

NATIONAL PARKS AND WILDLIFE (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

THE objects of this Bill are—

- (a) to repeal the provisions of the National Parks and Wildlife Act, 1974, constituting the National Parks and Wildlife Advisory Council and to constitute instead a National Parks Consultative Council and a Scientific Advisory Committee (Schedule 1);
- (b) to repeal the provisions of the National Parks and Wildlife Act, 1974, constituting the National Parks Advisory Committee of Architects (Schedule 1);
- (c) to increase the penalties in respect of the taking or killing of animals within national parks, historic sites or nature reserves (Schedule 2);
- (d) in respect of the erection of buildings and related matters in national parks, historic sites, nature reserves and Aboriginal areas, to enable by-laws to be made in respect of matters which a council under the Local Government Act, 1919, may take into consideration and to allow the adoption, by by-law, of building codes or standards for use in national parks, etc. (Schedule 3 (1) (d));
- (e) to enable by-laws to be made for or with respect to the preservation and protection of, or prevention of damage to, wildlife refuges and game reserves (but providing that an owner or occupier of land within a wildlife refuge or game reserve or any person acting with his consent or authority shall not be prosecuted under such a by-law in respect of things done on that land) (Schedule 3 (2));
- (f) to amend the definition of "bird" so that the National Parks and Wildlife Act, 1974, applies to native birds only (Schedule 4 (1) (a));
- (g) to ensure that the use of "vehicles" directed or controlled by human power, but not propelled by human power, may be regulated in national parks, etc. (Schedule 4 (1) (b));
- (h) to enable honorary rangers to be given additional powers by way of regulation or by-law (Schedule 4 (2));
- (i) to provide that shooting into, over or through parks, etc., is an offence, in addition to shooting within national parks, etc. (Schedule 4 (3)–(5));

- (j) to extend the powers of an authorised officer of the National Parks and Wildlife Service to seize and remove or tow away motor vehicles to motor vehicles which the authorised officer believes on reasonable grounds to be a hindrance to the maintenance of, or the clearing of obstructions from, roads, tracks, trails, parking areas or other places in national parks, etc. (Schedule 4 (9));
- (k) to make it an offence to knowingly give, in reply to a request by the Director, any other officer of the Service, an ex-officio ranger or an honorary ranger in the exercise of his powers, authorities, duties and functions, any information that is false or misleading in a material particular (Schedule 4 (11) (c)); and
- (l) to make other provisions of a minor, a consequential or an ancillary nature.

**NATIONAL PARKS AND WILDLIFE
(AMENDMENT) BILL, 1978**

No. , 1978.

A BILL FOR

An Act to amend the National Parks and Wildlife Act, 1974, in relation to the constitution of advisory bodies, to increase certain penalties, to make further provisions relating to the making of by-laws, and for certain other purposes.

[MR CRABTREE—7 March, 1978.]

National Parks and Wildlife (Amendment)

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

5 **1.** This Act may be cited as the “National Parks and Wildlife (Amendment) Act, 1978”. Short
title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commence-
ment.

 (2) Schedule 4 (13) and (14) and section 4, in its applica-
10 tion to Schedule 4 (13) and (14), shall be deemed to have
commenced on 1st January, 1975.

3. This Act contains the following Schedules :— Schedules.

15 **SCHEDULE 1.—AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974, RELATING TO ADVISORY
BODIES.**

**SCHEDULE 2.—AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974, RELATING TO PENALTIES.**

20 **SCHEDULE 3.—AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974, RELATING TO THE MAKING
OF BY-LAWS.**

**SCHEDULE 4.—MISCELLANEOUS AMENDMENTS TO THE
NATIONAL PARKS AND WILDLIFE ACT, 1974.**

4. The National Parks and Wildlife Act, 1974, is amended in
the manner set forth in Schedules 1–4. Amend-
ment of
Act No. 80,
1974.

National Parks and Wildlife (Amendment).

SCHEDULE 1.

Sec. 4.

 AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
 1974, RELATING TO ADVISORY BODIES.

- (1) (a) Section 3, matter relating to Part III, Division 1—
 5 Omit the matter, insert instead :—
 DIVISION 1.—*National Parks Consultative Council*
 —ss. 22, 23.
- (b) Section 3, matter relating to Part III, Division 4—
 Omit the matter, insert instead :—
 10 DIVISION 4.—*Scientific Advisory Committee*—ss.
 29, 30.
- (c) Section 3, matter relating to Schedule 10—
 Omit the matter, insert instead :—

SCHEDULE 10.—THE SCIENTIFIC COMMITTEE.

- 15 (2) (a) Section 5 (1), definition of “advisory committee”—
 Omit “this Act”, insert instead “Division 2 of Part III”.
- (b) Section 5 (1), definition of “Architects Committee”—
 Omit the definition.
- (c) Section 5 (1), definition of “Council”—
 20 Omit the definition, insert instead :—
 “Council” means the National Parks Consultative
 Council constituted under this Act;

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

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

5 After the definition of “reptile”, insert :—

“Scientific Committee” means the Scientific
Advisory Committee constituted under this
Act;

(3) Part III, Division 1—

10 Omit the Division, insert instead :—

DIVISION 1.—*National Parks Consultative Council.*

22. (1) There shall be a National Parks Consultative ^{The}
Council. _{Council.}

(2) Schedule 7 has effect.

15 23. (1) The Council shall—

(a) consider and advise the Minister on such matters ^{Functions}
relating to the care, control and management of ^{and}
national parks and historic sites as the Minister _{duties of}
may refer to the Council; and _{Council.}

20 (b) have such other functions and duties as are
conferred on it by or under this Act.

(2) Subject to section 8 (10), the Director shall
furnish to the Council full information in relation to any
matters arising out of the administration of this Act and
25 connected with its functions or duties which the Council
may require.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

(4) Part III, Division 4—

5 Omit the Division, insert instead :—

DIVISION 4.—*Scientific Advisory Committee.*

29. (1) There shall be a Scientific Advisory Scientific
Committee.

(2) Schedule 10 has effect.

10 30. (1) The Scientific Committee shall consider and Functions
and
duties of
Scientific
Committee.
advise the Minister on such matters relating to scientific
aspects of the responsibilities of the Service as the Minister
may refer to the Committee.

15 (2) Subject to section 8 (10), the Director shall
furnish to the Scientific Committee full information in
relation to any matters arising out of the administration
of this Act and connected with its functions or duties which
the Committee may require.

20 (3) Advice by the Scientific Committee under
this section shall be furnished in writing to the Director
for submission to the Minister.

(5) Section 76 (1)–(5)—

Omit “Council” wherever occurring, insert instead
“Scientific Committee”.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

(6) (a) Section 154 (a)—

- 5 Omit “the Relics Committee or the Architects Com-
mittee”, insert instead “the Scientific Committee or
the Relics Committee”.

(b) Section 154 (b)—

- 10 Omit “the Relics Committee or the Architects Com-
mittee”, insert instead “the Scientific Committee or
the Relics Committee”.

(7) Schedule 3, clause 5—

Omit the clause.

(8) Schedule 7—

- 15 Omit the Schedule, insert instead :—

SCHEDULE 7.

Sec. 22 (2).

THE COUNCIL.

1. (1) The Council shall consist of—
- (a) the Director; and
- 20 (b) 9 other members (in this Schedule referred to as “appointed
members”) appointed by the Minister.
- (2) Of the appointed members—
- (a) 6 shall be persons each of whom is a member of an advisory
committee for a national park;
- 25 (b) 2 shall be persons each of whom is a member of an advisory
committee for a historic site; and

Composition.
05

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

- 5 (c) 1 shall be a person who is a member of the National Parks Association of New South Wales.
- (3) In making appointments under this Schedule, the Minister shall, as far as reasonably practicable, ensure that the national parks, from the advisory committees for which the appointed members referred to in subclause (2) (a) are selected, represent samples of different major natural
10 systems.
2. An appointed member shall, subject to this Schedule, hold office Term of
for a period of 5 years or such lesser period as may be specified in the office.
instrument of his appointment, and is eligible for reappointment as a
member.
- 15 3. A person who is of or above the age of 70 years is not eligible for Ineligibility
appointment as an appointed member. by reason
of age.
4. An appointed member shall cease to hold office on the day on which Appointed
he attains the age of 70 years. member
attaining 70
years of
age.
- 20 5. The Governor may for any cause which to him seems sufficient Removal
remove from office any appointed member. from office.
6. An appointed member shall be deemed to have vacated his office Vacation
if he— of office.
- (a) dies;
- 25 (b) resigns his office by writing under his hand addressed to the Minister;
- (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 30 (d) ceases to hold the qualification by virtue of which he was appointed; or
- (e) is removed from office by the Governor.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

7. On the occurrence of a vacancy in the office of an appointed member, Filling
5 otherwise than by the expiration of the term for which he was appointed, casual
the Minister may appoint a person to hold that office for the balance vacancy.
of his predecessor's term of office, being a person qualified under clause 1
(2) in the same manner as that predecessor.

8. (1) The Minister may at any time appoint, as an alternate member Alternate
10 to act during the absence or illness of an appointed member, a person members.
qualified under clause 1 (2) in the same manner as the person for whom he
is the alternate member.

(2) An alternate member shall have and may exercise, while acting
as a member of the Council, the powers, authorities, duties and functions,
15 as such a member, of the person for whom he is the alternate member.

9. (1) The Director shall be the chairman of the Council. Chairman.

(2) The chairman shall preside at all meetings of the Council at
which he is present.

10. In the absence of the chairman at any meeting, the members Absence of
20 present at the meeting may elect one of their number to preside as chairman.
chairman.

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

25 12. (1) Six members shall form a quorum at any meeting of the Quorum.
Council and any duly convened meeting at which a quorum is present
shall be competent to transact any business of the Council.

(2) Questions arising at a meeting of the Council shall be determined
by a majority of votes of the members present and voting.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

13. The procedure for the calling of meetings of the Council and for Procedure.
5 the conduct of business at those meetings shall, subject to this Schedule
and any regulations made in relation thereto, be as determined by the
Council.

14. (1) Where a plan of management is referred to the Council under Plans of
section 75 (3), the Director may arrange for the attendance of such manage-
10 representatives of the Scientific Committee and the Relics Committee as
he considers necessary at meetings of the Council held to consider the plan
of management to advise the Council on matters relating to the manage-
ment and protection of wildlife and Aboriginal relics.

(2) Where a plan of management prepared for—

- 15 (a) a national park for which an advisory committee is constituted
under this Act; or
- (b) a historic site which is vested in trustees or for which an advisory
committee is constituted under this Act,

20 is referred to the Council under section 75 (3), the Director shall, as far
as reasonably practicable, ensure that the views of the advisory committee
for the national park or of the trustees of, or the advisory committee for, the
historic site in relation to the plan of management are fully explained to
the Council.

25 (3) For the purpose of subclause (2), the Director may arrange
for such inspections of a national park or historic site and for such meetings
between an advisory committee or trustees and the Council or a committee
of the Council as he considers necessary.

15. An appointed member of the Council shall be entitled to receive such Fees.
fees and travelling or other expenses (if any) as the Minister may determine
30 in respect of him.

National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

(9) Schedule 9—

5 After clause 9, insert :—

10 10. Such members of the Relics Committee as may be nominated from time to time by the Director may attend meetings of the Council to advise the Council in its consideration of a plan of management for a national park or historic site where, in the opinion of the Director, such advice is necessary.

(10) Schedule 10—

Omit the Schedule, insert instead :—

SCHEDULE 10.

Sec. 29 (2).

15 THE SCIENTIFIC COMMITTEE.

1. (1) The Scientific Committee shall consist of—

- (a) the Director or an officer of the Service nominated by the Director; and
20 (b) 6 other members (in this Schedule referred to as “appointed members”) appointed by the Minister.

(2) Of the appointed members—

- (a) 1 shall be a person experienced in the science of botany;
(b) 1 shall be a person having practical experience in an applied branch of the science of plant ecology;
25 (c) 1 shall be a person qualified in the science of zoology and having special experience in relation to avifauna;
(d) 1 shall be a person qualified in the science of geography;

National Parks and Wildlife (Amendment).

 SCHEDULE 1—*continued.*

 AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
 1974, RELATING TO ADVISORY BODIES—*continued.*

- 5 (e) 1 shall be a person qualified in a branch of science related to wildlife management and having practical experience in relation thereto; and
- (f) 1 shall be a person qualified in the science of geomorphology.
2. An appointed member shall, subject to this Schedule, hold office for a period of 5 years or such lesser period as may be specified in the instrument of his appointment, and is eligible for reappointment as a member. **Term of office.**
3. The Governor may for any cause which to him seems sufficient remove from office any appointed member. **Removal from office.**
4. An appointed member shall be deemed to have vacated his office if he— **Vacation of office.**
- 15 (a) dies;
- (b) resigns his office by writing under his hand addressed to the Minister;
- 20 (c) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act; or
- (d) is removed from office by the Governor.
5. On the occurrence of a vacancy in the office of an appointed member, otherwise than by the expiration of the term for which he was appointed, the Minister may appoint a person to hold that office for the balance of his predecessor's term of office, being a person qualified under clause 1 (2) in the same manner as that predecessor. **Filling casual vacancy.**
- 25 (1) The Minister may at any time appoint, as an alternate member to act during the absence or illness of an appointed member, a person qualified under clause 1 (2) in the same manner as the person for whom he is the alternate member. **Alternate members.**
- 30 (2) An alternate member shall have and may exercise, while acting as a member of the Scientific Committee, the powers, authorities, duties and functions, as such a member, of the person for whom he is the alternate member.
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National Parks and Wildlife (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO ADVISORY BODIES—*continued.*

7. (1) Four members shall form a quorum at any meeting of the Quorum.
5 Scientific Committee and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee.
- (2) Questions arising at a meeting of the Scientific Committee shall be determined by a majority of votes of the members present and voting.
8. The procedure for the calling of meetings of the Scientific Committee Procedure.
10 and for the conduct of business at those meetings shall, subject to this Schedule and any regulations made in relation thereto, be as determined by the Scientific Committee.
9. Such members of the Scientific Committee as may be nominated from Plans of
15 the Council in its consideration of a plan of management for a national park or historic site where, in the opinion of the Director, such advice is necessary.
10. An appointed member of the Scientific Committee shall be entitled Fees.
20 to receive such fees and travelling or other expenses (if any) as the Minister may determine in respect of him.

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO PENALTIES.

- (1) Section 45 (2)—
25 Omit “the penalty prescribed by section 175 for an offence against this Act”, insert instead “a penalty not exceeding \$1,000”.

National Parks and Wildlife (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO PENALTIES—*continued.*

(2) Section 56 (2)—

- 5 Omit “the penalty prescribed by section 175 for an offence
against this Act”, insert instead “a penalty not exceeding
\$1,000”.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
10 1974, RELATING TO THE MAKING OF BY-LAWS.

(1) (a) Section 155 (2) (dd)—

Omit “and” where lastly occurring.

(b) Section 155 (2) (ee)—

- 15 Omit “those meetings.”, insert instead “those
meetings; and”.

(c) Section 155 (2) (ff)—

After section 155 (2) (ee), insert :—

- 20 (ff) the maintenance of any river, stream, lake,
lagoon, natural or artificial watercourse, dam
or tidal waters (including the sea) within or
adjoining the boundaries of a park in a safe
and navigable condition.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO THE MAKING OF BY-LAWS—*continued.*

(d) Section 155 (2A), (2B)—

5 After section 155 (2), insert :—

(2A) Without affecting the generality of subsection
(2), a by-law made in pursuance of subsection (2)
(v)—

10 (a) may include provisions for or with respect
to site, design, methods of construction and
any matters which a council under the Local
Government Act, 1919, may take into
15 consideration in exercising its powers,
authorities, duties and functions under that
Act; and

(b) may adopt wholly or partially or by
reference any codes, rules, specifications or
provisions which relate to any matter in
respect of which the by-law may be made
20 and which are—

(i) recommended or adopted by the
Standards Association of Australia;

25 (ii) recommended or adopted by the
American Society for Testing
Materials, the British Standards
Institution or the International
Organization for Standardization or
any other standards organisation or
body of any place outside Australia,
being an organisation or body
30 declared by the Minister by order
published in the Gazette to be an
approved standards organisation or
body for the purposes of this
35 subsection;

*National Parks and Wildlife (Amendment).*SCHEDULE 3—*continued.*AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO THE MAKING OF BY-LAWS—*continued.*

- 5 (iii) included in any Act, regulation, rule
or by-law of this or any other State
or the Commonwealth;
- 10 (iv) included in any document issued by
any Department of the Crown in
right of this or any other State or
the Commonwealth or issued by any
instrumentality of this or any other
State or the Commonwealth con-
stituted by an Act of the Parliament
thereof; or
- 15 (v) approved by the Minister and
published in the Gazette.

20 (2B) Nothing in a by-law made in pursuance of
subsection (2) (ff) shall affect the powers, authorities,
duties and functions of a statutory authority within the
meaning of the Clean Waters Act, 1970, or of a
council within the meaning of the Local Government
Act, 1919.

(2) Section 155A—

After section 155, insert :—

25 155A. (1) In addition to the by-laws which may be made under section 155, the Governor may make by-laws, not inconsistent with this Act, for or with respect to the preservation or protection of, or prevention of damage to—

- (a) wildlife refuges and game reserves;

By-laws:
wildlife
refuges
and game
reserves.

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO THE MAKING OF BY-LAWS—*continued.*

- 5 (b) trees, shrubs, ferns, creepers, vines, palms, plants, flowers, herbage or other vegetative cover in wildlife refuges and game reserves;
- (c) rocks, soil, sand, stone or other similar substance on or under or comprising part of a wildlife refuge or game reserve; and
- 10 (d) materials, equipment, structures or facilities situated within wildlife refuges and game reserves and provided by or under the authority of the Service.
- 15 (2) A by-law made in accordance with subsection (1) shall be expressed to have been made under this section.
- 20 (3) A person who is the owner or occupier of land within a wildlife refuge or game reserve or any person acting with his consent or authority shall not be prosecuted for an offence arising under a by-law made in accordance with subsection (1) for anything done in, on, under or in respect of the land owned or occupied.
- (4) Without affecting the generality of section 156 (2) or (3), by-laws made for or with respect to—
- 25 (a) wildlife refuges may be made to apply generally to all wildlife refuges or may be limited to any wildlife refuge or any part thereof specified in the by-laws and unless so limited shall be taken to apply generally to all wildlife refuges; and

National Parks and Wildlife (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE NATIONAL PARKS AND WILDLIFE ACT,
1974, RELATING TO THE MAKING OF BY-LAWS—*continued.*

- 5 (b) game reserves may be made to apply generally to all game reserves or may be limited to any game reserve or any part thereof specified in the by-laws and unless so limited shall be taken to apply generally to all game reserves.

(5) Where—

- 10 (a) any provision of a by-law made to apply to any specified wildlife refuge or any part thereof is inconsistent with a provision of any by-law relating to wildlife refuges generally; or
- 15 (b) any provision of a by-law made to apply to any specified game reserve or any part thereof is inconsistent with a provision of any by-law relating to game reserves generally,

the firstmentioned provision shall, in each case, prevail.

SCHEDULE 4.

Sec. 4.

20 MISCELLANEOUS AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974.

- (1) (a) Section 5 (1), definition of "bird"—

Omit the definition, insert instead :—

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

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974—*continued.*

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

5 (a) In paragraph (b), after “propelled”, insert
“, directed or controlled”.

(b) From paragraph (d), omit “and”.

(c) After paragraph (d), insert :—

10 (d1) an apparatus directed or controlled upon
land, snow or ice by human power; and

(2) (a) Section 20—

After “appointment”, insert “or in the regulations or
the by-laws for the purposes of this subsection”.

(b) Section 20 (2)—

15 At the end of section 20, insert :—

(2) Without affecting the generality of section 156
(2), a regulation or by-law made in relation to any
matter referred to in subsection (1) may apply
generally or to any honorary ranger or class of
20 honorary rangers specified or described therein.

(3) Section 45 (1) (b)—

After “site”, insert “or discharge a bullet, shot, dart or
other thing or material from a prohibited weapon into,
over or through a national park or historic site”.

25 (4) Section 56 (1) (c)—

After “reserve”, insert “or discharge a bullet, shot, dart or
other thing or material from a prohibited weapon into,
over or through a nature reserve”.

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974—*continued.*

(5) Section 70 (2)—

5 Omit the subsection, insert instead :—

(2) A person shall not—

- (a) carry, discharge or have in his possession any prohibited weapon in a wildlife refuge or game reserve;
- 10 (b) discharge a bullet, shot, dart or other thing or material from a prohibited weapon into, over or through a wildlife refuge or game reserve;
- (c) carry or have in his possession any explosive, net, trap or hunting device in a wildlife refuge or game reserve; or
- 15 (d) be accompanied by a dog in a wildlife refuge or game reserve.

(6) (a) Section 109—

20 Omit “fauna not native to New South Wales”, insert instead “any bird, mammal or reptile”.

(b) Section 109 (2), (3)—

At the end of section 109, insert :—

(2) The definitions of “bird”, “mammal” and “reptile” in section 5 (1) do not apply to this section.

25 (3) In subsection (1)—

“bird” means any bird not native to New South Wales, but does not include a homing pigeon;

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974—*continued.*

- 5 “mammal” means any mammal not native to
New South Wales, including any such
aquatic or amphibious mammal;
- “reptile” means any snake, lizard, crocodile,
tortoise, turtle or other member of the class
reptilia not native to New South Wales.
- 10 (7) Section 127—
Omit “fauna not native to New South Wales”, insert instead
“any bird, mammal or reptile as defined in section 109
(3)”.
- (8) (a) Section 143—
15 After “Where the”, insert “Minister or”.
- (b) Section 143 (c)—
After “gives any”, insert “consent, approval or”.
- (c) Section 143—
After “Act”, insert “, the regulations or the by-laws”.
- 20 (9) (a) Section 161 (1) (a)—
Omit “or” where lastly occurring.
- (b) Section 161 (1) (b)—
Omit “abandoned,”, insert instead “abandoned; or”.

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974—*continued.*

(c) Section 161 (1) (c)—

5 After section 161 (1) (b), insert :—

(c) to be a hindrance to operations for the main-
tenance of, or the clearing of obstructions
from, roads, tracks, trails, parking areas or
10 other places, whether of the same or a different
kind,

(10) (a) Section 165 (1)—

15 Omit “require that person to deliver up any animal,
native plant, relic (not being real property) or article
in his possession in respect of which the suspected
offence is being committed or which is being used in
connection with the suspected offence.”, insert
instead :—

require that person to deliver up—

20 (a) any animal, native plant, relic (not being
real property) or article in his possession
in respect of which the suspected offence is
being committed or which is being used in
connection with the suspected offence; or

25 (b) any books, papers or records in his posses-
sion relating to the suspected offence.

(b) Section 165 (2)—

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

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*MISCELLANEOUS AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974—*continued.*

(11) (a) Section 169 (2) (a)—

5 After “delay,” insert “hinder.”

(b) Section 169 (2) (b)—

 After “delay,” insert “hinder.”

(c) Section 169 (3), (4)—

 After section 169 (2), insert :—

10 (3) A person shall not, in reply to a request by
 the Director, any other officer of the Service, an
 ex-officio ranger or an honorary ranger in the exercise
 of any of his powers, authorities, duties or functions
15 under this Act, the regulations or the by-laws, know-
 ingly give any information that is false or misleading
 in a material particular.

20 (4) Where, under a provision of this Act other
 than subsection (3), an offence is committed that
 would, but for this subsection, be an offence under
 subsection (3), subsection (3) shall not apply to the
 commission of that offence.

(12) Section 181 (5)—

 After section 181 (4), insert :—

25 (5) In any proceedings for an offence against this
 Act, the regulations or the by-laws, a certificate purporting
 to be signed by the Director and to certify that a person

National Parks and Wildlife (Amendment).

SCHEDULE 4—*continued.*

MISCELLANEOUS AMENDMENTS TO THE NATIONAL PARKS
AND WILDLIFE ACT, 1974—*continued.*

5 specified therein was the holder of a licence under this Act on any day, or during any period, specified therein shall be prima facie evidence of the fact so certified.

(13) Schedule 2, matter relating to the Petroleum Act, 1955—

In column 2, omit “(3)”, insert instead “(4)”.

(14) Schedule 3, clause 3—

10 Omit “an advisory” where firstly occurring, insert instead “a local”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

[24c]

SECTION 10

The following provisions shall apply to the Board of Directors of the Corporation:

(1) Subject to the provisions of the Articles of Incorporation and the Bylaws, the Board of Directors may:

(a) Subject to the provisions of the Articles of Incorporation and the Bylaws, the Board of Directors may:

BY AUTHORITY OF THE BOARD OF DIRECTORS

[14]



