—

- (a) that preservation of the relic in the condition in which it was before being destroyed, defaced or damaged would unreasonably have restricted the use, in a manner that, but for subsection one of this section, would have been lawful, of land in or on which the relic was situated; and

(b) either—

- (i) that the Director was notified, before the destruction, defacing or damaging of the relic, that it was proposed to use the land in that manner; or
- (ii) that such a notification was impracticable in the circumstances.

*National Parks and Wildlife (Amendment).*

33L. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof—

Notification  
of sites of  
relics.

- (a) within a reasonable time after the commencement of this section, if he was aware of that location immediately before that commencement; or
- (b) in any other case, within a reasonable time after he first becomes aware of that location.

shall be guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

- (f) (i) by inserting in subparagraph (i) of paragraph Sec. 35. (b) of subsection one of section thirty-five (Payments after the word "licenses" the word ", permits"; into the Fund.)
- (ii) by inserting in the same subparagraph after the word "site" the words ", aboriginal area";
- (iii) by omitting from subparagraph (v) of the same paragraph the word "and" where secondly occurring;
- (iv) by inserting in subparagraph (vi) of the same paragraph after the word "Act;" the word "and";
- (v) by inserting next after the same subparagraph the following new subparagraph:—
- (vii) all fees collected under this Act or the regulations in connection with pounds or impounding;
- (vi) by inserting in paragraph (d) of the same subsection after the word "site" wherever occurring the words ", aboriginal area";

(i)

(g)

---

*National Parks and Wildlife (Amendment).*


---

Sec. 36.  
(Payments  
out of the  
Fund.)

- (g) (i) by inserting in paragraph (e) of subsection two of section thirty-six after the word "site" wherever occurring the words ", aboriginal area";
- (ii) by omitting from the same paragraph the word "and";
- (iii) by omitting from paragraph (f) of the same subsection the word "insurance." and by inserting in lieu thereof the following words:—
- insurance;
- (g) all moneys allocated by the Minister for expenditure on an aboriginal area; and
- (h) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic.
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "nature reserve" the words "or aboriginal area";

Sec. 38.  
(Charges  
and fees.)

- (h) by inserting in paragraph (c) of section thirty-eight after the word "permission" the words "or issues any permit";

Sec. 40.  
(Advisory  
Committee  
of Archi-  
tects.)

- (i) by inserting in subsection eight of section forty after the word "sites" the words ", aboriginal areas";

Sec. 41.  
(Driver to  
give his  
name and  
address when  
required.)

- (j) by inserting in subsection one of section forty-one after the word "site" the words ", aboriginal area";

Sec. 42.  
(Seizure of  
motor  
vehicles.)

- (k) by inserting in subsection one of section forty-two after the word "site" the words ", aboriginal area";
- (l)



---

*National Parks and Wildlife (Amendment).*


---

- (l) by inserting in subsection four of section forty-four after the word "site" the words ", aboriginal area"; (Penalties.) Sec. 44.
- (m) by inserting in section forty-seven after the word "site" the words ", aboriginal area"; Sec. 47.  
(Evidence of offence.)
- (n) by inserting next after paragraph (k) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regulations.)
- (k1) the management and control of any aboriginal area and the prohibition or regulation of the entry therein of any person or class of persons;
- (k2) the preservation or protection of, or prevention of damage to any relic in any national park, state park, historic site, nature reserve or aboriginal area.
- 5. The National Parks and Wildlife Act, 1967, is further amended—** Further amendment of Act No. 35, 1967.
- (a) (i) by inserting in the First Part of the Second Schedule next after the heading "NATIONAL PARKS" the following new headings and descriptions :— Second Schedule.

*Barrington Tops National Park.*

All that piece or parcel of land containing about 34,178 acres situate in the Counties of Durham and Gloucester, Parishes of Allyn, Irralong, Boonabilla, Been Been, Womboin, Wawgan and Evans and being the area (in two parts) shown by red edge on plan catalogued Ms. 8168 Md. R. in the Department of Lands exclusive of freehold lands being portions 6, 7 and 12 Parish of Been Been and public roads R24884 and R28133-1603.

*Cocopara*

---

*National Parks and Wildlife (Amendment).*

---

*Cocopara National Park.*

All that piece or parcel of land containing about 20,580 acres situate in the County of Cooper, Parishes of Bingar, Binya and Stanley and being the area shown by red edge on plan catalogued Ms. 3404 Hy. R. in the Department of Lands, exclusive of public roads.

- (ii) by inserting in the same Part next after the description of *Dharug National Park* the following new heading and description :—

*Kanangra-Boyd National Park.*

All that piece or parcel of land containing about 98,180 acres situate in the County of Westmoreland, Parishes of Gangerang, Konangaroo, Thurat, Banshea, Tartarus, Drogheda, Merlin and Colong being the area shown by red edge exclusive of blue and yellow colour on plan catalogued Ms. 4353 Oe. R. in the Department of Lands.

- (iii) by inserting in the same Part next after the description of *Kinchega National Park* the following new heading and description :—

*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; and

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 and all that piece or parcel of land containing 20 acres 3 roods 9 perches situate in the County of Camden.

Parish

---

*National Parks and Wildlife (Amendment).*

---

Parish of Burrawang and being portions 307 and 308 shown on plan catalogued C 3992-2041 in the Department of Lands; and

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; and

All those pieces or parcels of land containing about 552 acres situate in the County of Camden, Parish of Yarrunga and being portions 12, 95, 96, 97, 98, 142, 155, 156, 157 and 319; reserved roads within portions 95, 96, 98 and 142; bed of part of Yarrunga Creek fronting portions 142, 155, 96, 95 and 156; road separating portions 156, 155 and 142 from Yarrunga Creek (reservation is limited to the surface and the soil below thereof to a depth of 50 feet) and about 277 acres 2 roods situate in the County of Camden, Parish of Burrawang and being portions 217, 218, 230, 234 and 257; roads north of portion 217 and within portions 217, 218 and 230 and 2 acres situate in the County of Camden, Parish of Meryla and being portion 73 and 2 roods situate in the County of Camden, Parish of Burrawang and being lots 2 and 3 in plan annexed to Dealing No. D225927 lodged at the Registrar General's Department and being the area shown by red edge on plan catalogued Ms. 5270 Gbn., in the Department of Lands; and

All that piece or parcel of land containing about 40 acres situate in the County of Camden, Parish of Bundanoon and being portion 30 shown on plan catalogued C 15-2041 in the Department of Lands; and

All that piece or parcel of land containing about 589 acres 3 roods situate in the County of Camden, Parish of Bundanoon and being portion 2, closed road north-west and west of portion 2 and the westernmost reserved road within portion 2 shown on plan catalogued C 1558-2041 in the Department of Lands.

---

*National Parks and Wildlife (Amendment).*

---

- (iv) by omitting from the Second Part of the same Schedule the heading "STATE PARK" and by inserting in lieu thereof the following headings and new description :—

STATE PARKS.

*Macquarie Pass State Park.*

All that piece or parcel of land containing about 2,629 acres situate in the County of Camden, Parishes of Calderwood and Jamberoo and being the area shown by red edge on plan catalogued Ms. 21710 Sy. R. in the Department of Lands.

Third  
Schedule.

- (b) (i) by omitting from the First Part of the Third Schedule the description of Morton National Park ;
- (ii) by omitting from the Second Part of the same Schedule the description of Barangary State Park ;
- (iii) by omitting from the same Part the description of Bundanoon State Park ;
- (iv) by omitting from the same Part the description of Gloucester Tops State Park ;
- (v) by omitting from the Third Part of the same Schedule the description of Vaucluse House historic site and by inserting in lieu thereof the following description :—

All that piece or parcel of land containing 22 acres 3 roods 10  $\frac{4}{5}$ th perches situate in the County of Cumberland, Parish of Alexandria and being the areas marked "A" and "B" (in two parts) on plan catalogued Ms. 3217 Sy. in the Department of Lands; and

All that piece or parcel of land containing 47 acres 2 roods 11  $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shown by red edge on plan catalogued Ms. 3621 Sy. R., in the Department of Lands exclusive of an area of 2 acres 1 rood 8 perches dedicated for public hospital 8th April, 1914; and

All

---

*National Parks and Wildlife (Amendment).*


---

All that piece or parcel of land containing 3 roods 32½ perches situate in the County of Cumberland, Parish of Alexandria and being the area shaded red on plan catalogued No. 4516 Sy., in the Department of Lands.

6. (1) On the commencement of section five of this Act— Cessation  
of certain  
trusteeships.

- (a) any person who, immediately before that commencement, held office as trustee of Reserve 68000 for Public Recreation and Preservation of Caves shall cease to hold that office in respect of that part of that Reserve included within Kanangra-Boyd National Park;
- (b) any person who, immediately before that commencement, held office as trustee of Nielsen-Vaucluse Park shall cease to hold that office and—
  - (i) all moneys, liquidated and unliquidated claims which immediately before that commencement were vested in or belonged to the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the trustees of Vaucluse House historic site;
  - (ii) all suits, actions and proceedings pending immediately before such commencement, at the suit of or against the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the trustees of Vaucluse House historic site;

(iii)

---

*National Parks and Wildlife (Amendment).*

---

- (iii) all contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof and in force immediately before such commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the trustees of Vaucluse House historic site;
- (iv) the trustees of Vaucluse House historic site may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the trustees of Nielsen-Vaucluse Park might have done had they not ceased to be trustees of Nielsen-Vaucluse Park after such commencement;
- (v) the trustees of Vaucluse House historic site may enforce and realise any security or charge existing immediately before such commencement in favour of the trustees of Nielsen-Vaucluse Park in respect of any such moneys and claims as if such security or charge were existing in favour of the trustees of Vaucluse House historic site;
- (vi) all debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees relating to Nielsen-Vaucluse Park or any part thereof shall be debts due and moneys payable by and claims recoverable against the trustees of Vaucluse House historic site.

(2) Subsection one of section eighteen of the National Parks and Wildlife Act, 1967, as amended by this Act, shall not apply to or in respect of any person who, immediately before the commencement of section five of this Act, held office as trustee of Nielsen-Vaucluse Park.

---

*National Parks and Wildlife (Amendment).*

---

7. (1) The permanent reservation under the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 3 roods 27½ perches situate in the County of Cumberland, Parish of Bulgo and being portion 30 shown on plan catalogued C 9700-2030 in the Department of Lands is hereby revoked and that land is hereby revested in K. A. Prescott Pty. Limited, the company entitled thereto immediately before the resumption of that land under and in pursuance of the Public Works Act, 1912, notification whereof was published in the Government Gazette of the twentieth day of March, one thousand nine hundred and sixty-four, and is so revested for such estate and interest as was, and with and subject to such rights as were, subsisting in respect of that land immediately before that resumption, and subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption as if the resumption had not taken place and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption which but for this Act may have been recoverable or payable. Partial  
rescission of  
resumption.

(2) The Registrar General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in relation to the resumption referred to in subsection one of this section, in so far as the entry or notification relates to the land referred to in that subsection, and for the purpose of any dealing with that land any such entry or notification shall be deemed never to have been made.

(3) Compensation shall not be, and shall be deemed never to have been, payable pursuant to the Public Works Act, 1912, in respect of the resumption referred to in subsection one of this section in so far as it affected the land referred to in that subsection or in respect of any loss or damage whatsoever arising in any way as a consequence of that resumption or revesting by this Act of that land.

---

*National Parks and Wildlife (Amendment).*

---

Revocation  
of  
permanent  
reservation  
of certain  
land.

**8.** The permanent reservation by the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 4 acres 3 roods 22 perches situate in the County of Gowen, Parish of Caraghnan and being portion 7 on plan catalogued G 2879-1797 in the Department of Lands, is hereby revoked.

Revocation  
of dedica-  
tion of  
certain land.

**9.** The dedication as nature reserve under the Fauna Protection Act, 1948, of all that piece or parcel of land containing about 4 acres 2 roods situate in the County of Cooper, Parish of Narrandera shown on plan catalogued Ms. 3397 Hy. in the Department of Lands, is hereby revoked.

---

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970



*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, 26 November, 1969.*

## New South Wales



ANNO OCTAVO DECIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 78, 1969.**

An Act to establish additional national parks and an additional state park; to incorporate certain state parks in certain national parks; to make further provisions with respect to pounds and the impounding of animals; to provide for the preservation of certain anthropological, archaeological and aboriginal relics; for these and other purposes to amend the National Parks and Wildlife Act, 1967; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

---

*National Parks and Wildlife (Amendment).*


---

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

Short title and commencement.

**1.** (1) This Act may be cited as the "National Parks and Wildlife (Amendment) Act, 1969".

(2) Sections three and four of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 35, 1967.

**2.** The National Parks and Wildlife Act, 1967, is amended—

New sec. 11A.

(a) by inserting next after section eleven the following new section:—

Dissolution of local committee.

11A. A local committee for—

- (a) a national park that becomes part of some other national park;
- (b) a state park that becomes part of a national park or of some other state park; or
- (c) a historic site that becomes part of a national park or of a state park or of some other historic site,

shall be deemed to have been dissolved, but a member thereof shall, subject to this Act, be eligible for appointment to any other local committee.

Sec. 15.  
(Lands in Second and Third Schedules to be national parks, state parks and historic sites.)

(b) by omitting from section fifteen the words "commencement of" wherever occurring and by inserting in lieu thereof the words "reservation thereof as national park, state park or historic site, as the case may be, by";

(c)

---

*National Parks and Wildlife (Amendment).*

---

- (c) (i) by omitting from section seventeen the words "Upon the commencement of this Act the" and by inserting in lieu thereof the word "The"; Sec. 17. (Care, control and management of areas in the Second Schedule.)
- (ii) by omitting from the same section the word "park" wherever occurring and by inserting in lieu thereof the word "parks";
- (iii) by omitting from the same section the words "shall be" and by inserting in lieu thereof the words "are hereby";
- (d) (i) by omitting from subsection one of section eighteen the words "this Act" where firstly occurring and by inserting in lieu thereof the words "section two of the National Parks and Wildlife (Amendment) Act, 1969"; Sec. 18. (Care, control and management of areas in the Third Schedule.)
- (ii) by inserting in the same subsection after the word "Act" where secondly occurring the words ", as enacted immediately before that commencement,";
- (iii) by inserting next after the same subsection the following new subsection :—
- (1A) Where a description in the Third Schedule to this Act is amended to include any land (including any amendment made by the National Parks and Wildlife (Amendment) Act, 1969) any person who, immediately before the commencement of that amendment, held office as trustee of that land, or any part thereof, shall hold office as trustee of the national park, state park or historic site described until replaced pursuant to this Act.
- (iv) by inserting in subsection two of the same section after the word "one" the word, figure and letter "or 1A";

(e)

---

*National Parks and Wildlife (Amendment).*

---

Sec. 21.  
(National parks, state parks or historic sites not to be revoked except by Act of Parliament.)

(e) by inserting next after subsection two of section twenty-one the following new subsection :—

(3) The following provisions shall apply to and in respect of Macquarie Pass State Park :—

- (a) The Water Conservation and Irrigation Commission constituted under the Irrigation Act, 1912, (in this subsection referred to as the "Commission") may continue and complete surveys and investigations for determining the location of a dam for domestic, stock and irrigation purposes and ancillary works in connection therewith including pipelines and power lines, situated wholly or partly within Macquarie Pass State Park.
- (b) The site of the dam and ancillary works shall be determined by agreement between the Minister and the Commission.
- (c) The Minister may from time to time grant to the Commission such easements and licenses over lands within Macquarie Pass State 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 ancillary works.

Sec. 24.  
(Restrictions on mining.)

(f) (i) by omitting paragraph (a) of subsection two of section twenty-four and by inserting in lieu thereof the following new paragraph :—

(a) An authority over, or lease of, land within a national park, state park or historic site, being an authority or lease under the Mining Act, 1906, or the Petroleum Act, 1955, granted after the commencement of section two of the National Parks and Wildlife (Amendment) Act, 1969, shall have no force or effect unless, before the authority or lease

was

---

*National Parks and Wildlife (Amendment).*

---

was granted, notice of the application therefor was laid before both Houses of Parliament and—

- (i) no notice was given in either House of Parliament within fifteen sitting days after notice of the application was laid before it of a motion that the application be refused; or
  - (ii) where notice of such a motion has been so given, the motion pursuant thereto has been withdrawn or defeated.
- (ii) by inserting next after paragraph (b) of the same subsection the following new paragraph :—
- (c) A certificate by the Minister to the effect that the requirements of this section have been complied with in respect of an authority or lease specified in the certificate shall be conclusive evidence of compliance with those requirements.
- (g) (i) by inserting in subsection four of section Sec. 29. twenty-nine after the words "Drainage Board" the words "or the Hunter District Water (Plan of management.) Board";
- (ii) by omitting from the same subsection the words "such Board" and by inserting in lieu thereof the words "either Board";

(iii)

---

*National Parks and Wildlife (Amendment).*

---

(iii) by omitting from paragraph (a) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure";

(iv) by omitting from paragraph (b) of the same subsection the words "said Board" and by inserting in lieu thereof the words "Board responsible for that catchment area or structure".

Further  
amendment  
of Act No.  
35, 1967.

3. The National Parks and Wildlife Act, 1967, is further amended—

Subst.  
sec. 43.

(a) by omitting section forty-three and by inserting in lieu thereof the following section :—

Impound-  
ing.

43. (1) Subject to this section, the Director shall have and may exercise and discharge, in respect of a national park, state park, historic site, aboriginal area or nature reserve, the same powers, authorities, duties and functions in relation to pounds, impounding and related matters as are conferred or imposed on a council in respect of land under its control in its local government area by the Local Government Act, 1919, and the provisions of Part XVIII of that Act shall, mutatis mutandis, apply to and in respect of pounds opened, established, managed and maintained, and impoundings effected, pursuant to those powers, authorities, duties and functions and to and in respect of matters related to those pounds and impoundings.

(2)

---

*National Parks and Wildlife (Amendment).*

---

(2) For the purposes of subsection one of this section, Part XVIII of the Local Government Act, 1919, shall be read and construed as if—

(a) there had been omitted therefrom—

(i) section four hundred and twenty-three;

(ii) section 425A;

(iii) subsections two and three of section four hundred and twenty-six;

(iv) sections four hundred and twenty-seven to four hundred and twenty-nine, both inclusive;

(v) subsection two of section four hundred and thirty;

(vi) subsections one and two of section four hundred and thirty-one;

(vii) section four hundred and thirty-nine;

(viii) section four hundred and forty-one;  
and

(ix) section four hundred and forty-two;

(b) the words “at large in any public place or” had been omitted from subsection one of section four hundred and twenty-six;

(c) “prescribed” meant prescribed by, or by regulations made under, this Act;

(d) a reference to the mayor or president of a council were a reference to the Director;  
and

(e)

---

*National Parks and Wildlife (Amendment).*

---

(e) a direction for the payment of moneys to a council, or to the General Fund of a council were a direction for payment of the moneys to the National Parks and Wildlife Fund.

(3) A pound opened, established, managed and maintained by the Director shall be used exclusively for impounding animals found trespassing in a national park, state park, historic site, aboriginal area or nature reserve.

(4) The Director, in relation to a national park, state park, historic site, aboriginal area or nature reserve, shall have and may exercise the powers conferred, by the provisions of section fifteen of the Impounding Act, 1898, and subsection one of section four hundred and twenty-nine of the Local Government Act, 1919, on an occupant in relation to his land, but may, in lieu of demanding and being paid, or recovering, the fees and charges referred to in those provisions, demand and be paid, or recover, in the manner provided by those provisions, deterrent fees and driving charges as prescribed.

(5) A person authorised by the Director for the purpose shall have, in relation to a national park, state park, historic site, aboriginal area or nature reserve the same powers as are conferred by section four hundred and thirty-eight of the Local Government Act, 1919, on an occupant in relation to the lands occupied by him.

(6) The Director may, with the approval of the Minister, contribute towards the cost of opening, enlarging or maintaining any public pound in the vicinity of any national park, state park, historic site, aboriginal area or nature reserve, being a pound that will be available for use for impounding animals trespassing on a national park, state park, historic site, aboriginal area or nature reserve.

(7)



---

*National Parks and Wildlife (Amendment).*

---

(7) Where an animal trespassing on a national park, state park, historic site, aboriginal area or nature reserve is impounded in a pound opened, established, managed and maintained under the Impounding Act, 1898, or the Local Government Act, 1919, the fees and charges payable in respect thereof shall be those payable in respect of an impounding by an occupant and, for that purpose, the Director shall be deemed to be the occupant who impounded the animal.

(b) by inserting next after paragraph (z) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regulations.)

- (aa) the management and maintenance of pounds within a national park, state park, historic site, aboriginal area or nature reserve;
- (bb) the procedure for the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve and for their subsequent disposal, sale or destruction;
- (cc) the damage fees, driving charges, sustenance charges, deterrent fees and pound fees chargeable in respect of the impounding of animals within a national park, state park, historic site, aboriginal area or nature reserve;
- (dd) the fees chargeable in respect of the sale or offering for sale and in respect of the destruction of animals impounded within a national park, state park, historic site, aboriginal area or nature reserve.

---

*National Parks and Wildlife (Amendment).*

---

Further amendment of Act No. 35, 1967.

4. The National Parks and Wildlife Act, 1967, is further amended—

Sec. 2.  
(Division into Parts.)

- (a) by inserting next after the matter relating to Part IV in section two the following new matter :—

PART IVA.—RELICS—ss. 33A–33L.

Sec. 3.  
(Definitions.)

- (b) (i) by inserting next before the definition of “Community service” in subsection one of section three the following new definition :—

“Aboriginal area” means land dedicated, pursuant to this Act, as an aboriginal area.

- (ii) by inserting next after the definition of “Nature reserve” in the same section the following new definition :—

“Protected archaeological area” means land declared, pursuant to this Act, to be a protected archaeological area.

- (iii) by inserting next after the definition of “Regulations” in the same section the following new definition :—

“Relic” means any deposit, object or material evidence (not being a handi-craft made for sale) relating to indigenous and non-European habitation of the area that comprises the State of New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction.

Sec. 6.  
(Powers and functions of National Parks and Wildlife Service.)

- (c) by inserting in paragraph (c) of subsection four of section six after the word “significance” the words “, and areas in which relics are situated”;

(d)

---

*National Parks and Wildlife (Amendment).*

---

- (d) by inserting in paragraph (c) of subsection three of section twenty-nine after the word "object" the words ", and any relic,"; Sec. 29.  
(Plan of management.)
- (e) by inserting next after section thirty-three the following new Part :— New Part  
IVA.

PART IVA.

RELICS.

33A. (1) There shall be an Aboriginal Relics Advisory Committee which shall consist of eight members appointed by the Minister. Of the eight members so appointed—

- (i) one shall be an archaeologist or anthropologist on the staff of a university functioning within New South Wales;
- (ii) one shall be an archaeologist or anthropologist of the Australian Museum;
- (iii) one shall be a member of the Anthropological Society of New South Wales nominated by that Society;
- (iv) one shall be a person nominated by the National Trust of Australia (New South Wales);
- (v) one shall be an officer of the Department of Mines;
- (vi) one shall be an officer of the National Parks and Wildlife Service.

(2) A member appointed pursuant to subsection one of 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 instrument of his appointment.

---

*National Parks and Wildlife (Amendment).*

---

(3) The Minister may for any cause which to him seems sufficient remove from office any of the members appointed pursuant to subsection one, five or six of this section.

(4) A member of the Aboriginal Relics Advisory Committee 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) ceases to hold a qualification by virtue of which he was appointed;
- (e) is removed from office by the Minister.

(5) On the occurrence of a vacancy in the office of a member of the Aboriginal Relics Advisory Committee, the Minister may appoint to the vacant office a person qualified under subsection one of this section in the same manner as the person who vacated office and a person so appointed shall hold office for the remainder of the term of office of his predecessor.

(6) The Minister may at any time appoint, as an alternate member to act during the absence or illness of a member of the Aboriginal Relics Advisory Committee, a person qualified under subsection one of this section in the same manner as the person for whom he is the alternate member.

(7) An alternate member shall have and may exercise, while acting as a member of the Aboriginal Relics Advisory Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.

(8)

---

*National Parks and Wildlife (Amendment).*

---

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

(9) Each member of the Aboriginal Relics Advisory Committee shall be entitled to receive such travelling or other expenses, and each such member who is not an officer of the Public Service shall be entitled to receive such fees, as the Minister may determine.

(10) The Aboriginal Relics Advisory Committee shall advise the Minister and the Director upon any matter relating to the preservation, control of excavation, removal and custody of relics.

33B. (1) The Governor may, on the recommendation of the Director and with the concurrence of the Minister administering the Crown Lands Consolidation Act, 1913, by order published in the Gazette, declare any unoccupied Crown lands specified in the order to be dedicated as an aboriginal area and any such land shall, while the order remains in force, be deemed to have been dedicated for the purpose of preserving, protecting and preventing damage to relics therein.

(2) The care, control and management of aboriginal areas is hereby vested in the Director.

(3) The National Parks and Wildlife Service shall carry out such work and activities as the Minister may direct either generally or in any particular case for the preservation and protection of, and prevention of damage to, relics in an aboriginal area.

---

*National Parks and Wildlife (Amendment).*


---

Protection of certain relics and restoration of certain areas.

33C. The Director shall be responsible for the proper care and protection of any relic in a national park, state park, historic site, nature reserve or aboriginal area and, subject to section 33F of this Act, for the proper restoration of a national park, state park, historic site, nature reserve or aboriginal area that has been disturbed or excavated for the purpose of discovering a relic.

Certain relics to be Crown property.

33D. (1) Subject to this section, a relic that, immediately before the commencement of this Act—

(a) was not the property of the Crown; and

(b) was not in the possession of any person, and any relic that is abandoned after that commencement by a person other than the Crown, shall be deemed to be, and always to have been, the property of the Crown.

(2) For the purposes of subsection one of this section, a person shall not be deemed to have had possession of a relic that was not originally real property only by reason of the fact that it was in or on land owned or occupied by him.

(3) Nothing in this section shall be construed as restricting the lawful use of land or as authorising the disturbance or excavation of any land.

(4) No compensation shall be payable in respect of the vesting of a relic by this section.

Offences relating to relics.

33E. A person, other than the Director, who—

(a) disturbs or excavates any land, or causes any land to be disturbed or excavated, for the purpose of discovering a relic;

(b)

---

*National Parks and Wildlife (Amendment).*

---

- (b) takes possession of a relic that is in a national park, state park, historic site, nature reserve or aboriginal area;
- (c) removes a relic from a national park, state park, historic site, nature reserve or aboriginal area; or
- (d) erects or maintains, in a national park, state park, historic site, nature reserve or aboriginal area, a building or structure for the safe custody, storage or exhibition of any relic,

except in accordance with the terms and conditions of an unrevoked permit issued to him under section 33F of this Act, being terms and conditions having force and effect at the time the act or thing to which the permit relates is done, shall be guilty of an offence against this Act.

33F. (1) Subject to section 33G of this Act, the Director may, upon such terms and conditions as he thinks fit, issue a permit to do any act or thing referred to in paragraph (a), (b), (c) or (d) of section 33E of this Act. <sup>Permits relating to relics.</sup>

(2) Terms and conditions imposed by the Director under subsection one of this section may include terms and conditions relating to the proper restoration of land disturbed or excavated.

(3) A failure to comply with a term or condition authorised by subsection two of this section shall be deemed to be a contravention of section 33E of this Act.

(4) The Director may, at any time—

- (a) revoke a permit referred to in subsection one of this section; or
- (b) vary the terms and conditions of such a permit.

33G.

---

*National Parks and Wildlife (Amendment).*


---

The Trustees of the Australian Museum to have custody of certain relics.

33G. (1) Nothing in section 33F of this Act shall be construed as authorising the Director to permit a relic to be removed from a national park, state park, historic site, nature reserve or aboriginal area to the custody or control of a person other than The Trustees of the Australian Museum.

(2) A relic (other than a relic in a national park, state park, historic site, nature reserve or aboriginal area) that is the property of the Crown shall be deemed not to be in the possession of the Crown unless it is in the custody or under the control of The Trustees of the Australian Museum.

(3) The Director may arrange with The Trustees of the Australian Museum for the deposit or exhibition of a relic in a building or structure in a national park, state park, historic site or aboriginal area and, where a relic is so deposited or exhibited, section 33E of this Act shall not apply to The Trustees of the Australian Museum in relation to that relic.

(4) Nothing in this Act shall be construed as affecting the powers, authorities, duties or functions conferred or imposed on The Trustees of the Australian Museum by the Australian Museum Act, 1902.

Preservation or exhibition of certain relics.

33H. The Director may, by agreement with a person having the ownership or possession of a relic that is not the property of the Crown, take such action as he thinks is practicable for the preservation or exhibition of the relic.

Protected archaeological areas.

33I. (1) Subject to this section, the Minister may, by order published in the Gazette, declare that land described in the order, being land on which a relic is situated, is a protected archaeological area.

(2)



---

*National Parks and Wildlife (Amendment).*

---

(2) An order under subsection one of this section—

- (a) shall not be made in respect of unoccupied Crown land;
- (b) may be made only on the recommendation of the Director and—
  - (i) where the land is Crown land, with the consent of the Minister administering the Crown Lands Consolidation Act, 1913, the holder and the occupier;
  - (ii) where the land is not Crown land, with the consent of the owner and any occupier; and
- (c) shall be revoked at the request of any person whose consent would, if the land were, for the time being, not a protected archaeological area, be required for its declaration as such an area.

33J. (1) Subject to this section, the Director may, in relation to land declared to be a protected archaeological area—

Control of protected archaeological area.

- (a) give directions prohibiting or regulating the entry on and use of the land by specified persons or classes of persons or all persons other than specified persons or classes of persons; and
- (b) appoint honorary wardens to manage and control the land in accordance with those directions.

(2) The Director—

- (a) shall not exercise the powers conferred on him by subsection one of this section without the consent of the person whose consent,  
**if**

---

*National Parks and Wildlife (Amendment).*

---

if the land were, for the time being, not a protected archaeological area, would be required for its declaration as such an area; and

- (b) may, with the like consent, and shall, upon the request of that person, revoke or vary any such direction or appointment.

(3) A person who enters, remains on or uses, contrary to a direction given under this section, land to which the direction relates, shall be guilty of an offence against this Act.

Destruction, etc.,  
of relics.

33K. (1) A person who, without first obtaining the written consent of the Director, knowingly destroys, defaces or damages a relic, shall be guilty of an offence against this Act.

(2) It shall be a defence to a prosecution for an offence under subsection one of this section if the offender proves—

- (a) that preservation of the relic in the condition in which it was before being destroyed, defaced or damaged would unreasonably have restricted the use, in a manner that, but for subsection one of this section, would have been lawful, of land in or on which the relic was situated; and

(b) either—

- (i) that the Director was notified, before the destruction, defacing or damaging of the relic, that it was proposed to use the land in that manner; or
- (ii) that such a notification was impracticable in the circumstances.

---

*National Parks and Wildlife (Amendment).*


---

33L. A person who is aware of the location of a relic that is the property of the Crown or, not being the property of the Crown, is real property, and does not, in the prescribed manner, notify the Director thereof—

Notification  
of sites of  
relics.

- (a) within a reasonable time after the commencement of this section, if he was aware of that location immediately before that commencement; or
- (b) in any other case, within a reasonable time after he first becomes aware of that location,

shall be guilty of an offence against this Act unless he believes on reasonable grounds that the Director is aware of the location of that relic.

- (f) (i) by inserting in subparagraph (i) of paragraph Sec. 35. (b) of subsection one of section thirty-five (Payments into the Fund.) after the word "licenses" the word " , permits" ;
- (ii) by inserting in the same subparagraph after the word "site" the words " , aboriginal area" ;
- (iii) by omitting from subparagraph (v) of the same paragraph the word "and" where secondly occurring ;
- (iv) by inserting in subparagraph (vi) of the same paragraph after the word "Act;" the word "and" ;
- (v) by inserting next after the same subparagraph the following new subparagraph :—
  - (vii) all fees collected under this Act or the regulations in connection with pounds or impounding ;
- (vi) by inserting in paragraph (d) of the same subsection after the word "site" wherever occurring the words " , aboriginal area" ;

(g)

---

*National Parks and Wildlife (Amendment).*


---

Sec. 36.  
(Payments  
out of the  
Fund.)

- (g) (i) by inserting in paragraph (e) of subsection two of section thirty-six after the word "site" wherever occurring the words ", aboriginal area";
- (ii) by omitting from the same paragraph the word "and";
- (iii) by omitting from paragraph (f) of the same subsection the word "insurance." and by inserting in lieu thereof the following words :—
- insurance;
- (g) all moneys allocated by the Minister for expenditure on an aboriginal area;  
and
- (h) the cost of erecting and maintaining buildings or structures for the safe custody, storage or exhibition of any relic.
- (iv) by inserting in paragraph (a) of subsection three of the same section after the words "nature reserve" the words "or aboriginal area";

Sec. 38.  
(Charges  
and fees.)

- (h) by inserting in paragraph (c) of section thirty-eight after the word "permission" the words "or issues any permit";

Sec. 40.  
(Advisory  
Committee  
of Archi-  
tects.)

- (i) by inserting in subsection eight of section forty after the word "sites" the words ", aboriginal areas";

Sec. 41.  
(Driver to  
give his  
name and  
address when  
required.)

- (j) by inserting in subsection one of section forty-one after the word "site" the words ", aboriginal area";

Sec. 42.  
(Seizure of  
motor  
vehicles.)

- (k) by inserting in subsection one of section forty-two after the word "site" the words ", aboriginal area";
- (1)

---

*National Parks and Wildlife (Amendment).*

---

- (l) by inserting in subsection four of section forty-four after the word "site" the words ", aboriginal area"; (Penalties.) Sec. 44.
- (m) by inserting in section forty-seven after the word "site" the words ", aboriginal area"; Sec. 47.  
(Evidence of offence.)
- (n) by inserting next after paragraph (k) of subsection two of section forty-nine the following new paragraphs :— Sec. 49.  
(Regulations.)
- (k1) the management and control of any aboriginal area and the prohibition or regulation of the entry therein of any person or class of persons;
- (k2) the preservation or protection of, or prevention of damage to any relic in any national park, state park, historic site, nature reserve or aboriginal area.
- 5. The National Parks and Wildlife Act, 1967, is further amended—** Further amendment of Act No. 35, 1967.
- (a) (i) by inserting in the First Part of the Second Schedule next after the heading "NATIONAL PARKS" the following new headings and descriptions :— Second Schedule.

*Barrington Tops National Park.*

All that piece or parcel of land containing about 34,178 acres situate in the Counties of Durham and Gloucester, Parishes of Allyn, Irralong, Boonabilla, Beean Beean, Womboin, Wawgan and Evans and being the area (in two parts) shown by red edge on plan catalogued Ms. 8168 Md. R. in the Department of Lands exclusive of freehold lands being portions 6, 7 and 12 Parish of Beean Beean and public roads R24884 and R28133-1603.

*Cocopara*

---

*National Parks and Wildlife (Amendment).*

---

*Cocopara National Park.*

All that piece or parcel of land containing about 20,580 acres situate in the County of Cooper, Parishes of Bingar, Binya and Stanley and being the area shown by red edge on plan catalogued Ms. 3404 Hy. R. in the Department of Lands, exclusive of public roads.

- (ii) by inserting in the same Part next after the description of *Dharug National Park* the following new heading and description :—

*Kanangra-Boyd National Park.*

All that piece or parcel of land containing about 98,180 acres situate in the County of Westmoreland, Parishes of Gangerang, Konangaroo, Thurat, Banshea, Tartarus, Drogheda, Merlin and Colong being the area shown by red edge exclusive of blue and yellow colour on plan catalogued Ms. 4353 Oe. R. in the Department of Lands.

- (iii) by inserting in the same Part next after the description of *Kinchega National Park* the following new heading and description :—

*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; and

All that piece or parcel of land containing about 1,970 acres situate in the County of Camden, Parishes of Burrawang and Yarrowa 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 and all that piece or parcel of land containing 20 acres 3 roods 9 perches situate in the County of Camden,

Parish

---

*National Parks and Wildlife (Amendment).*

---

Parish of Burrawang and being portions 307 and 308 shown on plan catalogued C 3992-2041 in the Department of Lands; and

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; and

All those pieces or parcels of land containing about 552 acres situate in the County of Camden, Parish of Yarrunga and being portions 12, 95, 96, 97, 98, 142, 155, 156, 157 and 319; reserved roads within portions 95, 96, 98 and 142; bed of part of Yarrunga Creek fronting portions 142, 155, 96, 95 and 156; road separating portions 156, 155 and 142 from Yarrunga Creek (reservation is limited to the surface and the soil below thereof to a depth of 50 feet) and about 277 acres 2 roods situate in the County of Camden, Parish of Burrawang and being portions 217, 218, 230, 234 and 257; roads north of portion 217 and within portions 217, 218 and 230 and 2 acres situate in the County of Camden, Parish of Meryla and being portion 73 and 2 roods situate in the County of Camden, Parish of Burrawang and being lots 2 and 3 in plan annexed to Dealing No. D225927 lodged at the Registrar General's Department and being the area shown by red edge on plan catalogued Ms. 5270 Gbn., in the Department of Lands; and

All that piece or parcel of land containing about 40 acres situate in the County of Camden, Parish of Bundanoon and being portion 30 shown on plan catalogued C 15-2041 in the Department of Lands; and

All that piece or parcel of land containing about 589 acres 3 roods situate in the County of Camden, Parish of Bundanoon and being portion 2, closed road north-west and west of portion 2 and the westernmost reserved road within portion 2 shown on plan catalogued C 1558-2041 in the Department of Lands.

---

*National Parks and Wildlife (Amendment).*

---

- (iv) by omitting from the Second Part of the same Schedule the heading "STATE PARK" and by inserting in lieu thereof the following headings and new description :—

STATE PARKS.

*Macquarie Pass State Park.*

All that piece or parcel of land containing about 2,629 acres situate in the County of Camden, Parishes of Calderwood and Jamberoo and being the area shown by red edge on plan catalogued Ms. 21710 Sy. R. in the Department of Lands.

Third  
Schedule.

- (b) (i) by omitting from the First Part of the Third Schedule the description of Morton National Park ;
- (ii) by omitting from the Second Part of the same Schedule the description of Barangary State Park ;
- (iii) by omitting from the same Part the description of Bundanoon State Park ;
- (iv) by omitting from the same Part the description of Gloucester Tops State Park ;
- (v) by omitting from the Third Part of the same Schedule the description of Vaucluse House historic site and by inserting in lieu thereof the following description :—

All that piece or parcel of land containing 22 acres 3 roods 10  $\frac{4}{5}$ th perches situate in the County of Cumberland, Parish of Alexandria and being the areas marked "A" and "B" (in two parts) on plan catalogued Ms. 3217 Sy. in the Department of Lands; and

All that piece or parcel of land containing 47 acres 2 roods 11 $\frac{1}{2}$  perches situate in the County of Cumberland, Parish of Alexandria and being the area shown by red edge on plan catalogued Ms. 3621 Sy. R., in the Department of Lands exclusive of an area of 2 acres 1 rood 8 perches dedicated for public hospital 8th April, 1914; and

All



---

*National Parks and Wildlife (Amendment).*

---

All that piece or parcel of land containing 3 roods 32½ perches situate in the County of Cumberland, Parish of Alexandria and being the area shaded red on plan catalogued No. 4516 Sy., in the Department of Lands.

6. (1) On the commencement of section five of this Act— Cessation of certain trusteeships.

(a) any person who, immediately before that commencement, held office as trustee of Reserve 68000 for Public Recreation and Preservation of Caves shall cease to hold that office in respect of that part of that Reserve included within Kanangra-Boyd National Park;

(b) any person who, immediately before that commencement, held office as trustee of Nielsen-Vaucluse Park shall cease to hold that office and—

(i) all moneys, liquidated and unliquidated claims which immediately before that commencement were vested in or belonged to the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall be moneys, liquidated or unliquidated claims payable to or recoverable by the trustees of Vaucluse House historic site;

(ii) all suits, actions and proceedings pending immediately before such commencement, at the suit of or against the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof shall respectively be suits, actions and proceedings pending at the suit of or against the trustees of Vaucluse House historic site;

(iii)

---

*National Parks and Wildlife (Amendment).*

---

- (iii) all contracts, agreements and undertakings entered into with and all securities lawfully given to or by the trustees of Nielsen-Vaucluse Park in relation to Nielsen-Vaucluse Park or any part thereof and in force immediately before such commencement shall be deemed to be contracts, agreements and undertakings entered into with and securities given to or by the trustees of Vaucluse House historic site;
- (iv) the trustees of Vaucluse House historic site may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions and proceedings as the trustees of Nielsen-Vaucluse Park might have done had they not ceased to be trustees of Nielsen-Vaucluse Park after such commencement;
- (v) the trustees of Vaucluse House historic site may enforce and realise any security or charge existing immediately before such commencement in favour of the trustees of Nielsen-Vaucluse Park in respect of any such moneys and claims as if such security or charge were existing in favour of the trustees of Vaucluse House historic site;
- (vi) all debts due and moneys payable by, and all claims, liquidated or unliquidated, recoverable against the trustees relating to Nielsen-Vaucluse Park or any part thereof shall be debts due and moneys payable by and claims recoverable against the trustees of Vaucluse House historic site.

(2) Subsection one of section eighteen of the National Parks and Wildlife Act, 1967, as amended by this Act, shall not apply to or in respect of any person who, immediately before the commencement of section five of this Act, held office as trustee of Nielsen-Vaucluse Park.

---

*National Parks and Wildlife (Amendment).*

---

7. (1) The permanent reservation under the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 3 roods 27½ perches situate in the County of Cumberland, Parish of Bulgo and being portion 30 shown on plan catalogued C 9700-2030 in the Department of Lands is hereby revoked and that land is hereby revested in K. A. Prescott Pty. Limited, the company entitled thereto immediately before the resumption of that land under and in pursuance of the Public Works Act, 1912, notification whereof was published in the Government Gazette of the twentieth day of March, one thousand nine hundred and sixty-four, and is so revested for such estate and interest as was, and with and subject to such rights as were, subsisting in respect of that land immediately before that resumption, and subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption as if the resumption had not taken place and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption which but for this Act may have been recoverable or payable. Partial rescission of resumption.

(2) The Registrar General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in relation to the resumption referred to in subsection one of this section, in so far as the entry or notification relates to the land referred to in that subsection, and for the purpose of any dealing with that land any such entry or notification shall be deemed never to have been made.

(3) Compensation shall not be, and shall be deemed never to have been, payable pursuant to the Public Works Act, 1912, in respect of the resumption referred to in subsection one of this section in so far as it affected the land referred to in that subsection or in respect of any loss or damage whatsoever arising in any way as a consequence of that resumption or revesting by this Act of that land.

8.

---

*National Parks and Wildlife (Amendment).*

---

Revocation  
of  
permanent  
reservation  
of certain  
land.

**8.** The permanent reservation by the National Parks and Wildlife Act, 1967, of all that piece or parcel of land containing 4 acres 3 roods 22 perches situate in the County of Gowen, Parish of Caraghnan and being portion 7 on plan catalogued G 2879-1797 in the Department of Lands, is hereby revoked.

Revocation  
of dedica-  
tion of  
certain land.

**9.** The dedication as nature reserve under the Fauna Protection Act, 1948, of all that piece or parcel of land containing about 4 acres 2 roods situate in the County of Cooper, Parish of Narrandera shown on plan catalogued Ms. 3397 Hy. in the Department of Lands, is hereby revoked.

*In the name and on behalf of Her Majesty I assent to this Act.*

**A. R. CUTLER,**  
*Governor.*

*Government House,  
Sydney, 3rd December, 1969.*

